



Public Defender of Georgia

Report on the Human Rights Situation of Internally Displaced Persons and Conflict-Affected Individuals in Georgia

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Contents

▪ Introduction	5
▪ Methodology	6
▪ Analysis of the Legislation.....	7
▪ The Right of Internally Displaced Persons to Voluntarily Return to Their Places of Permanent Residence (The Right to Return).	13
▪ State Policy	15
▪ Official Statistics of the Ministri of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia.....	20
▪ Situation Analysis - Monitoring Results.....	23
▪ Conflict-Affected Population	53
▪ Conclusion - Recommendations.....	64
▪ Annexes	66

Introduction

Internally displaced population is represented in 54 countries, and their overall number exceeds 27 million worldwide.¹ Among these countries is Georgia.

From January 2010, the Project “Support to the Office of the Public Defender (Ombudsman) to Enhance its Capacity to Address the Situation of IDPs and Other Conflict-Affected Individuals” started at the Office of the Public Defender. The project aims to strengthen the capacities of the Public Defender’s Office to better address the problems faced by IDPs and conflict-affected individuals, it is also envisioned to provide consultation and other type of relevant assistance for IDPs. Due to limited resources, the Office of the Public Defender was deprived of the possibility to fully analyse the present situation and human rights conditions of IDPs and conflict affected individuals, the implementation of which became possible under the auspices of the aforementioned project, funded by the Office of the Council of Europe Commissioner for Human Rights.

In order to implement the activities planned within the framework of the project, a Project Coordinator and five Monitors/Consultants were selected. The project monitors were stationed in the five regional offices of the Public Defender: Gori, Zugdidi, Batumi, Kutaisi, and Tbilisi. Throughout the reporting period (January - July, 2010), the monitors conducted regular visits to IDP Collective centres in order to identify prevailing systemic problems. Legal consultation was provided on site. In addition, in cooperation with the regional divisions of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia (hereinafter, the Ministry), project monitors tried to find the solution of specific problems manifesting in different collective centers. Simultaneously the project monitors provided assistance to the Office of the Public Defender in its everyday work on the issues pertaining the IDPs.

One of the objectives of the project was the compilation of the Report, which would present the systemic problems identified during the monitoring period and evaluation of State-provided legal protection mechanisms existing in relation to the internally displaced persons. Accordingly, the Report presents a brief analysis of the legislation pertinent to internally displaced persons, which includes the international protection mechanisms of IDPs, as well as overview of national legislation.

The right to voluntary return, as well as the circumstances related to its implementation, are also discussed.

In addition, the Report contains a detailed analysis of state policy towards internally displaced persons. The Report also reflects the overall situation of IDPs and conflict-affected individuals in Georgia. This is a question of both individual

¹ Internal Displacement, Global Overview of Trends and Developments in 2009, May 2010, IDMC, <www.internal-displacement.org>.

and general problems, positive changes, and different requirements with regards to IDP-related issues.

I. Methodology

Within the framework of the project, the monitoring of the conditions of IDPs and conflict-affected individuals was conducted. The present Report was developed on the basis of facts elicited during the monitoring process and the analysis of the general situation. Besides the problems identified during the monitoring process, the Report also covers the systemic issues outlined in the statements/complaints filed by IDPs with the Office of the Public Defender.

The purpose of the monitoring was to study the situation of both the IDPs of the 1990's (the so-called "old" IDPs), and the persons displaced as a result of the conflict of 2008 (the "new" IDPs), as well as the so-called "returnees". Due to a number of difficulties, undertaking the monitoring of the situation of IDPs residing in the private sector was unfeasible.

1.1 Research Methods

In order to carry out a comprehensive assessment of the situation, a questionnaire was developed within the framework of the project, which focused on all major problems faced by IDPs. In particular, the questionnaire included the following topics:

The socio-economic condition of IDPs (living conditions, sources of income, food, healthcare, education).

A separate section of the questionnaire is dedicated to the issue of privatisation-rehabilitation process, which currently represents a key concern for the internally displaced population. Within the aforementioned section, questions mainly deal with the progress of rehabilitation work, its quality, and the level of awareness of IDPs regarding available alternatives in case they refuse to privatise the offered living space.

Part of the questionnaire concerned the problems of individuals with special needs. In particular, emphasis was placed on the extent to which the needs of internally displaced persons with disabilities were taken into account at the IDP collective centers, and whether the environment was adapted to their needs.

In order to obtain a more-or-less accurate illustration of the type of information/consultation required by the IDPs, part of the questionnaire was dedicated to the issues of awareness.

In addition, within the framework of the project, a special questionnaire was compiled for conflict-affected population - separately for the individuals affected by the Russia-Georgia conflict of 2008, and separately for the population of the Gali region.²

1.2 The Number of Respondents and Selection Method

The monitoring was implemented from January through July 2010. The monitors of the project carried out visits to collective centres and new cottage-type settlements. Respondents were randomly selected by the monitors. One questionnaire was filled out per family. The number of families surveyed constituted approximately 10% of the residents of each collective centre.

The statistical data utilized in the Report, described in detail in Chapter IV, represents the data collected after the survey of 538 families throughout Georgia. During the aforementioned reporting period, monitoring was conducted in 256 collective centres. However, besides the figures provided, the monitors of the project carried out the research/study of numerous individual problems and issues.

II. Analysis of the Legislation

The following chapter includes an overview of international norms and standards, and the domestic legislation of Georgia concerning the human rights situation of IDPs, as well as the compliance of Georgian legislation with international standards.

Internally displaced persons often become the victims of human rights violations, and status-based discrimination is very common. According to a number of experts, the mere fact of being an IDP frequently becomes a ground for improper treatment.³ The existence of special protection mechanisms for IDPs should not constitute a vital necessity, since even without such mechanisms these individuals should be adequately protected by existing legislation in the country, as well as by a number of conventions and treaties, which are in force for the specific country where the IDPs reside. Despite this, states frequently fail to meet their obligations to protect the rights of IDPs. Consequently, these individuals are denied access to effective legal protection mechanisms.

² In case of the residents of Gali, individuals crossing into the territory of Zugdidi were interviewed

³ Erin D.Monney, "The protection potential of a Marriage of Concepts between R2P and IPD protection", *Global Responsibility to Protect* 2(2010) 60-68; *Guide to International Human Rights Mechanisms for Internally Displaced Persons and their Advocates*, The Brookings Institution - University of Bern project on Internal Displacement, June 2006, Forward by Walter Kälin, at VI.

2.1 International Standards

It should be noted, that at international level there is no universal and legally binding definition of the term “internally displaced person.”

The most comprehensive and generally accepted definition of an “internally displaced person” is given in the Guiding Principles on Internal Displacement, approved by the United Nations in 1998. According to the document, *“internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”*⁴

The document is not legally binding; however, it should become a guide for States, since it reflects the basic principles of international human rights law and international humanitarian law. Thus, the principles outlined in the document should be protected and employed by all officials and other individuals, regardless of the legal status of the aforementioned document.⁵

In order to compare the existing international standards with Georgian legislation, a brief clarification of the principles contained in the aforementioned document is necessary.

It is to be noted, that according to the Guiding Principles, State has the primary duty to provide protection and humanitarian assistance to IDPs within its jurisdiction. The Principles also include the basic mechanisms related to protection from and during displacement.

According to the Guiding Principles, all internally displaced persons have the right to an adequate standard of living, which in itself implies access to essential food, potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation. In addition, the Guiding Principles underline a number of rights which should be guaranteed by the State (right to life, right to liberty and security of person, freedom of movement, right to respect family life, right to education, right to work, property and possessions).

The document also includes Principles related to the return, resettlement and reintegration of IDPs. Specifically, the State shall establish conditions, as well as provide the means, which allow internally displaced persons *“to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country.”*⁶

⁴ UN Guiding Principles on Internal Displacement, E/NC.4/1998/53/ADD.2, Preamble, para. 2.

⁵ Ibid., principle 2.

⁶ Ibid., Principle 28.

Particular attention is paid to the reintegration of IDPs, and their involvement in the process of planning and management. The State has the duty and responsibility to assist returned and/or resettled internally displaced persons to recover their property and possessions which they left behind or were relinquished upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.⁷

Another significant document in this field is the so-called “Pinheiro Principles”, adopted by the United Nations on June 28, 2005, which deals with the issues of housing and property restitution for refugees and displaced persons.⁸ The “Pinheiro Principles” have been designed to assist relevant entities and international organizations to address more effectively legal and technical issues regarding property restitution. The document recognizes and declares the right of internally displaced persons to restitution of property, adequate living conditions, compensation, and the right to live in safety and dignity. Principle 18 maintains that States should ensure that the right of refugees and displaced persons to housing, land and property restitution is recognized as an essential component of the rule of law. States should develop a legal framework which would clearly reflect the right to housing, land and property restitution. The legislation should in turn be compatible with international human rights, refugee and humanitarian law, and other related standards.

On December 29, 2009, along with the Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Mr Walter Kälin, the UN Human Rights Council also adopted the Addendum, “Framework on Durable Solutions for Internally Displaced Persons.”⁹ The document responds to four basic questions. In particular, it explains what is a durable solution for internally displaced persons; provides what key principles should guide decision-makers involved in the process of the search for a durable solution; how should a rights –based process be organized to support a durable solution; and finally it sets the criteria, which determine to what extent a durable solution has been achieved.¹⁰

According to Mr Kälin, a durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement. This can be achieved through: return to the place of origin, local integration, or settlement elsewhere in the country.

⁷ Ibid., Principle 29(2).

⁸ United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons, The Pinheiro Principles, 2005 <<http://www.unhcr.org.ua/img/uploads/docs/PinheiroPrinciples.pdf>>.

⁹ Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Addendum – Framework on Durable Solutions for Internally Displaced persons, A/HRC/13/21/Add.4, 29 December 2009. <http://www2.ohchr.org/english/issues/idp/docs/A.HRC.13.21.Add.4_framework.pdf>

¹⁰ Ibid.

As noted earlier, during the search for a durable solution, it is essential to have a human rights based approach. Internally displaced persons should be in the position to make a voluntary and informed choice, they should participate in the planning and management of the state strategy, have access to humanitarian and development organizations, have access to effective monitoring mechanisms, and be involved in peace processes and peace building.¹¹

One of the conditions of a durable solution is enjoyment of an adequate standard of living without discrimination.¹² An adequate standard of living implies that at a basic minimum IDPs have adequate access on a sustainable basis to: shelter and housing, essential medical services, food, potable water, adequate sanitary conditions and education. Moreover, another condition is effective and accessible mechanisms for housing, land, and property restitution.

An essential document in terms of protecting the rights of IDPs is Recommendation 1877 of the Council of Europe adopted in 2009, which highlights a number of crucial issues.¹³ The Council of Europe calls on all States to review, enact, and implement national strategies and action plans, which would establish effective mechanisms for the protection of IDPs. In addition, States are urged to ensure the safety and security of IDPs (particularly at locations of return), restitution of property (which in turn would serve as effective and fair compensation), provide full access to rights and free legal assistance, facilitate the social and economic reintegration of IDPs, and ensure their participation in the decision-making process. One of the recommendations deals with the issue of general education for displaced children, according to which displaced children should attend school together with non-displaced children to the extent possible, and receive quality education without financial barriers.¹⁴

2.2 National Legislation

Georgia is one of the 16 States, which have special national legislation with regards to internally displaced persons.¹⁵

The main legal document on national level with regards to the protection of the rights of IDPs is the ‘Law of Georgia on Internally Displaced Persons’ adopted in 1996. The Preamble of the Law states, that it is based on the Constitution of Georgia and the universally recognized principles of international law. The law defines the concept of “internally displaced person”, the procedures for granting

¹¹ See above 9, para. 22.

¹² Ibid., para. 65

¹³ Council of Europe, Parliamentary Assembly, Recommendation 1877 (2009), Europe’s Forgotten people: protecting the human rights of long-term displaced persons.

¹⁴ Ibid., 15.3.11.

¹⁵ See above 1, pg. 24.

the IDP status. Furthermore, the law establishes the fundamental rights and duties of internally displaced persons; the grounds for suspension, termination, deprivation, and restoration of IDP status; and the return of IDPs to their places of permanent residence.

The law sets out the list of rights of internally displaced persons.¹⁶ The IDP status provides an individual with certain privileges. Particularly, according to the Law, an internally displaced person is entitled to a monthly allowance, and has the right to receive targeted social assistance. The rights of IDPs in temporary places of residence are ensured by the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, together with executive authorities and local self-government bodies.

According to the Law, the respective governing bodies are under the obligation to assist IDPs in temporary employment in accordance with their profession and qualifications, reimburse the expenditures for the treatment of vulnerable categories of IDPs at medical facilities, and ensure the constitutional right of IDPs to adequate education. The State undertakes the responsibility to provide IDPs with temporary accommodation and essential first aid. The Law also emphasizes the fact that prior to the restoration of Georgian jurisdiction over the uncontrolled territories, internally displaced persons shall not be resettled from collective centers, except for cases when a written agreement is signed with the resident IDP, when the IDP has occupied the space arbitrarily or in violation of the law, or when the IDP is allocated an appropriate residential area, which does not impair his or her living conditions.

In case of the return of IDPs to their permanent places of residence, Article 7 of the law obliges the state to ensure essential social and economic conditions necessary for the safety of IDPs at their places of permanent residence, it also obligates the state to return to the IDP or his or her legal successor his or her private property, including house and the land.

On December 29, 2006, the Parliament of Georgia adopted the Law on 'Property Restitution and Compensation for the Victims of Conflict in the Former South Ossetian Autonomous District in the Territory of Georgia'. Article 5 acknowledges the right of all internally displaced persons to return to their original places of residence. The same article establishes legal guarantees for the restitution of housing or other real property lost as a result of conflicts on the territory of Georgia to their rightful owners, which implies the right of the affected person to: *“receive real property, or in cases where the restitution of housing and other immovable property is impossible, receive adequate (alternative) accommodation of identical value, or in cases where the acquisition of adequate (alternative) accommodation of identical value is impossible, receive compensation for property damage.”* In order to fulfil the objectives defined by the Law, it is foreseen to create a com-

¹⁶ Law of Georgia on Internally Displaced Persons, Article 5.

mission, which will deal with the issues of restitution and compensation for the immovable property lost during the conflict.

Another very significant document in this field is Decree #47 issued by the Government of Georgia on February 2, 2007, regarding the adoption of State Strategy on internally displaced persons. Based on the document, on July 30, 2008, the Government of Georgia issued Decree #489 on the “Adoption of the Action Plan for the Implementation of the State Strategy on IDPs”. The document was updated several times (Decree #403 of the Government of Georgia, issued on May 28, 2009, on the “Adoption of the Action Plan for the Implementation of the State Strategy on IDPs during 2009-2012” (State Strategy)).¹⁷ Decree #575 issued by the Government of Georgia on May 11, 2010.

The Strategy represents the approach of the Government of Georgia towards internally displaced persons. It establishes the main objectives of the State, including: the promotion of the socio-economic integration of the IDPs, and the improvement of their living conditions. In order to achieve the aforementioned objectives, the Strategy envisions the implementation of various measures, which are described in detail in the Action Plan of the State Strategy.

The improvement of living conditions of IDPs and the process of finding durable housing solutions for IDPs will be implemented in three stages. Most importantly, the text of the State Strategy clearly asserts, that in the process of the implementation of the Action Plan, all basic principles will be fully adhered to.

Particular attention will be paid to “the voluntary and informed decisions, as well as the free choice of internally displaced persons, dialogue with IDPs and their participation in the decision-making process, gender equality, and the protection of rights of the child and respect for other recognized human rights.”¹⁸

On the basis of the document, the State is under the obligation to implement a comprehensive information campaign that will in a systematic manner raise awareness of IDPs on all elements of the Action Plan, thus enabling them to make an informed decision.¹⁹

In addition, according to the Action Plan, the State should guarantee full participation of IDPs in planning process and ensure that IDPs make a well informed choice in all the decisions that affect them.

As a conclusion, it can be stated, that Georgian legislation in the field of internally displaced persons is more or less complete. The main principles and norms laid down in the laws and other normative acts do not contradict with international

¹⁷ Decree #403 of the Government of Georgia, May 28, 2009. Decree #575 adopted on May 11, 2010 introduced specific changes to the State Strategy, which will be reviewed in further detail in Chapter III of the Report.

¹⁸ State Strategy, para. 1.5

¹⁹ Ibid., para. 1.6

standards. However, despite this, there are the problems in the implementation of the legislation which raises certain issues, and will be discussed in subsequent chapters.

III. The Right of Internally Displaced Persons to Voluntary Return to Their Places of Permanent Residence (The Right to Return)

The voluntary repatriation of internally displaced persons to their original places of residence is considered as the most effective means for the restoration of the violated rights of these persons. In international law, this is known as the Right to Return of internally displaced persons.

In general, international treaties do not include specific norms recognizing the right of IDPs to return to their original places of residence. However, this does not suggest the existence of a legal vacuum with regards to these persons. Article 13 of the Universal Declaration of Human Rights recognizes the right of all individuals to return to their country. In addition, according to Article 12 of the International Covenant on Civil and Political Rights, adopted by the United Nations in 1966, everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. Accordingly, the right of IDPs to return is implied in major international instruments on human rights.

Besides the fact that the right of IDPs to return ensues from the texts of international treaties, its specific declaration has repeatedly been reaffirmed by international organizations. The UN Guiding Principles on Internal Displacement state, that competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country.²⁰

In 1998 the Sub-Commission for the Promotion and Protection of Human Rights, established under the UN High Commissioner of Human Rights, recognized, that all IDPs have the right to return to their homes and places of habitual residence, should they so wish.²¹ Moreover, the UN Security Council has persistently reaffirmed the significance of IDP repatriation in several of its Resolutions.²²

It should be noted, that on September 9, 2009, the United Nations Security Council directly recognized the right to return of persons displaced from Abk-

²⁰ See above 4, Principle 28.1.

²¹ Report of the Sub-Commission for the Promotion and Protection of Human Rights, established under the UN High Commissioner of Human Rights, August 26, 1998, Para. 1.

²² Bosnia, SC Res 820(1993); Azerbaijan, SC Res (853)1993; Croatia, SC Res 1120 (1997).

hazia and South Ossetia.²³ Specifically, the first paragraph “recognizes the right to return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, to their homes throughout Georgia, including in Abkhazia and South Ossetia.”²⁴

This is also indicated by the Council of Europe Commissioner for Human Rights. In his Report on human rights issues following the August 2008 armed conflict, Mr Thomas Hammarberg has addressed “all concerned parties” with a request to guarantee the principles of “safe, voluntary, and dignified return” for persons displaced as a result of the August 2008 conflict.²⁵

The right to return of persons displaced from the territory of South Ossetia was also declared in the Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin.²⁶

The legislation of Georgia also directly recognizes the aforementioned right. In particular, Article 5 of the “Law on Property Restitution and Compensation for the Victims of Conflict in the Former South Ossetian Autonomous District on the Territory of Georgia” recognizes the right to return of all internally displaced persons to their habitual places of residence.

The right of IDPs to return to their original places to residence is also enshrined in Decree #47 of the Georgian Government, adopted on February 2, 2007, regarding the implementation of the “State Strategy on IDPs.” More specifically, in accordance with the Strategy, the Government of Georgia aims to create all necessary conditions for the safe and dignified return of the IDPs.²⁷

In order to fully implement the right of voluntary return, States within their jurisdiction, are under an obligation, to ensure all conditions necessary for the return of internally displaced persons. In 1995, the European Court of Human Rights obligated Turkey, as an occupying power of Northern Cyprus, not to interfere with the right of an IDP from Northern Cyprus to access her property in the occupied territory.²⁸ Consequently, the aforementioned right goes beyond a particular State and obliges all concerned actors not to hinder the full implementation of

²³ A/RES/63/307, On the Status of Persons Displaced from Abkhazia, Georgia, and South Ossetia, Georgia, GA/10853, September 9, 2009.

²⁴ A/RES/63/307 September 30, 2009, Para. 1.

²⁵ Human rights in areas affected by South Ossetia conflict. Special mission to Georgia and Russia by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, See: <<https://wcd.coe.int/ViewDoc.jsp?id=1444917&Site=CommDH&BackColorInternet=FE65B&BackColorIntranet=FF65B&BackColorLogged=FF6679>>

²⁶ A/HRC/13/21/Add.3, Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, January 14, 2009.

²⁷ Decree #47 approved by the Government of Georgia on February 2, 2007 on the “State Strategy on IDPs”, Para. 1.

²⁸ *Loizidou v. Turkey*, European Court of Human Rights, decision of March 23, 1995, A 310.

the right, and to guarantee the full realisation of the right to return to their places of permanent residence for the persons displaced from specific territories, despite their ethnic, religious, or other affiliation.

However, as outlined in the text of “State Strategy on IDPs”, currently there are no favourable conditions for the return of IDPs to their places of habitual residence.²⁹ This is also reflected in the Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin.³⁰ Thus, it is imperative that neither Russia, as an occupying power, nor the de-facto governments of the breakaway territories should interfere with the realisation of this right, which will be fulfilled only when the internally displaced persons will be given the opportunity to voluntarily return to their places of residence.

IV. State Policy

As noted above, the Georgian Government has developed a unified approach in relation to internally displaced persons, which in itself is a step forward. The State Strategy on IDPs, adopted by the Government of Georgia in February 2007, reflects a unified vision of the State how to find a durable solution to the problems of IDPs. In order to monitor the implementation of the Action Plan, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia has established a Steering Committee (hereinafter SC), consisting of government agencies, and non-governmental/governmental organizations. The existence of the SC itself and the involvement of non-governmental organizations represent a positive development, since it contributes to the transparency of the process. Furthermore, the creation of technical working groups should also be evaluated as a positive phenomenon. Within the working groups, based on profile, topic, and qualification, the representatives of various international and local organizations have been selected,³¹ which will in turn provide the Ministry with recommendations pertaining to the practical implementation of different components of the Action Plan. This contributes to the strengthening of the participation of the civil society in IDP-related processes.

Periodically, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia facilitates coordination meetings, within the frameworks of which, the civil society receives information regarding the new developments accompanying the implementation process of the Action Plan. Despite the engagement of non-governmental and international organizations working in the field of IDPs, there still is a lack of information in

²⁹ See above 26, para. 1.7

³⁰ See above 21, pg. 9

³¹ UN High Commissioner for Refugees, Danish Refugee Council, Norwegian Refugee Council, Transparency International, Young Lawyers' Association, etc.

respect of certain issues (e.g. the lists of collective centres intended for privatisation does not represent a public document; a unified position with regards to the granting of IDP status to persons displaced from certain villages not controlled by Georgia has yet to be developed, etc.).

When addressing State policy, one of the most acute problems – the lack of communication between IDPs and the Ministry should be emphasized. According to the Strategy, a comprehensive information campaign should be implemented, through which IDPs will regularly receive updated information on all aspects and components of the Action Plan;³² moreover, the document establishes the necessity to ensure the participation of IDPs in the planning process of decisions influencing them.

Creation of a hot line and reception-centre within the Ministry with the assistance of international donors in order to improve access to information for IDPs should be assessed positively. Through these tools, IDPs are able to obtain necessary information and/or consultation during 24-hours. Despite this, it is evident that the lack of information among IDPs remains a problem. The complaints addressed to the Public Defender also attest to this. As a rule, IDPs request specific information regarding a particular issue based on the fact that they have not received a written response to an analogous query from the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia. It is rather common, when IDPs state that they have addressed the Ministry regarding a particular issue, and have for months waited for a response in vain. These individuals seek assistance in obtaining information on measures taken in response to their appeals.

In order to provide a solution to the problem, the Action Plan which was updated in May 2010 incorporated a new entry, according to which, a comprehensive information campaign will be conducted to ensure that IDPs are well informed to make informed decisions. Within the framework of the information campaign, IDPs will be provided with information on whether or not their collective centres are subject to rehabilitation, what type of rehabilitation works are required for a particular collective centre, and who the IDPs should address in case if the rehabilitation work is of low quality.

It should also be noted, that the Ministry, in close collaboration with local municipalities, is planning to introduce basic criteria and procedures governing the process of durable housing allocation. Such criteria did not exist previously, which raised numerous questions among the IDPs themselves and has often become a source of their discontent. As a positive development it should be noted that, these criteria have already been approved by the Steering Committee and, according to a representative of the Ministry, it will be put into practice in the nearest future. At this stage, it is difficult to assess the effectiveness of

³² State Strategy on IDPs 1.5.

the principles and criteria established in the document, and whether it will have actual results during the process of housing allocation.

We hope that the implementation of the aforementioned newly adopted documents will bring positive results and significantly improve the conditions of the IDPs.

Another important problem pertaining to the implementation of existing policy toward IDPs, is falling behind the deadlines defined in the State Strategy and the Action Plan. Based on the Government Decree #403, adopted in May 2009, Action Plan envisioned the completion of the rehabilitation of collective centres and their transfer to the ownership of IDPs in the period of 2009-2010. The document also stated, that in the indicated period, 20,000 IDPs should have been granted the housing in private ownership.³³ According to official data provided by the Ministry, by the end of 2009, only 6,945 IDP families had signed privatisation contracts.³⁴ In the event of the continuation of the process in a similar pace, the implementation of the established goals in the defined time-frame becomes unrealistic. Possibly, the aforementioned problem has resulted in the extension of the deadline in the updated Action Plan (in most cases, the deadlines defined in the Action Plan have been modified from 2009-2010 to 2009-2011/12).

However, hereby should be noted, that the Ministry is not the only entity involved in the privatisation process, and the transfer of living spaces into the ownership of IDPs requires the concerted efforts of a number of state agencies. For instance, based on the coordinated efforts of the Ministry of Economy and Sustainable Development and the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, the issue of the inclusion of collective centres into the privatisation list should be resolved.

An example of not well-coordinated work among ministries is a case related to the building located at #71 Ketevan Tsamebuli Street. The building was on the balance of the Ministry of Economy and Sustainable Development of Georgia. In 2007, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia addressed a letter to the Ministry of Economy (currently the Ministry of Economy and Sustainable Development) (letter No.01/01-17/7224), through which they stated, that several IDP families had been legally residing at the building - dormitory of the National Guard, located at #71 K. Tsamebuli Street. In case of expropriation of the building, the Ministry of Economy was asked to take into account the legal interests of the IDPs. In its response, the Ministry of Economy stated, that the building had already been privatised. To date, the IDPs residing at the aforementioned address have no information whatsoever as to what measures will be undertaken by the government with regards to those families; they are still awaiting to be

³³ Action Plan, para.: 2.1.2.3

³⁴ Annual Report on Privatisation, reporting period February – December 2009, pg. 9. Unfortunately, current statistics are not available.

transferred to alternative accommodation and meanwhile are obliged to live under difficult living conditions.

Another example which demonstrates the lack of cooperation among ministries is the case of IDPs residing at the so-called “Alcoholic Beverage Research Centre”, located at #76 Guramishvili Street in Tbilisi. The building is listed in the database of the Ministry as a collective centre, where 19 IDP families have been officially registered. On July 29, 2008 the building was sold at absolute auction by the Ministry of Economy and Sustainable Development. In accordance with the statements of IDPs and obtained documentation, the Ministry expropriated the building without considering the interests of the internally displaced families. As indicated by the IDPs, no negotiations were held between them and the owner of the building in respect of any alternative accommodation or compensation. Moreover, it is unknown, whether the government is planning to provide them with alternative housing. At present, the dispute concerning the building has been appealed to the court.



Current situation on Sakviri Street, date of the monitoring: July 26.

During the monitoring of the mentioned living space, it became evident, that minimum living standards had not been met (the roofing is damaged and leaking, doors and windows have not been installed). The rehabilitation work at the given building was commenced during the transferring process of the IDPs to the new accommodation, which is inconsistent with the principles set out in the State Strategy (dialogue with the IDPs and their participation in the decision-making process, 1.5). The above is also in violation of the Law of Georgia on Internally

Displaced Persons, as it shows a clear deterioration of living conditions resulting from the re-allocation of IDPs to alternative accommodation.

The representatives of the Ministry and the construction company made a verbal statement that reconstruction work in the building would have been concluded by the end of June. However, during follow-up monitoring on July 26, it was discovered that refurbishment work had been suspended.

According to the official position of the Ministry, prior to the re-allocation of IDPs to alternative accommodation, a verbal agreement was reached, according to which the internally displaced persons would be provided with alternative housing in Tbilisi, however, the Ministry would not be responsible for the rehabilitation work. However, there is no written document confirming such an agreement. Furthermore, it should be noted, that the conditions of the IDPs in the aforementioned building is beyond any criticism.

While reviewing state policies and strategies, attention should also be focused on IDPs residing in the private sector, whose appeals to the Office of the Public Defender have increased recently. The majority of IDPs in the private sector live in harsh social conditions. A significant number of these IDPs have for many years rented their accommodation. Due to a periodic worsening of their financial situation, some IDPs face the risk of homelessness. In such cases, the Public Defender plays the role of the intermediary and frequently appeals to the Ministry to assist those vulnerable IDP families, to the extent possible; however, in most cases, those appeals do not have any results. In addition, it should be mentioned, that, as a rule, the Ministry in its correspondence mainly focuses on the implementation process of the Action Plan and refrains from any specificity.

In accordance with both the Strategy and the Action Plan, activities foreseen for IDPs living in private accommodation, the so-called private sector should have commenced in 2010. In contrast to Decree #402, Decree #575 has divided IDPs living in the so-called private sector into several categories and has determined specific measures, which should be undertaken with regards to each group.

Based on the aforementioned Decree, IDPs were divided into the following groups:

- a. IDPs who own real estate/private accommodation;
- b. IDPs who are hosted by relatives/non-relatives or renting their accommodation, who do not own a house but have a plot of land under their ownership;
- c. IDPs who are hosted by relatives/non-relatives or renting accommodation and who do not own real estate;
- d. IDPs who received monetary compensation before the State Strategy was adopted but who did not use the amount of monetary compensation for the purchase of real estate property.

Such differentiation of IDPs allows the needs based assistance, which in itself is a positive development. However, given the difficulties associated with creation of this type of database, we can conclude, that its implementation will require considerable time and effort. In order to avoid certain problems during the implementation process, it is essential to establish a special mechanism/group, which will be responsible for the registration of IDPs in the private sector and creation of an exact database.

In the updated Action Plan there is a slight change in the text with regards to IDPs who are supposed to be assist during the third stage in 2011-12. This refers to the category of IDPs, who do not require accommodation. If the old version stated, that “IDP families with no need of durable housing solution will be provided with one-time monetary assistance”, the updated text stipulates, that “IDP families with no need of the durable housing solution will be provided with one-time monetary assistance according to available financial resources.” It is evident, that such an entry does not rule out the possibility of denial of assistance in case of unavailability of financial resources. Consequently, IDPs in relation to whom the State has not fulfilled its primary duty (which implies providing them with housing), could remain without any assistance.

Another important issue, which should be considered in the context of State policy, is the slow pace of decision-making, a clear example of which is the problems surrounding the granting of IDP status to some of the conflict-affected individuals and providing them with the adequate temporary housing. This refers to those citizens, whose property is within the borders of so-called “uncontrolled territories.” Unified position regarding the fate of these citizens is yet to be formulated.³⁵

In spite of attempts by the Ministry to take effective steps toward the improvement of the situation, problems still remain which will be discussed in further details in subsequent chapters.

V. Official Statistics of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia³⁶

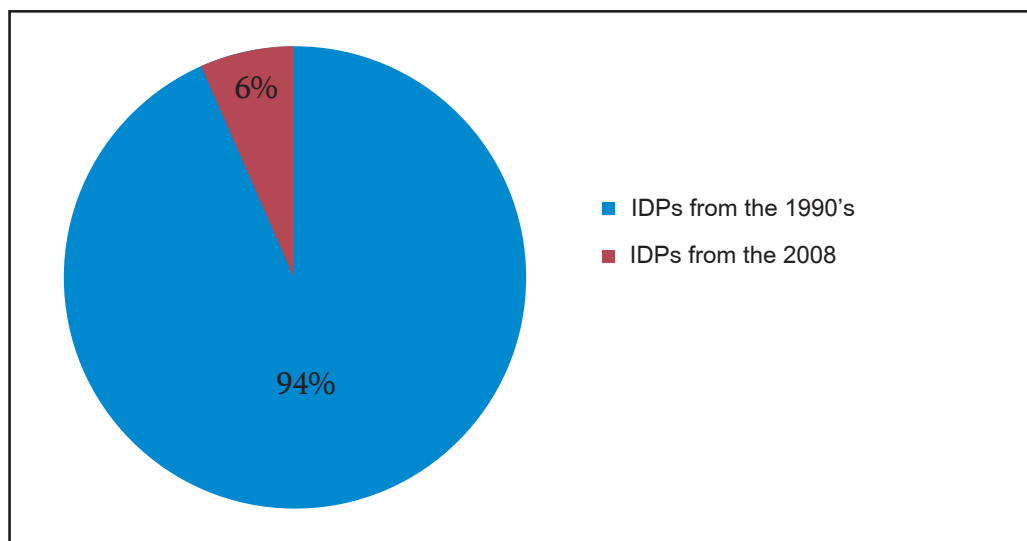
According to the statistical information provided by the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees for January 2010, 249,365 internally displaced persons (87, 962 families) reside on the territory of Georgia as a whole.

The total number of IDPs from the 1990's amounts to 233,453 individuals; following the 2008 conflict, they were complemented by another 15,912 IDPs.

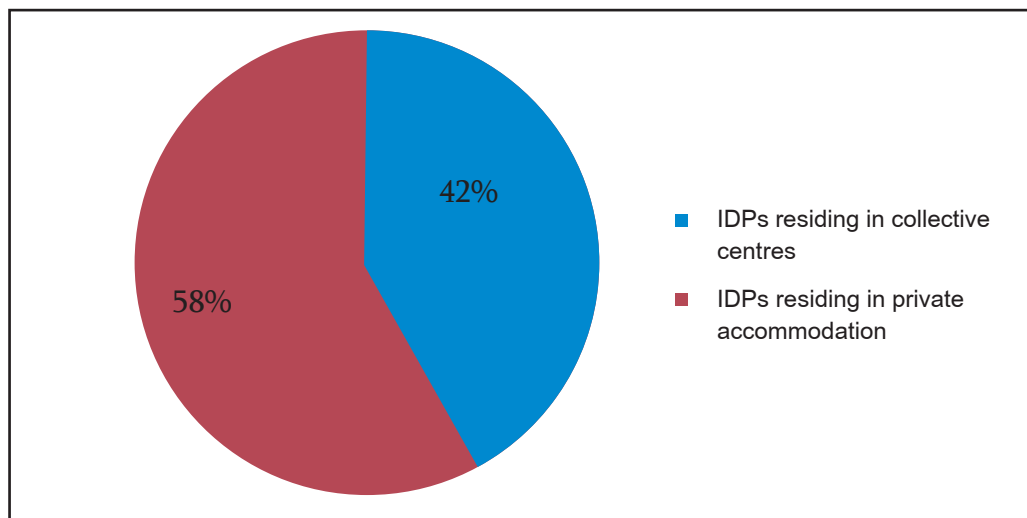
³⁵ This issue will be discussed in detail in Chapter VI.

³⁶ The statistical information presented here is based on a presentation prepared by the Ministry for the conference: “Looking Forward: Updating the IDP Action Plan 2010”, held on February 17, 2010.

(Although in reality this number is approximately 22,000, however only 15,912 have officially been granted IDP status).

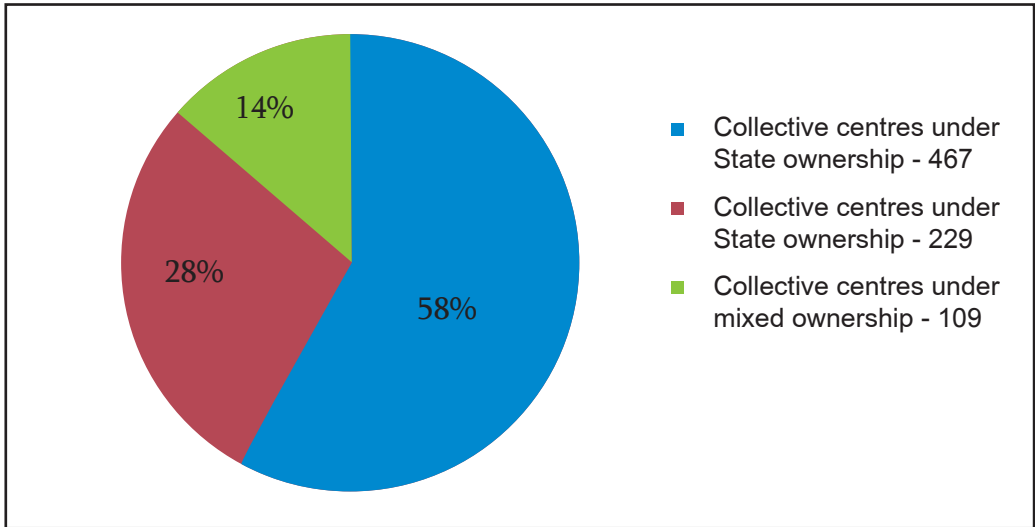


Out of the total number of IDPs from the 1990's (233,453) only 98,008 individuals (34,857 families) reside in collective centres, while 135,445 internally displaced persons (47,000 families) live in private accommodation.



Throughout Georgia, IDPs from the 1990's are residing 1,540 collective centres. Of these, 805 collective centres are in different regions of Georgia, while 735 are located in Tbilisi.

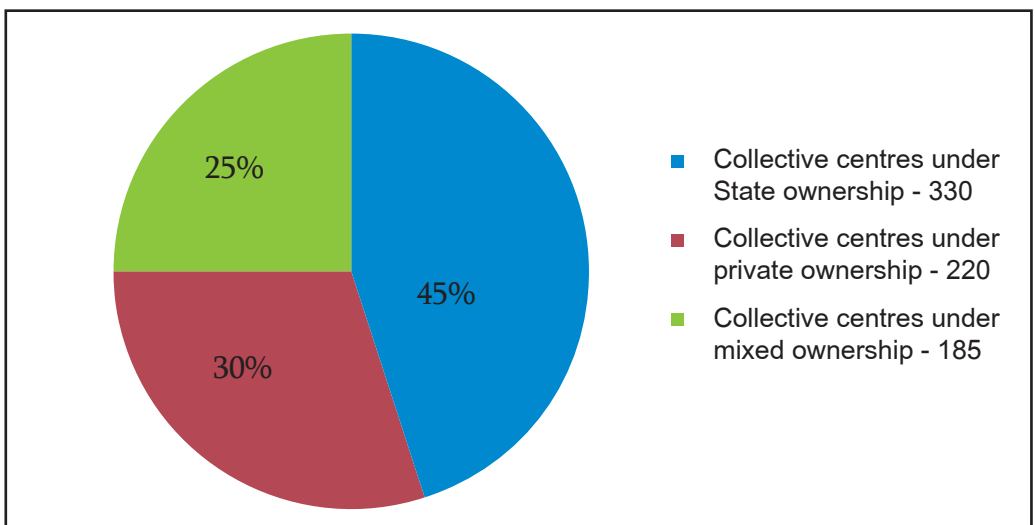
Out of the 805 collective centres in the regions, 467 are under State ownership, 229 – under private ownership, and 109 – under mixed ownership.



Out of the 467 collective centres under State ownership, 243 were renovated, 45 will be used as durable housing solutions, and 179 collective centres will return to their previous functions.

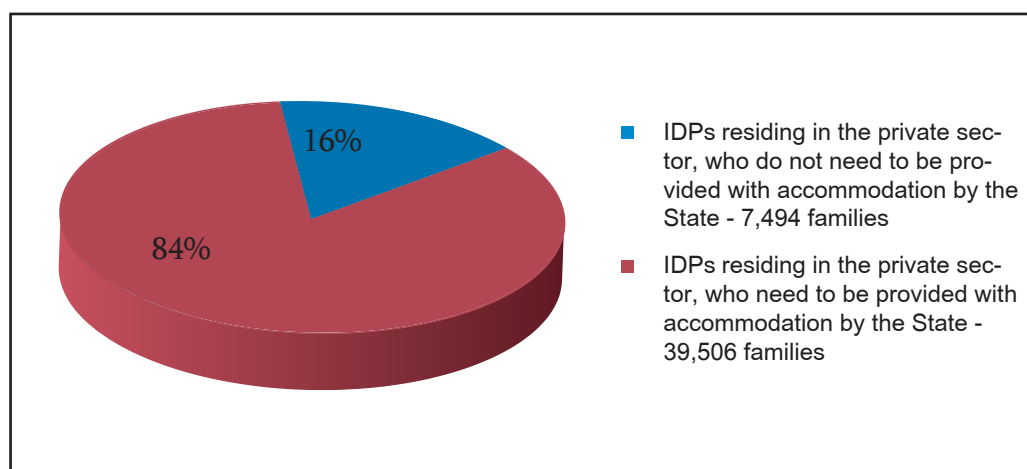
It should be noted, that out of the 18,051 displaced families residing in regional collective centres, 7,219 will be offered accommodation in the rehabilitated collective centres; nevertheless, 10,832 families are still in need of durable housing solutions.

Out of the 735 collective centres in Tbilisi, 330 are under State ownership, 220 – under private ownership, and 185 – under mixed ownership. From 330 collective centres under State ownership, only 195 will be proposed for transfer under private ownership of the IDPs.



From 16,807 displaced families residing in collective centres in Tbilisi, 7,777 will be offered accommodation in the rehabilitated collective centres; despite this, 9,030 families will still be left in need of durable housing solutions.

Out of the 47,000 displaced families living in the private sector, 7,494 do not require to be provided with accommodation by the government, however, approximately 39,506 families await such provision from the State.



Based on statistical information of January 2010, the accommodation issues of 23,000 displaced families has already been resolved (following August 2008) i.e. this includes 8,000 so-called “new” and 15,000 so-called “old” IDPs. According to the calculation of the Ministry, unless additional funds are sourced in a timely manner, approximately 28,000 IDPs will continue to live in exceptionally harsh conditions.

VI. Situation Analysis - Monitoring Results

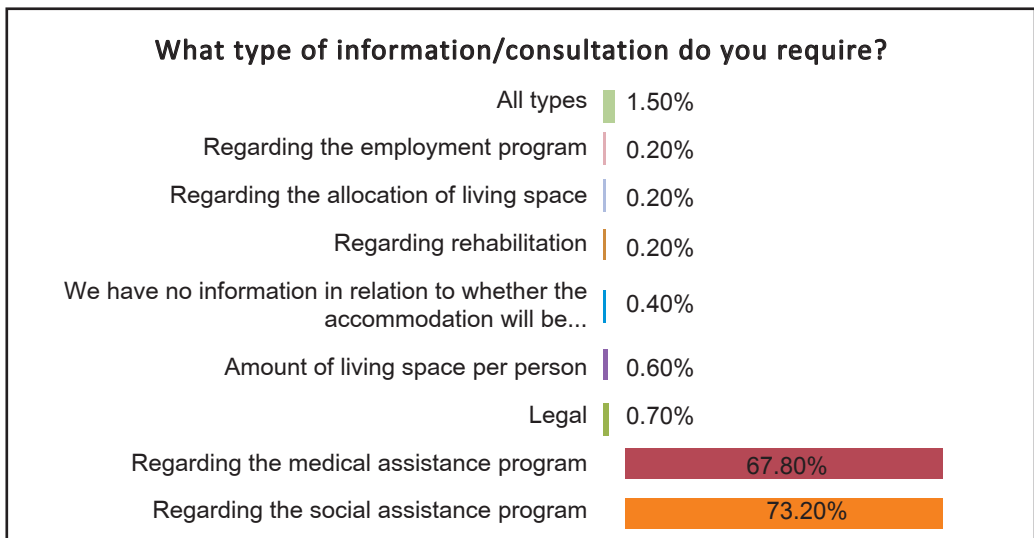
The following chapter expounds on the major problems identified and statistical data collected during the monitoring process implemented within the framework of the project.

6.1 Awareness

The general level of awareness concerning processes related to them is extremely low among internally displaced persons. Not only, in most cases, IDPs are unaware of any details pertaining to the State Strategy and Action Plan, but they quite often have not even heard of such documents. They are insufficiently informed regarding the issues of privatisation and rehabilitation, social assistance, and health insurance. The IDPs have no information regarding their rights.

A similar pattern was observed in case of almost all displaced families interviewed throughout Georgia. The quality of information exchange between the IDPs and the Ministry is quite low. This has spurred the emergence of incorrect viewpoints and expectations among the internally displaced persons in respect of different ongoing issues.

To the question posed by the project monitors regarding what type of information/consultation was required, the majority of the IDPs provided the following answers:



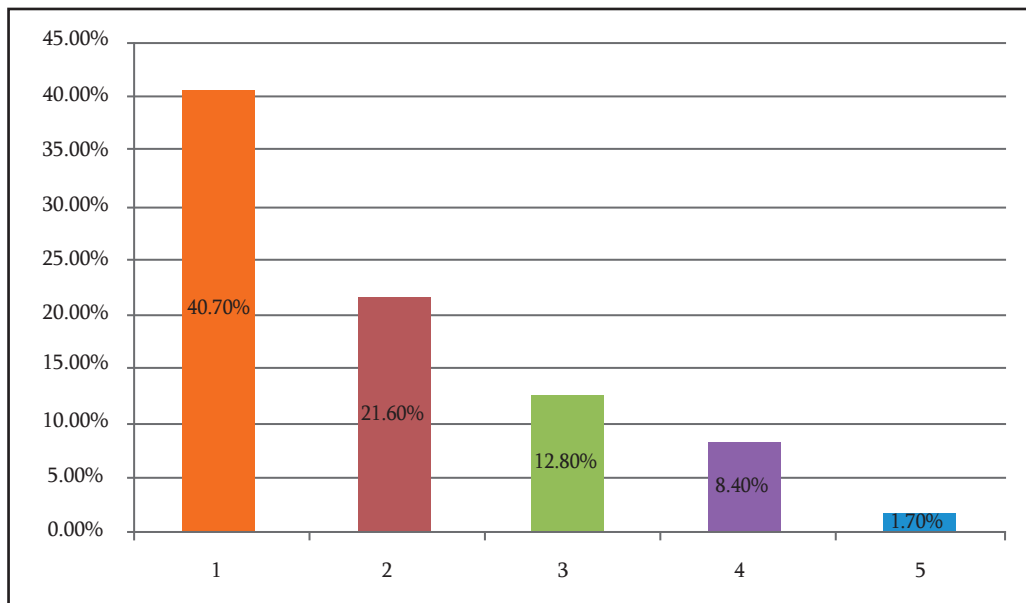
Other (without indication) 7.8%, unanswered 13.0%

It is evident, that the given data indicates that the IDPs are inadequately provided with information on issues relevant to them.

As mentioned above, the Ministry, with active support from international organizations, has created a hot line, as well as a reception-center, which is charged to provide IDPs with necessary information. Unfortunately, as was demonstrated by the monitoring, these mechanisms are not sufficient to address the lack of information. Brochures on IDP rights, social assistance, privatisation, and rehabilitation standards have already been created. However, more effective measures should be undertaken in order to improve the current situation.

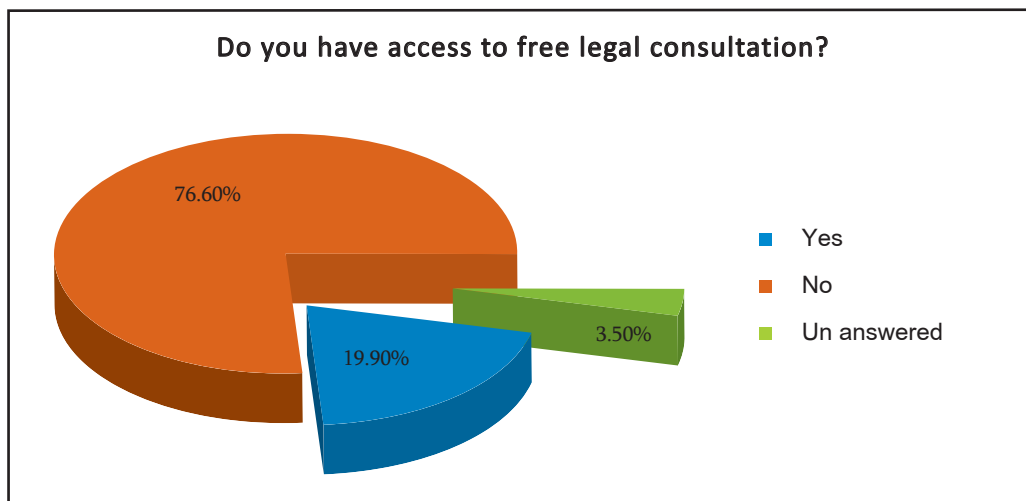
For more specificity, it is preferable to focus on the basic issues demonstrated by statistical data. Particularly, according to statistical data, over 40% of IDPs interviewed have no information regarding medical services they are eligible for. This was precisely the issue on which information was most frequently requested by IDPs.

How well are you informed regarding medical services available to IDPs? (evaluation on a 5-point scale, where 1 indicates complete lack of information, while 5 indicates that IDPs are well-informed)



Unanswered 13.60%, Difficult to answer 1.30%

According to the State Strategy on IDPs, the process envisioned by the Action Plan must be implemented fully complying with the rights of IDPs. This is ensured by legal consultation and an information campaign accompanying the processes defined by the Action Plan. Nevertheless, the monitoring conducted by the project has shown that, on numerous occasions, IDPs do not have access to legal consultation.



Another issue of particular interest for IDPs is the question related to privatisation-rehabilitation process. The majority of IDPs have no information pertaining to what type of rehabilitation work is supposed to take place in the collective center. IDPs are also not aware of the amount of living space allocated per person according to the Standards for Rehabilitation, Conversion or Construction Works for Durable Housing for IDPs approved by the Steering Committee in September 2009.

The most significant issue, which is a major source of discontent among the IDPs, is the fact that they have no information with regards to whether their collective centre will be privatised, and in cases where the question of privatisation has been settled, IDPs do not know when they will receive certificates of ownership.

One of the most severe problems caused by the lack of information was the issue related to electricity. The issue was included in the Report of the Public Defender of Georgia prepared in the second half of 2009. Following the conflict of August 2008, the government of Georgia took upon itself the duty to fully cover the expenses of IDPs for electricity and natural gas during a certain period of time.³⁷ The problem lies in the fact that the IDPs residing in new settlements had no information as to when the full financing of electricity expenses by the government would end. The problem emerged in the winter of 2010, when the utility bills received by the IDPs showed arrears accumulated over a period of three months (October, November, and December). According to the Ministry, the responsibility for the dissemination of information among IDPs residing in new settlements lay with the so called Mamasakhlisi (community leaders). Also, as stated by the Ministry, announcements concerning the termination of the full funding of utility expenses were made repeatedly. However, it is clear that the aforementioned method did not prove effective. As a result, during a certain period in winter a proportion of the IDPs were left without electricity. Ensuing from an agreement made between the Ministry and the electricity-providing company, "Energo Pro", the IDPs were given the opportunity to cover their debts within a period of three months. Despite the agreement reached, the condition of the IDPs has not improved significantly. During the monitoring conducted in the new settlements, cases were observed, where, due to an inability to pay the bills, IDPs were left without electricity for several months. Such cases were recorded in Tserovani, Karaleti, Khurvaleti (the amount of debt varied according to families, however, there were families who had to pay GEL 400-600).

The above-mentioned instances show, that the State did not properly inform the IDPs. In order to improve the situation, the State should undertake the following measures:

- **The Ministry of Internally Displaced Persons from the Occupied Territories,**

³⁷ Government of Georgia Decree #840, November 11, 2009;
Government of Georgia Decree #771, October 22, 2009;
Government of Georgia Decree #784, November 19, 2008;

Accommodation and Refugees of Georgia should take effective steps to increase the awareness of IDPs, both through the hot line and by providing comprehensive and timely responses to appeals addressed to the Ministry.

- **In order to conduct the information campaign better, and achieve more effective results, it is recommended that the Ministry takes concrete steps, which can be expressed by the dissemination of information through the media, as well as by the preparation and distribution of information brochures.**

6.2 Living conditions

As mentioned above, the principal goal declared by the government is to promote the socio-economic integration and improve the living conditions of IDPs.³⁸ The State is obliged by law to provide IDPs with temporary accommodation. At the same time, according to internationally recognized standards, the State shall provide IDPs with adequate accommodation under any circumstances, and, most importantly, this process should be implemented without any discrimination.³⁹ This right is guaranteed by several international instruments,⁴⁰ including Article 11 of the International Covenant on Economic, Social and Cultural Rights, adopted by UN in 1966. The Covenant obliges States to “take steps to the maximum of its available resources,” to achieve the full realization of the rights recognized in the document. The right to adequate housing does not require the State to provide entire population of the country with the housing. It addresses the obligation of the State to provide the most vulnerable and marginalized groups with appropriate accommodation.⁴¹ To this end, the implementation of a number of measures is necessary; among them, the presentation of administrative initiatives and the implementation of relevant budget estimates.⁴² Adequate housing must conform to certain criteria. Particularly, individuals residing in such accommodation must be protected from “cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors.”⁴³ At the same time,

³⁸ State Strategy, para 1.3.

³⁹ See above 4, principle 18.

⁴⁰ Universal Declaration of Human Rights (article 25), Convention on the rights of the Child (article 27.3), Convention on the Elimination of All forms of Discrimination against Women (article 14.2), International Convention on the Elimination of All forms of Racial Discrimination (article 5.e)

⁴¹ The Right to Adequate Housing, Office of the United Nations High Commissioner for Human Rights, Fact Sheet No.21, at p.6, <http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf>.

⁴² Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Miloon Kothari, E/CN.4/2005/48, 3 March 2005, para.31

⁴³ The rights to adequate housing (Art.11(1)): 13/12/91, CESCR General Comment 4, para.8(d).

importance is attached to the location of the housing. Adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities.⁴⁴

Internally displaced population is considered to be the most vulnerable category in any country. Accordingly, the improvement of their living conditions should be a priority of the State. For this purposes, according to the Action Plan of the State Strategy, the Ministry started the rehabilitation process of collective centres and other residential buildings of IDPs. The goal of the process is the creation of minimum living conditions for IDPs. However, this process has not been equally applied to all collective centres and displaced families (the privatisation issue of part of the collective centres has not been decided yet, thus, their rehabilitation has not occurred).

In parallel, the construction of houses/residential buildings is underway in various regions of Georgia, those newly constructed buildings will become durable housing solution for number of internally displaced families. Despite effective steps taken by the Ministry, the majority of IDPs continue to live in dire conditions. The condition of IDPs from the 1990's is particularly difficult. Most of them have lived in very precarious conditions for years. A large part of the collective centres has been absorbed and do not meet the minimum requirements for adequate living. It should be noted, that according to the rulings of the European Court of Human Rights, harsh living conditions in some cases constitute degrading treatment.⁴⁵

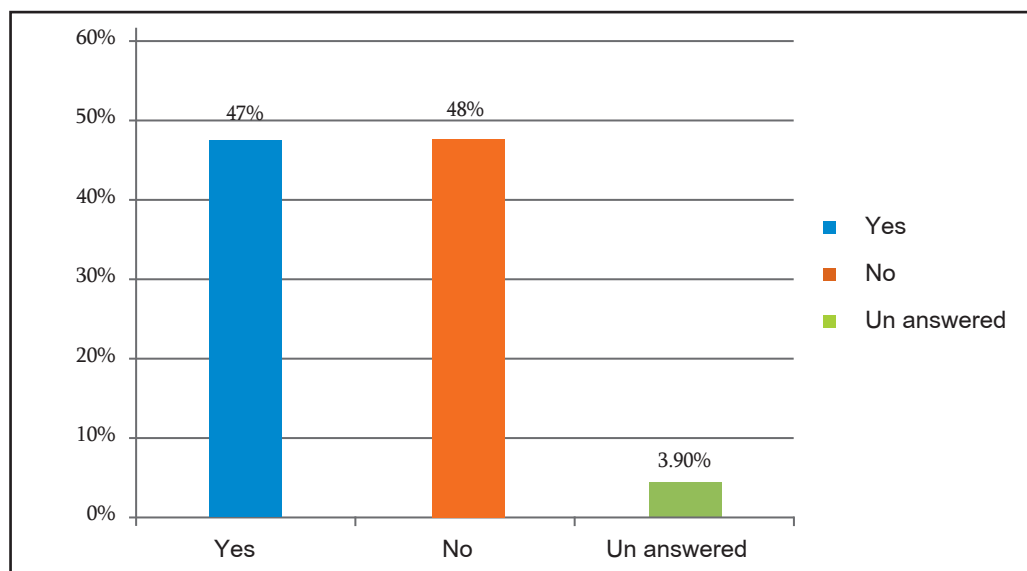
Despite the fact that the situation with regards to living conditions is more or less similar, certain differences can still be observed in different regions. The living conditions of IDPs residing in collective centres vary. Obviously, conditions are much better in those centres, which have been subject to rehabilitation, although, in some cases, the situation is grave in those collective centres, whose fate has yet to be determined.

The situation of the so-called "old" and "new" IDPs can also be differentiated. Consequently, different types of problems can be distinguished.

⁴⁴ Ibid., para. 8(f).

⁴⁵ European Court of Human Rights held that extremely harsh living conditions can amount to degrading treatment. E.g.: the case of *Moldovan and others v Romania*, Application nos. 41138/98 and 64320/01, judgment of 12 July, 2005. (Families had been forced to live for a considerable period of time in cellars, stables, or to move in with friends and relatives in such overcrowded conditions that illness frequently occurred. The Court considered that particularly serious violations of article 8 of a continuing nature constituted degrading treatment, since it involved interference with their human dignity).

Do your living conditions meet minimum requirements?



Monitoring conducted throughout **Adjara** demonstrated that in terms of living conditions, the situation in the region is satisfactory. The 15 collective centres visited by the monitor, where rehabilitation work has been completed, were clean, illuminated, and in order. There was no problem regarding waste disposal, and the quality of rehabilitation work was satisfactory.

The living conditions are poor in those buildings where rehabilitation work has not been carried out. Prior to the resettlement to renovated accommodation, particularly harsh conditions were observed in the buildings of the Makhinjauri children's shelter and the holiday house, "Kobuleti". Internally displaced persons living in the holiday house "Kobuleti" were left without electricity and water for a period of 3 months. The building was old and inadequate for living. However, in June 2010, the IDPs were transferred from the aforementioned collective centers to renovated buildings,⁴⁶ which resulted in a significant improvement of their living conditions.

The majority of IDPs residing in the region of **Samegrelo** are dissatisfied with their living conditions. In general, collective centers in Samegrelo are characterized by a particular severity of their conditions. The majority of the collective centres, where monitoring was conducted (132 centres), have malfunctioning sewage and water supply systems. As a rule, the majority of the facilities have leaking roofs, which contributes to increased dampness and creates inadequate living conditions. In most cases, IDPs do not own individual kitchens and bathrooms. This, in turn, creates problems with sanitation. A good example is the collective

⁴⁶ For detailed information on the process of living space allocation in Adjara in June, see Annex II.

centre located on the premises of the former Zugdidi district hospital, where sanitary conditions present an acute problem. According to the IDPs, these conditions at the aforementioned centre have resulted in several cases of poisoning. The condition of IDPs residing in the building of the hotel, "Kolkheti" in Poti, should also be noted. The building, due to its antiquity, has been amortised. The ceiling, floor, and walls are in poor condition, and the roof is leaking. The hotel building is privately owned, therefore, the renovation of the building is not planned; however, the IDPs have no information as to when they will be transferred to alternative accommodation. Similar problems are prevailing in the collective centre located at #12a Tabidze Street in Poti (former vocational college building), and at the Senaki military settlement, where, despite the fact that the refurbishment process has been completed, living conditions are still poor. The building was not supplied with electricity for 3 months. As indicated by the resident IDPs, the debt has accumulated during the rehabilitation work; however, this was not confirmed by the representative of the Regional Division of the Ministry.

Collective centers in Imereti region often experience acute hygiene problems and poor sanitary conditions.⁴⁷ For instance, 72 displaced families residing in the building of the former military lyceum located at #52 Kharebava Street in Kutaisi, state that the basement of the building repeatedly fills with water and garbage and there is a problem with sanitation. Similar issues exist at #50 Tchavtchavadze Street in Kutaisi. The building is in close proximity to a functioning landfill. Due to this fact, unsanitary conditions become particularly troublesome in summer.

Thirty-five IDP families are obliged to live in exceptionally harsh conditions at Cottage #1 in Kutaisi. The cottages were constructed in 1995-96, with a three-year warranty, as temporary housing arrangements for IDPs. The service guarantee of the wooden cottages has long expired. Due to old age, cracks have appeared in walls. During windy weather, the wooden cottages are in danger of collapsing. The bathrooms in the cottages have been corroded and destroyed. Due to this, the cottages are no longer suitable for habitation. Thus, the IDPs residing there are in need of immediate transfer into alternative accommodation, however, to date, it is unknown when the Ministry is planning to relocate them.

Based on monitoring in the rehabilitated buildings in Imereti region (#19 Nikea Street, #21 Zakariadze Street, #94 Tabukashvili Street, #19 Akhalgazrdoba Street in Kutaisi, and the military centre in Khoni), it can be concluded, that the majority of IDPs express discontent with the quality of rehabilitation work. The main problem, common to all buildings, is the issue of leaking roofs. Consequently, the rooms are extremely damp, which has a negative effect on the health of the inhabitants. The infrastructure of many of the houses is often out of order.

⁴⁷ In Imereti, monitoring was carried out in 53 collective centres.



Kutaisi, Cottage #1

The situation is particularly severe at the former “Rioni” tourist centre located at #5 Akhlagzrdoba Street in Kutaisi. The site consists of a number of wooden cottages constructed during the Soviet period. The conditions are exceptionally precarious; the cottages are basically on the verge of collapsing. Currently, the cottages are inhabited by 15 displaced families, whose living conditions are beyond any criticism. They are in urgent need of alternative housing, however, even in this case, it is unknown when the resettlement is planned.



“Rioni” tourist centre

The living conditions of IDPs residing on the territory of **Tbilisi** vary according to individual collective centres. The conditions in some collective centres are quite satisfactory, while in others the living conditions can be assessed as either intolerable or extremely severe. Particular attention should be paid to centres located on the Nutsubidze Plateau. More specifically, the collective centres located at buildings #43 and #45 on the territory of the former “Parking” Ltd. The area often floods as a result of rain. During torrential downpours, water penetrates the yards and living quarters. Electric cabling has been damaged, due to which the centre received no electricity for over a week. Despite the fact that, at the time of monitoring, the privatisation process in this collective centre had already begun, full-scale rehabilitation work, in spite of grave need, had not been implemented, and, according to the IDPs, is not planned. Due to a leak in the roof, the 3rd and 4th floors of the building have sustained significant damage. The conditions at the centre improved following the restoration of the electric power supply, which became possible after relevant measures taken by the Tbilisi City Hall services.

The collective centre located in the building of the former “Tbilbinremmsheni” is also in dire condition. Here, as well as on the territory of the Technical University dormitory, located on the Nutsubidze Plateau, is a problem of standing water, which creates an extremely difficult situation in terms of sanitation. The cause of flooding is the failure of the drainage system. It should be noted, though, that the IDPs residing in the aforementioned building were being offered alternative accommodation by the Ministry; however, the IDPs refused to relocate.

In Shida Kartli, individuals displaced as a result of the conflict of 2008 live in residential buildings and newly constructed cottages. Despite rehabilitation work conducted in settlements, the water supply system malfunctioned soon after the resettlement of the IDPs. Due to poor sanitary conditions in the kitchens (dampness, etc.), the residents are unable to use them. Similar conditions prevail at the Blood Transfusion centre in Gori. The IDPs residing in this collective centre request the repair of the piping system and bathrooms. It is evident that the IDP shelter does not meet the minimum living conditions.

In Khashuri, the building of the former #9 vocational school is also in a very precarious condition. The laminated flooring has been damaged, and the water supply and sewerage system are out of order. Thus, the living conditions at the above-mentioned buildings are extremely harsh.

At the Health Sanatorium in Surami, the doors and windows have not been replaced. Consequently, during rainy weather, water seeps into the rooms, which in turn creates both household and health problems.



Gori, blood transfusion centre

6.2.1 Cottage-Type Settlements

In order to provide persons displaced as a result of the Russia-Georgia armed conflict of 2008 with housing, cottage-type settlements were constructed with donor assistance. The IDPs who refused to live in the cottages, were granted alternative compensation by the State – the equivalent of USD 10,000 in GEL.⁴⁸

The construction of the cottages in the extremely short time frame is an unprecedented effort made by the government. In contrast to the IDPs from the 1990's, the internally displaced persons from 2008 were provided with durable housing solutions in a far more prompt manner. However, the accelerated pace of construction became the cause of number of problems.

In order to comprehensively analyse the conditions at cottage-type settlements, project monitors conducted monitoring in following settlement: Tserovani, Karaleti, Shavshvebi, Khurvaleti, Skra, Sakasheti, Berbuki, and Mokhisi. It should be noted that monitoring was not conducted by expert engineers however, the problems discussed below are apparent even without heving expertise.

Firstly, it should be noted, that the quality of infrastructure in Tserovani varies according to location: in the part of Tserovani settlement closest to the highway, there is an asphalted road, while in the middle and lower parts of the settlement, the road is, at best, levelled with gravel. A similar situation prevails in relation to the cottages. Those cottages located in close proximity to the highway are in good

⁴⁸ For information regarding compensation in lieu of cottages, see following sub-chapter

condition, while a comparatively more complex situation exists in the lower zone of the settlement. Due to the location of Tserovani, periodic torrential rain causes the flooding of the settlement and damages cottages. In such cases, the IDPs receive assistance from the government, which is mainly expressed in superficial repairs. However, as stated by the IDPs, such assistance is not sufficient. According to the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, effective measures have been taken to address the above-mentioned problems. In particular, the drainage system was cleaned, which, according to the representatives of the Ministry, should improve the existing problem of flooding.



Flooded Tserovani, March 2010.

It must be noted, that the construction quality of the cottages themselves is often unsatisfactory. The bearing walls of many of the cottages are conspicuously separated from each other. The cottages basically stand directly on the ground, without proper foundation. The floors are easily dampened and deformed. During rainy weather, water permeates the houses from the floor. The water damages walls and causes increased dampness, which in turn has an adverse effect on the health and well-being of the residents.



The quality of bathroom construction and wiring is also poor. Due to this fact, the wiring frequently is out of order. The absolute majority of the IDPs interviewed noted that they often experience problems with both the bathrooms and electrical wiring, and are thus obliged to repair them at their own expense.

There are also certain problems associated with heating the cottages in the winter. Due to the fact that, as a rule, the settlements are located in an open area, strong winds are common, and inadequately installed windows often let the cold air inside the cottage. In those settlements, where the sole means of heating is electricity, IDPs were obliged to pay high utility bills as the consumption of electricity increased due to defects in the construction of the cottages.

In addition, it should be mentioned, that there is often no drainage system in the new settlements. Thus, the walls of the cottages are exceedingly damp, the flooring is damaged and cracked, and the ceiling is leaking.

Low-quality construction work of the cottages is described in the reports of various non-governmental organisations. In its report published in April 2010, Transparency International – Georgia states that the majority of the problems identified in the cottages are caused by errors in the architectural design. As stated by the organisation, due to the hastened pace of the construction work, the basic building materials were not allowed enough time to dry thoroughly.⁴⁹

⁴⁹ “Cottage Settlements for Georgia’s New IDPs : Accountability in Aid and Construction“, Transparency International – Georgia, April 2010.

According to the report compiled by the Georgian Young Lawyers' Association (GYLA), the results and recommendations of engineering and geological research were not taken into account during the construction process.⁵⁰

The Amnesty International report, prepared in 2010⁵¹ indicates that the criteria for the selection of suitable locations for the construction of new settlements were ambiguous. Most of the settlements are removed from administrative centres; thus, the IDPs do not have guaranteed access to hospitals, schools, and other facilities.

Another significant problem identified during the monitoring process is associated with sanitary conditions. Cottage-type settlements do not comply with sanitary norms. For instance, the inexistence of a landfill is a major problem in the village of Sakasheti. The population digs makeshift holes and does not dispose garbage properly, which creates the danger of spreading diseases. It is imperative that local municipalities adopt specific measures in order to resolve the aforementioned problem.

Considering the current situation, it is necessary to:

- **Ensure that privatization-rehabilitation process of collective centres is accelerated in order to provide IDPs with adequate housing in the shortest possible period of time;**
- **In case of newly constructed cottages, correct all defects described in the present report.**

6.3.1 Privatisation

According to the Presidential Decree #62, issued on February 2, 2009, it was decided to transfer State-owned collective centres into the ownership of IDPs for a symbolic price of 1 GEL. The State will cover the costs of services associated with the registration of property.

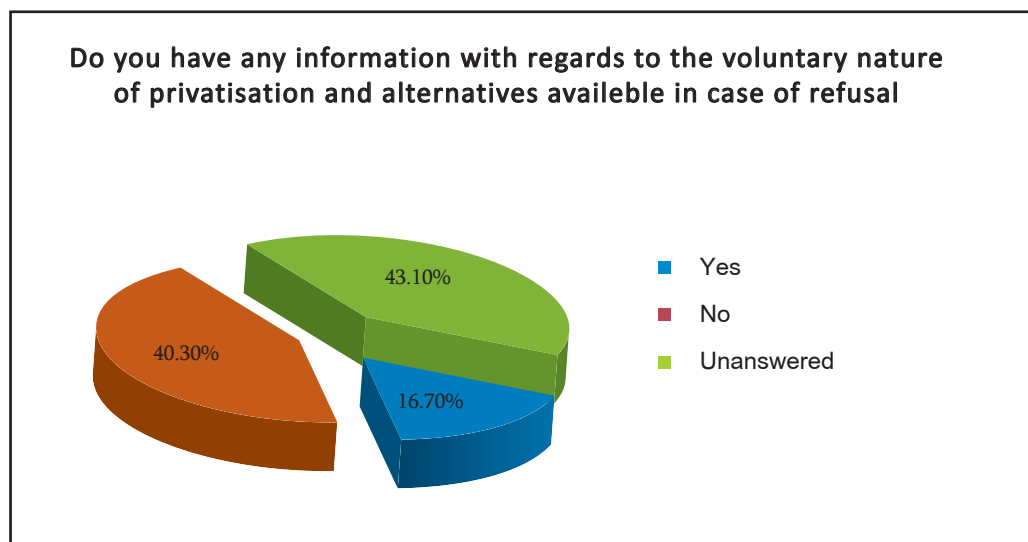
As indicated in the Strategy, privatisation is a voluntary process, thus, IDPs should have the opportunity to receive all relevant information regarding available alternatives, offered by the State. They have the right to request detailed information from government representatives on the aforementioned issues. IDPs also have the right to refuse government proposal, which does not deprive them their right to reside in the occupied space.

⁵⁰ "Report on the Monitoring of the Expenditure of Funds Provided by Donors for the Provision of IDPs with Housing", Georgian Young Lawyers' Association, June 2010, pg. 33.

⁵¹ Amnesty International, "In the Waiting Room, Internally Displaced People in Georgia", 2010, pg. 23.

Unfortunately, the lack of information in relation to this issue also became apparent as a result of monitoring conducted within the framework of the project.

To the question of whether IDPs possessed information regarding the voluntary nature of privatisation process and the alternatives available to them in case of refusal, we received the following responses from the interviewed displaced families.



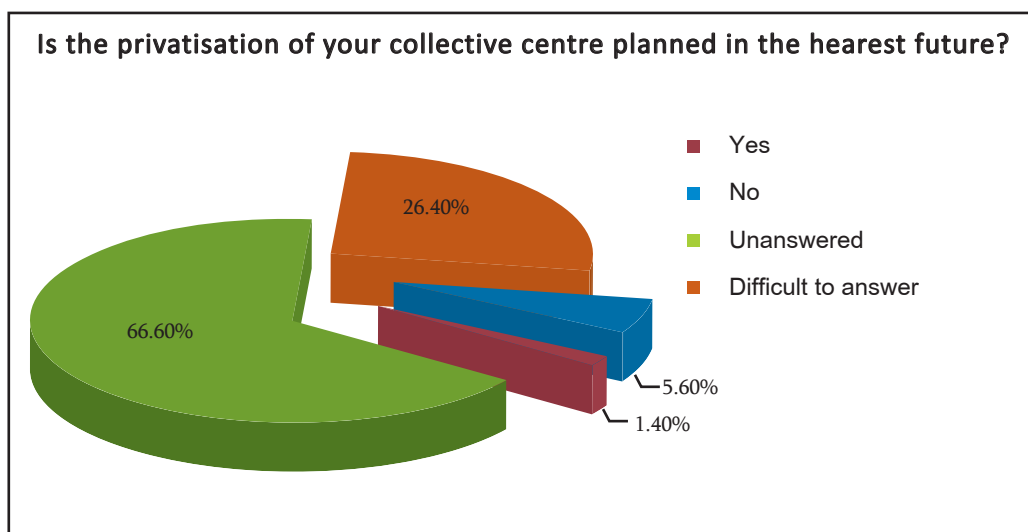
A study implemented throughout Georgia has demonstrated, that the majority of IDPs have been offered no alternative accommodation. As a rule, the IDPs agree to the first proposal made by the government, irrespective of whether they are satisfied with the living space provided or not. The most significant reason for this is the inexistence of information concerning available alternatives. In addition, the IDPs often fear that the proposed alternatives might not be offered at all. Thus, they prefer to accept realistic proposal and avoid losing their living space. During the allocation of living spaces conducted in Adjara in June, the displaced individuals signed acts of receipt without verifying the space offered. They were unable to obtain information from the government representatives regarding what would ensue if they refused the living space, or regarding the types of appeal mechanisms available to them.

The majority of internally displaced persons still have no information as to what awaits their collective centers. In many cases, IDPs are unable to obtain a comprehensive and precise answer to this question of whether their collective centre will be privatised, and if so, when. For example, the IDPs residing in the Onaria settlement in Zugdidi have addressed the Ministry with similar queries for numerous times; however, they were unable to obtain a specific answer. The same can be said about numerous IDPs living throughout the territory of

Georgia. The problem of lack of information regarding this issue is also revealed in Tbilisi.

The Office of Public Defender has examined a collective statement made by the IDPs residing at #18a Anna Politkovskaya (Jikia) Street. The IDPs have no information as to whether they receive the living space under private ownership where they have been living for 8 years. Based on their statement, the Office of the Public Defender has addressed the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia.⁵² According to the response provided by the Ministry,⁵³ the issue of the transfer of the collective center into the private ownership of IDPs will be considered on a case-by-case basis.

Despite the fact that during a number of meetings and conferences organized by the Ministry, verbal statements were made concerning updated lists of collective centres intended for privatisation, these lists still do not constitute a publicly available document. Consequently, the vast majority of IDPs were unable to provide a concrete answer to the following question:



One of the most significant problems directly linked to the privatisation process deals with the issue of registration of IDPs at the addresses of their actual residence. This is not an issue of primary registration, this is related to the re-registering the IDPs at their actual residence.

As noted above, the registration of IDPs residing in collective centres is implemented by the Public Registry Agency. However, if we consider that most

⁵² Letter #1539/04-11/0595-10; sending date: March 25, 2010.

⁵³ Letter #05/02-12/5904/2; reception date: May 18, 2010.

IDPs do not reside at their places of registration then obtaining accurate data is becoming extremely difficult. There are cases, when an IDP is registered in two different localities, one being his or her place of official registration, and the other – his or her place of actual residence. All of the above can become deterrent factors to the privatisation process, since the IDPs frequently request the privatization of a living space according to their places of factual residence. According to the Ministry, the place of registration will not be considered as a decisive factor, if it is confirmed that the displaced family is indeed residing at the address specified by them.

Cases when several families are registered under one address are common, so are the examples when some IDP families are registered together with other unrelated families under single registration number. These circumstances serve to delay the privatisation process.

There is no consistent approach in the process of allocation of living spaces for IDPs which causes additional problems. For example, for the IDPs residing in the building of former 'physics-mathematics school' in Kutaisi, building was rehabilitated in the way the IDPs owned it no attention was given to the fact that for some households, the amount of living space was more than provided by the adopted standards. The IDPs residing in the premises of the former 'infant house' in Kutaisi have a similar request, however, according to the Regional Division of the Ministry, request is impossible to fulfil and the extra space that IDPs own must be confiscated. According to the Standards for Rehabilitation, Conversion or Construction Works for Durable Housing for IDPs, in contrast to the situation in new or vacated buildings, some families residing in collective centres occupy more living space than defined by the Standards. In cases when gross inequities among IDP families are found a transparent process must be instituted, whereby the community can devise an equitable solution for addressing these inequities." Despite this entry, no specific mechanisms or guidelines are given in the document to clarify how should this type of problems be addressed. The only notion explained by the document is that the above-mentioned process should ensure the genuine participation, inclusion of the beneficiaries and should include the guarantees for the protection of the rights of socially vulnerable groups.

The problem of unequal distribution of living spaces was also prevalent in Adjara. Several examples were observed, where an internally displaced family had been allocated more living space than another displaced family living under similar conditions. In June, the process of living space allocation, monitored by a project monitor, took place in Adjara. Please, view detailed information with regards to the process in Annex #2.

For some IDP families the privatization of the living space does not take place in

localities where they have resided for years. This, clearly, is a source of serious discontent among the IDPs. Most of them state, that they have already been integrated into the environment where they had lived for many years (some IDPs are employed; the children attend school, etc.). Accordingly, they are reluctant to transfer to a different region/city, and, in some cases refuse the privatization of the accommodation provided by the government. A clear example of the above is the case of the IDPs residing in the premises of the “Akhtala” sanatorium in Kakheti. The IDPs received a government offer to transfer to a newly rehabilitated building in Bakurtsikhe. Despite this fact, the IDPs preferred to rent accommodation in Gurjaani. This problem is expected to intensify in the coming months, when the majority of IDPs residing in Tbilisi will be offered alternative accommodation outside of the capital, presumably in different regions of Georgia.⁵⁴ It is recommended that the Ministry informs the IDP community regarding the existing plans, so as to avoid the creation of false expectations by the population.

Another significant issue to be noted in relation to privatisation is the creation of the “guiding principles, criteria and procedures governing the process of durable housing allocation for IDPs”.⁵⁵ The adoption of this document can be evaluated as a positive development, since it specifies criteria which should be taken into account when providing IDPs with durable housing solutions.

According to the document, IDPs living in CCs under threat of collapse and the ones with the most severe conditions should be given priority. Special scoring system has been developed in order to evaluate a household. Despite the fact that the adoption of the aforementioned document is a significant step forward, it is still unclear how it will be applied in practice.

6.3.2 Rehabilitation

According to the State Strategy and Action Plan on IDPs, the rehabilitation of collective centres and their privatisation/transfer into ownership is a unified process. Consequently, in case a decision is made regarding the rehabilitation of a specific building, all repair work should be finalized prior to the transfer of the collective centre into the ownership of IDPs. The Standards for Rehabilitation, Conversion or Construction Works for Durable Housing for IDPs have been developed and approved by the Steering Committee.⁵⁶ According to the updated Strategy, the document, adopted on October 30, 2009, should serve

⁵⁴ See sub-chapter on evictions.

⁵⁵ See document, annex # 3.

⁵⁶ See document, annex #1.

as a guideline for a durable housing allocation.⁵⁷ As stated in the Strategy, decisions regarding the process of rehabilitation should be made with maximum consideration of the interests of IDPs. The rehabilitation standards determine both the amount of living space per person and the basic minimum criteria which the newly rehabilitated accommodation should meet.

The entity responsible for undertaking the rehabilitation work is the Municipal Development Fund of Georgia.⁵⁸ Detailed information regarding the ongoing rehabilitation works are available at the official website of the Municipal Development Fund. This is a significant initiative for the transparency of the implementation of the Action Plan.

It should be noted, that in case of buildings that have already been rehabilitated, these standards are not being adhered to. According to a representative of the Municipal Development Fund, prior to October 30, 2009, there was no unified approach in relation to rehabilitation, thus, repair work was implemented in accordance with the necessities of individual collective centres. Representatives of the Fund also stated that living space in the rehabilitated buildings was also unequally distributed and varied depending on the collective centre.⁵⁹ However, following the amendments to the Action Plan, one should assume that the rehabilitation will be carried out in a uniform manner.

The report prepared by Amnesty International focuses on the poor quality of rehabilitation work. Some of the rehabilitated buildings visited by the organisation still lacked access to water and proper sanitation.⁶⁰ During the monitoring process, we were able to identify similar problems. In particular, despite the fact that rehabilitation work was completed only a few months ago, almost all houses have visible cracks and damp stains on the walls. The doorknobs have been damaged, water enters through the windows. A short period after the completion of the rehabilitation, the water supply and sewage pipes at the military centre in Senaki went out of order. The collective centres located on the territory of Rustavi are also in a precarious condition.⁶¹ High humidity levels in these buildings contribute to the deterioration of the walls, floors, and accommodation in general. In the case of some households, the problem of dampness is so acute, that, as evaluated by the monitors, a long-term stay in such living quarters might become a cause of the onset of various diseases.

⁵⁷ State Strategy 2.1.8

⁵⁸ Decree #118 of the Government of Georgia issued on July 23, 2005.

⁵⁹ The meeting took place on March 30, 2010, with Mr. Tengiz Lakirbaia (Head of the Department of Rehabilitation of Hydraulic and Civil Structures) and Mr. Levan Tskhovrebashvili (Head of the Amelioration Association Management).

⁶⁰ See above 50, pg. 21.

⁶¹ #8 May 9 Street, #52 Leselidze Street, #6 Lomouri Street, #4 Shartava Street, Rustavi



The quality of the refurbishment work also differs in cases, where IDPs purchase higher-quality paint or other construction materials themselves. Consequently, repair work in these facilities is of a better quality (e.g. former “Mezghvauri” hotel, former building of the drug treatment centre, and the kindergarten of factory #221 in Poti).

In most cases, rehabilitation is taking place without the transfer of IDPs to alternative housing, and, as a rule, the process lasts for approximately 3-4 months. Due to the above, the IDPs are obliged to live in rather dire conditions. This issue was exceptionally problematic during the winter. Number of IDPs told project monitors that they would have preferred being transferred into alternative accommodation during the progress of the rehabilitation work.

The mechanisms for the correction of defects caused as a result of low quality rehabilitation work are included in the agreements made with the contractors by the Municipal Development Fund; however, in many cases, this does not become means for the solution of the problem of internally displaced persons. Some IDPs have no information on the one-year warranty period, while others believe that there is no flexible mechanism that allows for timely resolution of the defects. In most cases, after the detection of a defect, the IDPs address either the local municipalities, or the regional divisions of the Ministry, which in turn addresses the Municipal Development Fund, which then addresses a construction company, responsible for the rehabilitation of that particular collective centre. Evidently, due to the existing not so flexible mechanism, the correction of the

defects is often delayed. Although, in case of number of buildings, the repair work was indeed implemented (e.g. the roof of the building at #4a A. Mshenebeli Street in Kutaisi was replaced).

The issue of the one-year warranty period is in itself a problematic matter. Given the type of service and the fact that the rehabilitated buildings are intended for durable housing solution, the inclusion of a more extended warranty period in the contract signed with the building company would be more logical.

Considering all of the above, relevant entities should implement the following:

- **The adherence to standards for Rehabilitation, Conversion or Construction Works for Durable Housing for IDPs should become mandatory and a common practice must be established throughout Georgia;**
- **The selection of Collective Centres intended for rehabilitation and privatisation, should be carried out according to the established criteria;**
- **Legal status of the rehabilitated Collective Centres should be determined in an accelerated manner, and all IDPs should be provided with relevant documentation confirming ownership;**
- **A list of collective centres intended for privatisation should become publicly available document.**

6.4 Healthcare

The UN Guiding Principles on Internal Displacement state that at the minimum, regardless of the circumstances, and without discrimination, competent authorities should provide internally displaced persons with and ensure safe access to Essential medical services and sanitation.⁶² Principle 19 maintains that all sick internally displaced persons shall receive “to the fullest extent practicable and with the least possible delay, the medical care and attention they require.”

Besides the Guiding Principles, the right to health is recognized at national level by the Constitution of Georgia and a number of international acts. The Global Strategy for Health for All by the Year 2000 defines the main essence of the right to health.⁶³ In particular, appropriate treatment of common diseases should be supported by government, and the population should be supplied with essential medication. Living in a healthy environment is also considered a significant

⁶² See above 4, principle 18.2 (d)

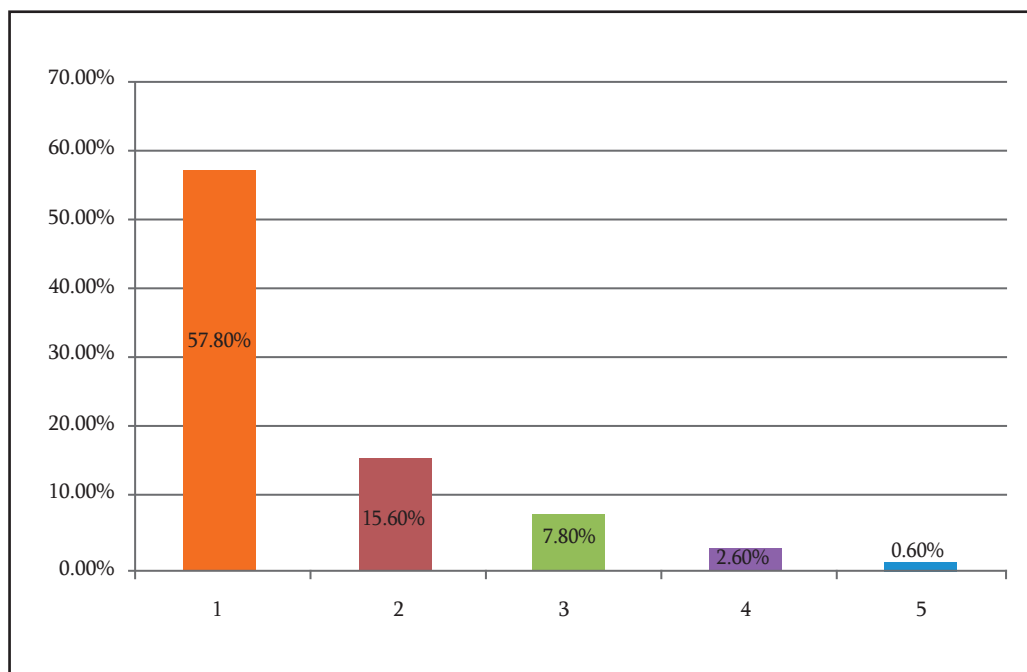
⁶³ Global Strategy for Health for All by the Year 2000, World Health Organization, Geneva 1981.

aspect of the right to health. This implies that people should have access to proper use of water, essential food, as well as basic sanitary conditions.

In the period following the events of August 2008, with the assistance of donor organisations, the government was able to provide IDPs with adequate medical services. Complimentary medical consultations were held at collective centres. In addition, IDPs were provided with essential medication free of charge. In spite of this, due to a large number of IDPs, it was impossible to reach all. Beginning from 2009, the State took it upon itself to provide individuals displaced as a result of the conflict of 2008 with medical services based on insurance. Most of the IDPs were automatically included in the program of social assistance for persons below the poverty line, on the basis of which they received medical insurance vouchers. However, in this regard, certain problems are also evident. Internally displaced persons, who have insurance, are insufficiently informed regarding their proper use. The types of service provided by the insurance constitutes another issue. The discontent of the IDPs is often high over the fact that the medical services they are most in need of are often not funded by the insurance vouchers. For instance, according to a significant number of IDPs residing at the Tserovani settlement, it is often difficult to receive preventive medical care. If the health condition is not critical, using free medical procedures envisioned by the insurance is so difficult, that the IDPs prefer not to use their vouchers at all.

With the health insurance IDPs can get emergency medical assistance without any obstacles. According to the Social Service Agency, the insurance voucher includes the reimbursement of expenses for both outpatient and hospital services. The latter incorporates emergency inpatient services and scheduled surgical procedures. The voucher also reimburses costs associated with childbirth. However, there is nothing on medication. It is evident, that the State is unable to provide all types of medication to IDPs free of charge; nevertheless, for many displaced persons, the receipt of medicine at affordable prices is of vital importance. As a result of monitoring conducted within the framework of the project, it was identified that the discounts on medicine available to IDPs are insignificant, thus it obliges the IDPs to cover the basic costs at their own expense. Specific medications, especially in cases of IDPs suffering from chronic diseases, are also purchased by the IDPs themselves. Given the fact that social assistance received by the IDPs is often their only source of income, targeted medical treatment becomes virtually impossible. It is difficult to distribute such a minimal amount for the purchase of food, payment of bills, and other daily necessities.

Are you well-supplied by government with medication? (evaluation on a 5-point scale, where 1 indicates not supplied, while 5 indicates that IDPs are well-supplied)

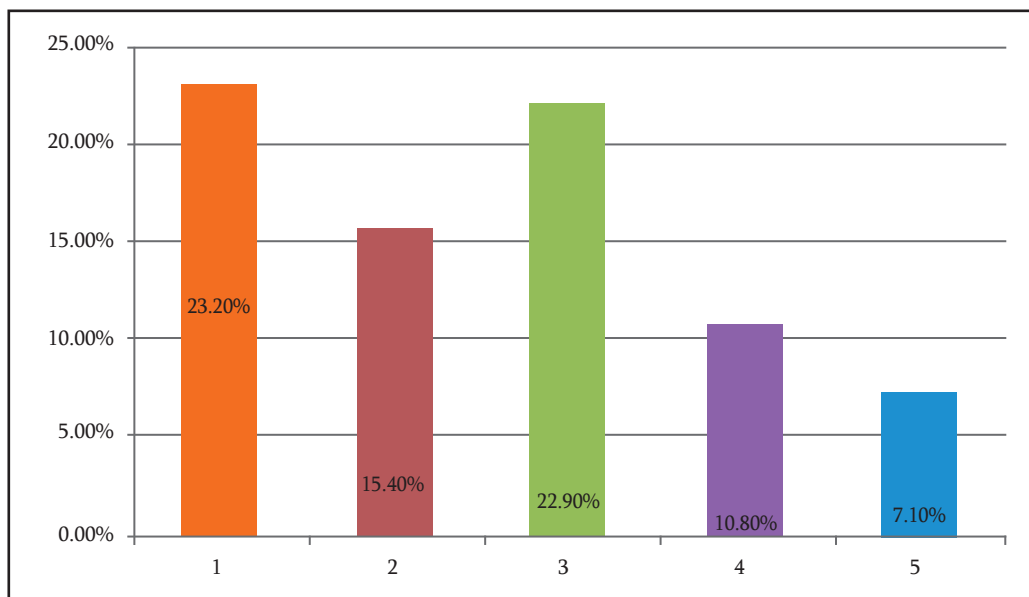


Unanswered 14.10%; Difficult to answer 2.20%

The issue of medication is problematic throughout Georgia. In Ajara which is a region with high humidity, number of local population has a problem of chronic asthma, which is rather expensive to be treated. It is a positive development that in the city of Batumi there is a special program when the local population can get free of charge medication for asthma and diabetes; however program is geographically limited and does not cover whole Adjara.

The information given below shows the differences in terms of access to free of charge medical services.

Do you have access to free of charge government-provided medical service? (evaluation on a 5-point scale, where 1 indicates complete lack of accessibility, while 5 indicates that IDPs have appropriate access)



Unanswered 16.50%; Difficult to answer 4.10%

Frequently, in order to cover the costs of medical care, the IDPs address the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia for one-time cash assistance. The Law of Georgia on Internally Displaced Persons provides such possibility. In particular, according to Article 1, sub-paragraph “H”, one-time cash assistance is an amount of money specified by the Georgian legislation, to be paid to vulnerable IDPs according to the established procedures based on his/her application.

The Office of the Public Defender of Georgia is currently considering several applications concerning one-time cash assistance. The applications are related to health issues. It is to be noted, that the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, upon the consideration of the social status of IDPs based on their applications, often grants one-time cash assistance.

In conclusion it can be stated, that despite the fact that the State has implemented certain measures in order to provide IDPs with essential medical care, it is imperative to take effective steps in order to improve the current situation.

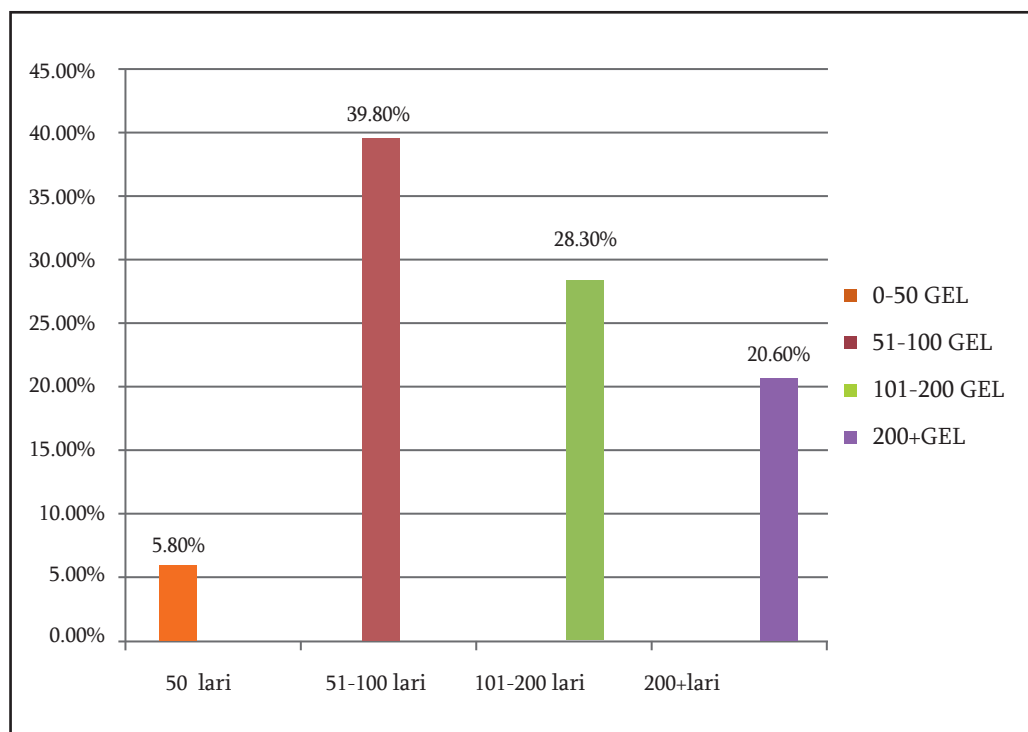
- **An information campaign should be conducted, within the frameworks of which, IDPs who benefit from medical insurance will receive comprehensive information regarding the types of service they are eligible for, and regarding the procedures how to receive this service;**

- Appropriate steps should be taken to ensure that IDPs have access to medication at reasonable prices.

6.5 Employment

The employment of IDPs is one of the most significant problems in Georgia. It is evident, that the dependence of IDPs on the government can only be reduced through their employment. During the monitoring conducted within the framework of the project, it was identified that the principal income for the majority of the internally displaced population comes from social assistance or IDP allowance.

What is the average income for your family?



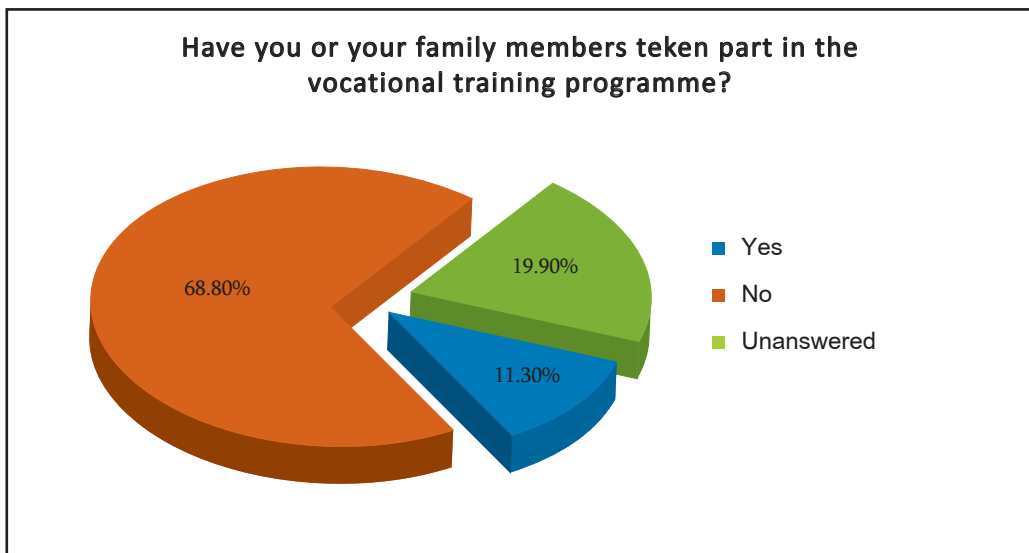
Unanswered 5.2%; Difficult to answer 0.4%

This year, the World Food Programme concluded its program which supplied persons displaced as a result of the armed conflict of 2008 with food products. This, obviously, further worsened the economic situation of the IDPs.

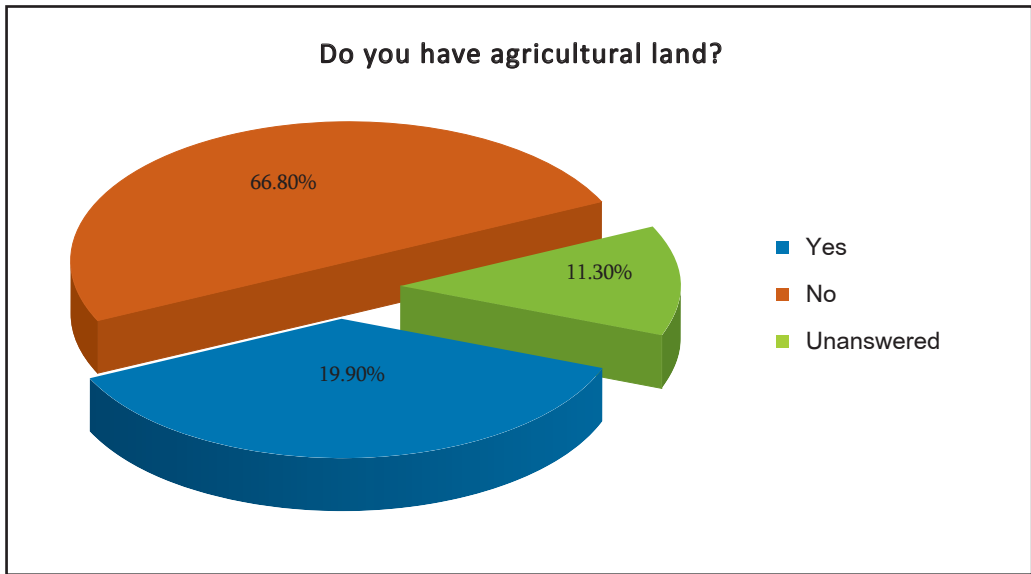
It is a positive fact that various non-governmental organisations throughout Georgia are currently implementing vocational training programmes for IDPs and in some occasions granting small loans to IDPs. For instance, centre “Abkhazeti” has

granted small loans to support the business start-up among the IDP community. The International Committee of the Red Cross (ICRC) has established a craft study centre, where women are taught baking, sewing, while men study carpentry. Similar initiatives are being implemented in Kutaisi by various nongovernmental organisations. Small loans provided by NGOs also finance successful IDP projects, such as trainings on computer programming and business plan preparation. Analogous programmes are less frequently implemented in the regions of Adjara and Samegrelo.

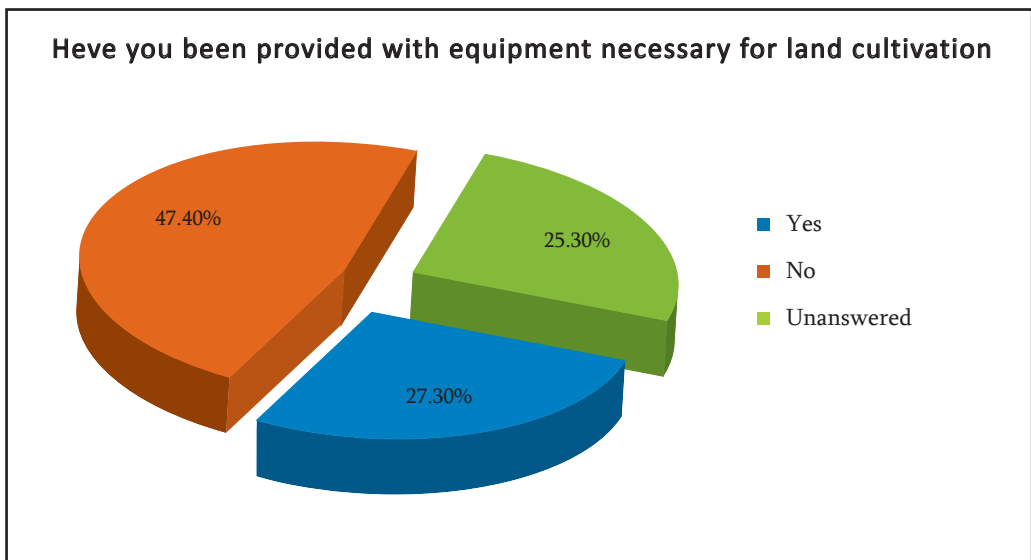
During the monitoring process throughout Georgia, cases were identified, where IDPs themselves were employed in the rehabilitation process of their collective centers. Despite this, such small-scale initiatives are not sufficient. Reality shows that it is necessary to implement broader measures, which will allow long-term employment for IDPs.



As mentioned above, a special mechanism has been developed by the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia to coordinate IDP livelihood, which should assist the Ministry to easily identify flaws in the socio-economic condition and the process of integration of IDPs. Such measures, obviously, constitute a positive development. However, it would be preferable if the government focused more on vocational education and credit programmes and guarantee the IDP accessibility to these type of programmes. The majority of the IDPs noted that a necessary precondition to the participation in the “credit programme” was the submission of a business plan. Unfortunately, IDPs do not possess the necessary experience or skills to compile such plans. Consequently, the inclusion of majority of the IDPs into the programme turned out to be unfeasible.



When referring to livelihood, it should be noted that currently the majority of the displaced population residing in the regions speaks of the necessity of agricultural land and assistance in its cultivation. Some of the internally displaced persons (mostly IDPs from 2008) have been supplied with agricultural land, however, problems persist. For instance, IDPs from Kodori Gorge affected by the conflict of 2008 request agricultural land plots. While living in the Gorge, these individuals pursued cattle breeding and agricultural activities, which constituted their principal sources of income; thus, their primary request for the State is to provide them with land plots. The IDPs residing in new settlements also focus on the need for agricultural land.



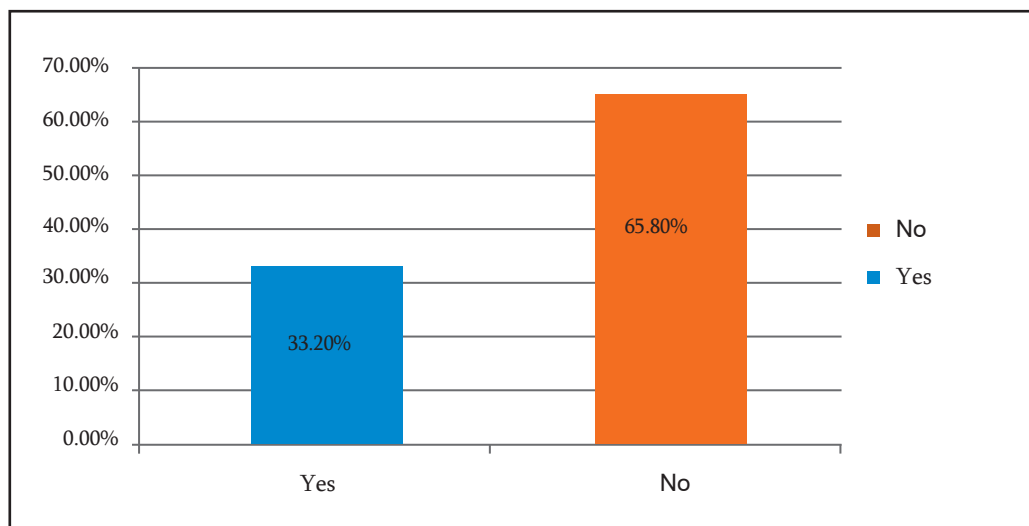
In general, it can be concluded, that if the displaced population is provided with suitable agricultural land, as well as assistance in its cultivation, the economic independence of IDPs will increase; and consequently, their level of dependence on the State and international organisations will reduce.

- **The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, in close cooperation with international actors, should take steps toward the creation of vocational education programmes for IDPs, which will subsequently contribute to IDP employment.**

6.6 Education

As a result of monitoring carried out by the project, there were no particular problems related to access to primary education. The majority of displaced families with school-aged children noted, that the children systematically attended school; however, the issue of free textbooks is problematic for them.

Have you been provided with free school textbooks?



1% Unanswered.

A large segment of an entry inserted in the updated Action Plan is devoted to education. The entry refers to the closure of the so-called “IDP” schools. Moreover, the Strategy and Action Plan envisages that additional lessons should be conducted for displaced pupils on the topic of peace and tolerance, the rights of the child, etc. However, a specific plan concerning this issue has not yet been developed. The decision concerning the closure of the so-called “IDP schools”

is a acceptable and positive development, since the closing of such schools contributes to the integration of displaced youth with the local youth. However, this issue also elicits a particular difference of opinion. Some IDPs believe that such decisions should be taken with their participation and, most importantly, the process should not be artificial or forced upon them.

6.7 Domestic Violence

Despite the fact that the issue of domestic violence was incorporated into the questionnaire used during the monitoring process, unfortunately, it was impossible to obtain information to the degree necessary for drawing a conclusion on this matter. The majority of internally displaced persons residing in collective centres did not confirm cases of domestic violence, while some IDPs did not provide any answer to the question posed.⁶⁴ To be considered is the fact that research related to the issue of domestic violence has fundamentally different specificity and it was difficult to better address this topic during a general monitoring process. However, organisations dealing with the issue of domestic violence note that following the conflict of 2008 the number of cases of domestic violence has increased.⁶⁵ It should also be noted, that the Office of the Public Defender is implementing a UNIFEM funded project “SHiEld.” The aim of the project is to provide relevant assistance to victims of sexual and domestic violence.

6.8 Persons with Disabilities

First and foremost, it should be noted that the needs of persons with disabilities are not taken into account at any collective centre or newly constructed IDP housing. The environment clearly is not adapted to the needs of disabled which creates serious problems for persons with disabilities, as well as for their family members. It is noteworthy that consideration of the needs of internally displaced persons with disabilities are not taken into account during their relocation. The allocation of a separate space for disabled IDPs is also not taken into account, which, in some cases, presents a serious need for the family.

6.9 Monetary Compensation in Lieu to Cottages

As a result of the August 2008 hostilities the government of Georgia made a decision to give IDPs a possibility to make an informed decision. Specifically, IDPs were able to either choose a temporary residence in the form of a cottage,

⁶⁴ The question was as follows: have you heard of cases of domestic violence in your collective centre?

⁶⁵ E.g. the Anti-Violence Network of Georgia, Georgian Young Lawyers’ Association – Gori Office, NGO, “Sakhli”.

or an alternative monetary compensation (equivalent to USD 10,000 in GEL) and find temporary accommodation at their own expense.

According to data provided by the Ministry, from those persons displaced as a result of the armed conflict between Russia and Georgia, 1,684 families (4,333 persons) received monetary compensation of USD 10,000 equivalent in GEL from the State in lieu to cottages.

The existence of such an alternative in itself, is to be welcomed, however, in relation to this issue, a serious problem was identified. The Public Defender has received numerous complaints from IDPs who have yet to receive their substitute compensation. When, even after a two-year period following the conflict, significant number of IDPs are still awaiting their due amount, the existence of the alternative loses its meaning.

The above indicates not a defect in the process of informed decision-making, but a problem related to the primary duty of the State to provide IDPs with temporary accommodation.

On March 1, 2010, the Public Defender addressed the Ministry with a letter #213/04-11 and requested information concerning the number of displaced persons/families still awaiting for alternative monetary compensation and when it is expected to allot the mentioned compensation. The office has not received a comprehensive response to this query, which does not allow us to thoroughly evaluate the situation.

This issue was once again placed on the agenda, when, in August of the current year, a number of IDPs were evicted from several buildings in Tbilisi. Among these IDPs were persons displaced as a result of the Russia-Georgia conflict of 2008, who have so far not received monetary compensation in lieu of the cottages. Despite the fact that detailed information on the issue could not be obtained from the Ministry, the aforementioned incident indicates that this category of IDPs still exists in Georgia.

Consequently, it is necessary for the State/the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia to provide appropriate compensation in a timely manner to persons who have made a decision to get a compensation in lieu of a cottage.

VII. Conflict-Affected Population

Number of gross human rights violations frequently take place on Georgia's uncontrolled territories. However, it is quite difficult to obtain any comprehensive information concerning these violations. The most apparent reason for this is the inability of international actors to conduct monitoring in the area. The population temporarily crossing over into the Georgian controlled territories is reluctant to talk about the problems they face daily. They fear that, due to the explicit statements, they will become subject to persecution upon their return to the occupied territory.

Despite the current political situation, the residents of the breakaway regions are protected by number of international norms. First and foremost, the occupant state is under an obligation to respect the internationally recognized rights of the population residing on the given territories. At the same time, despite the fact that Georgia has lost its effective control over the territories of Abkhazia and South Ossetia, it, has the positive obligation to protect the rights of the population on the breakaway territories. In such cases, the state is compelled to employ all available measures (all legal and diplomatic means) in order to protect the rights of citizens residing in breakaway regions.

Unfortunately, the residents of conflict regions remain without the legal protection mechanisms, which results in the violation of their rights. At this stage, one of the best possible solutions is the monitoring of the situation by international institutions. It is obvious, that the presence of effective monitoring missions on the territories will guarantee the safety and security of the citizens.

7.1 Population Residing in Gali District

The complaints received by the Office of the Public Defender of Georgia from Gali district testifies that the situation in the region is indeed very grave. On April 9, 2010, the Public Defender of Georgia made a statement regarding the violation of the right to freedom of religion of the Georgian population of Gali.⁶⁶ According to the collective statement of the citizens, liturgy in the Georgian language is prohibited in Georgian churches on the territory of Abkhazia, and ethnically Georgian clergymen are being physically assaulted. In addition, complaint talks about the raids and looting of Georgian churches, monasteries, architectural monuments.

⁶⁶ The Statement of the Public Defender Regarding Violation of Freedom of Religion of Georgian Population in Gali, 09.04.2010, <<http://www.ombudsman.ge/index.php?page=1001&lang=1&n=0&id=1205>>.

The issue of medical care for individuals residing in the occupied territory is also quite acute. In particular, large number of persons living in the occupied territory are unable to access medical services, which are available to citizens residing on the rest of the Georgian territory. This, in itself, is the violation of the right to health of the persons residing in the occupied territories, which is guaranteed by the Constitution of Georgia and a number of international treaties. As stated by the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, the population residing in the occupied regions crosses into Georgian controlled territory to seek medical care only in the case of grave illness, and upon their return, these persons quite often become victims of repression on the part of the occupants, or the de-facto government.⁶⁷ According to the Ministry, records show that around 25-30 children were treated; All of them were transferred to Zugdidi in critical condition. Often, parents request that these cases do not become public, since this can lead to serious danger.

One of the most serious problems for the residents of Gali is the crossing onto the territory of Zugdidi. Most of them are unable to use the principal bridge linking the area to Zugdidi; consequently, they are obliged to travel on bypass roads, which is associated with serious danger.

Another serious issue faced by the Georgian population of the Gali district is the problem of security and psychological pressure, which they experience on a daily basis. The respondents interviewed by project monitors indicated, that cases of gunfire and explosions are quite frequent, as a result of which, the population and surrounding buildings suffer considerable damage. In June of the current year, the representatives of the government of the Autonomous Republic of Abkhazia disseminated information, according to which Abkhaz armed persons burned houses and physically assaulted young people in the village of Dikhazurga in Gali district.⁶⁸ Also in June, information was circulated regarding an attack on a Georgian family in the village of Saberio of Gali district. All members of the family were brutally beaten, while the head of the family was wounded.⁶⁹ Unfortunately, it is impossible to obtain detailed information on this matter, the Office of the Public Defender, as well as the representatives of the project, lack proper means to double check this type of facts.

Another problem is the fact that young people residing in Gali are forced to undergo military service in the armed forces of the self-proclaimed Republic of Abkhazia.

⁶⁷ Report made by Koba Subeliani at the hearing of the Temporary commission on territorial integrity issues, 16.04.2010, <http://www.mra.gov.ge/index.php?lang_id=GEO&sec_id=71&info_id=781>.

⁶⁸ "Punitive Measures in Gali", 24 Saati, June 8, 2010, <<http://24saati.ge/index.php/category/news/2010-06-08/7465.html>>

⁶⁹ <<http://www.1tv.ge/News-View.aspx?Location=7018&LangID=1>>

Generally, cases of arbitrary detention are also quite common. Detention of Georgian citizens on charges of “illegal crossing of borders” is rather frequent. Several cases have been lodged with the European Court of Human Rights against Russia and Georgia raising the same issue.⁷⁰ However, decisions on such cases are still pending.

According to the IDPs interviewed, there are number of problems regarding the education in Gali district. In most schools possibility of Georgian language education is restricted, and pupils are obliged to study in Russian.⁷¹ Such actions contradict the universally recognized right to education, which envisions the right of parents to choose the kind of education and teaching in conformity with their own religious, moral and philosophical convictions.⁷²

In order to pursue higher education, most students transfer to Zugdidi. During their conversation with the project monitor, students from Gali noted that some of them receive funding from the Ministry of Education and Science of Georgia, while the Government of Abkhazia finances the rest.⁷³ It is a welcoming fact, that, by the initiative of the Abkhazian government, memoranda of cooperation were formulated with vocational institutions, which allow young people displaced from the Gali region to receive vocational education in affordable price.

The principal source of income for the majority of the population residing in Gali district is agricultural land. Their additional source of income consists of IDP allowance and pensions provided by the State. The above is clearly not sufficient; consequently, the population residing in the region live in difficult socio-economic conditions.

The aforementioned issues are complemented by the fact that the social assistance programme, which is carried out throughout Georgia (programme of assistance to families below the poverty line), cannot be implemented in Gali district. Despite the fact that numerous families in the area are potential beneficiaries of the mentioned programme, due to the unfeasibility of the entrance of social workers into the region, owing to a difficult situation on the ground, families are

⁷⁰ *Mamasakhlisi v Georgia and Russian Federation* (application no.29999/04), *Nanava v Georgia and Russian Federation* (Application no. 41424/05) both cases concern arbitrary detention of individual on the grounds of “illegal crossing of borders”

⁷¹ Despite the fact that the Ministry of Education of Abkhazia annually provides the 31 Georgian schools in the Gali region with Georgian textbooks, schooling in the Georgian language is still restricted.

⁷² Article 26(3) of the Universal Declaration of Human Rights, Article 2 of the First Protocol of the European Convention on Human Rights, Article 18(4) of the International Covenant on Civil and Political Rights, Article 13(4) of the International Covenant on the Economic, Social and Cultural Rights, Article 14(2) of the Convention on the Rights of the Child.

⁷³ A 100-person quota exists for students transferring from Gali, thus, their tuition fees are fully funded.

unable to fill out relevant applications, and thus, they are deprived of the possibility to be included in the programme.

The issue of the security of the population residing in the so-called borderline villages should also be emphasised. The displaced and local population of Ganmukhuri is forced to live in fear and under considerable risk. During the interviews with the project monitor they noted that frequent gunfire can be heard, and cases of kidnapping are also common.⁷⁴

7.2 Population Affected by the Russia-Georgia Armed Conflict of 2008

Approximately 100,000 persons were displaced following the August 2008 armed conflict between Russia and Georgia.⁷⁵ However, a significant number of them had the opportunity to return. Thus, they now reside in so-called borderline villages. In order to better evaluate the situation on site, project monitors conducted visits to the following villages: Ergneti, Tkviavi, Karbi, Ditso, Arbo, and Mereti. The monitors primarily attempted to clarify whether the return of the respondents to their places of permanent residence was voluntary. It must be noted, that the majority of the interviewed families indicated that the decision to return was made voluntarily.



⁷⁴ In their conversation with the project monitor, the residents of the borderline villages noted, that in the recent period, cases of kidnapping had become rarer. The monitoring took place in the following villages: Ganmukhuri, Shamgona, and Orsantia.

⁷⁵ <<http://www.internal-displacement.org/countries/georgia>>

7.2.1 Security/Kidnappings

The principal problem of the population residing in the so-called borderline villages is their security. In this context, the village of Ergneti should be pointed out. Russian checkpoint is located within several metres of the village. Despite the fact that the Georgian police and the EU Monitoring Mission patrol the area, the population is under constant stress. Most of the respondents do not feel safe and secure. According to them, gunfire can often be heard, and in addition, cases of detention on charges of “illegal crossing of the border” are frequent.

In the period following the conflict of 2008, 172 persons were detained for “illegally crossing the border”.⁷⁶ The arrests of ethnically Georgian citizens often become a subject of political bargaining. Evident proof of this is well known for general. In the autumn of 2009, juveniles were kidnapped from the village of Tirdznisi.⁷⁷ Also in the autumn of 2009, the law enforcement officers of the self-proclaimed Republic of South Ossetia detained 16 Georgian forester cutters. Shepherds also often become victims of arrest. In such cases, the Public Defender employs all available mechanisms in order to ensure timely and adequate response to similar situations. It should be noted, that currently, several citizens of Georgia remain in detention in Tskhinvali.

7.2.2 Living Conditions

Generally, it should be noted, that the living conditions of the population residing in the aforementioned villages are extremely difficult. The majority of the houses in the villages were damaged during the hostilities. With active support from international organisations, the Government of Georgia provided various types of assistance in order to restore the residential houses damaged as a result of military conflict. However, it should be underlined, that this process was not devoid of drawbacks, since it was undertaken without any type of established criteria. In some cases, the residents were denied assistance, since they were told that the damages suffered by their houses were caused as a result of oldness, rather than of the conflict. It is unknown based on what criteria the persons whose houses were not completely damaged, but still required repair work following the conflict, were denied assistance and by whom. The Office of the Public Defender has addressed Gori Municipality on the basis of complaints filed by G. P. and E. G. These persons had indicated that their houses were damaged as a result of the 2008 conflict. Gori Municipality notified the Public Defender of Georgia in a written response that in both cases damage was caused by oldness.

⁷⁶ South Ossetia: The Burden of Recognition, International Crisis Group, Europe report N205, 7 June 2010, page.16.

⁷⁷ The relatives of the kidnapped children addressed the Public Defender numerous times. The Public Defender and the Office were actively involved in the indicated process.

The Office of the Public Defender repeatedly addressed Gori Municipality requesting some specific information. Particularly, what type of criteria are used for the determination of the causes for the damage of residential houses, and whether any form of written conclusions exist, verifying the cause of the damage done to each building.

On August 13, 2010 the Gori Municipality informed us, that the applications of conflict affected people are considered by the Unit of Economic and Infrastructure Development which exists under Gori Municipality. The assessment of the damage was performed on the basis of visual observation together with the governor of the respective region.

In addition, the letter of the Gori Municipality stated, that they record all the correspondence that were addressed to governors of the regions by conflict affected residents. According to the letter, there is no other documentation on this issue.



Residential houses of persons affected by conflict, village of Ergneti



The issue of agricultural land plots remains one of the major problems for the population of the so-called adjacent villages. Large numbers of residents, e.g. in the village of Ergneti, do not have the opportunity to use their own land plots. The Ossetian side controls part of the agricultural land. Those individuals, whose land remains beyond the so called border line, occasionally cross over onto their plots, which often serves as the basis for their detention by the occupants. Significant portion of the income for the residents of this area derive from crop cultivation; consequently, the financial situation of those individuals who are unable to benefit from their agricultural lands is very difficult.

The issue of irrigation water causes an acute problem. As stated by the local population, during the summer period cases of cutting off irrigation water by the Ossetian side were quite frequent. As a result, the cultivation of land plots also becomes problematic. Given the fact that the sale of crops cultivated on land plots usually constitutes the principal income of the local residents, it is vital for the State to create an alternative irrigation system, which would allow the population to proceed with land irrigation and harvesting. Within the framework of a memorandum signed between the Ministry of Regional Development and Infrastructure of Georgia, the United Water Supply Company of Georgia, and the International Committee of the Red Cross (ICRC), the latter has initiated the process of reinstallation of the water supply systems in those villages of Shida Kartli which were affected by the conflict. The reinstallation work will be concluded in October. We hope, that the restoration of the system will resolve issues associated with water supply.

In addition, a resolution must be found to the issue regarding land. The population who is unable to use their agricultural land due to the absence of security guarantees should be granted additional alternative plots of land.

Healthcare is another significant problem prevalent to the aforementioned villages. There are no clinics in some of the conflict-affected villages, thus, in order to receive medical care residents are obliged to travel to Gori. It should be noted, that following the conflict, only the clinic in Tkviavi was supplied with appropriate medication, however, supply of the clinic with free medication no longer continues. Although conflict-affected individuals are gradually being included into the programmes for the socially vulnerable, and they are provided with medical insurance vouchers, similarly to the IDPs residing in the new settlements, they have no information concerning the usage of these privileges. Even if they possess health insurance, they are still obliged to travel to Gori. This constitutes a serious problem for the majority of the residents, since a large part of the population of the aforementioned villages consists of the elderly who find it difficult to travel around.

During visits implemented within the framework of the project, the local population requested the visit of a mobile group of doctors, in order to allow the implementation of periodic visits to the villages. It is advisable for the Ministry of Labour, Health, and Social Affairs to take into account the requests of the population and plan and undertake such visits in the nearest future.

The issue of granting IDP status is problematic for those individuals, who originate from the so-called uncontrolled territories (Zardiantkari, Gugutiantkari, Akhali Khurvaleti, Zemo Nikozi). Some of them are housed in the premises of kindergartens in Gori without any status, since the government has yet to determine what type of status should be granted to these persons. The case of Piruz Vaniev, an individual displaced from Khurvaleti, can be used as an example for this issue. Prior to the hostilities of 2008, Mr. Vaniev's family lived in the village of Akhali Khurvaleti, which currently constitutes the legal address of the family. Their houses is adjacent to the village of Tsinagara, and, consequently, they are unable to access them. The Vanievs have addressed the Ministry four times; however, they have not yet received a written response. They were offered an explanation with regards to the fact that their village is currently within an uncontrolled territory, and thus, methods for the satisfaction of this category of citizens are still being discussed. The family requests to be granted IDP status.

8. Restitution

A brief overview of the right to property restitution guaranteed by international and domestic legislation, was given in the chapter on Legislation Analysis. The aforementioned right is guaranteed by the “martial law” adopted by the Parliament of Georgia on October 31st, 1997, and the law on “Restitution and compensation of property of individuals on the territory of Georgia as a result of the conflict in the former autonomous district of South Ossetia,” adopted on December 29, 2006. Article 5 of the law recognizes the right of all internally displaced persons to return to their original places of residence.

The article also establishes legal guarantees for the return of housing and other real property lost on the territory of Georgia as a result of conflict, which implies the right of the victim to: “receive real property, or in cases where the restitution of housing and other immovable property is impossible, receive adequate (alternative) accommodation of identical value, or in cases where the acquisition of adequate (alternative) accommodation of identical value is impossible, receive compensation for damaged property.” In order to implement the envisaged objectives, the law provides for the creation of a Restitution and Compensation Commission.

According to the law,⁷⁸ the aforementioned commission should have been created in 2007 for a three-year term. Unfortunately, the issue is still pending. The aforementioned is another example of inconsistency in State policy. The law was adopted in 2006; however, since the adoption no effective steps have been undertaken in this regard. Recommendations on this matter were given to the government by the Representative of the Secretary-General on the human rights of internally displaced persons, Mr Walter Kälin. He advised the government to establish a special property resolution mechanism involving international expertise, which would decide all existing property disputes.⁷⁹ The inexistence of an internal mechanism and specific procedures for property restitution led to the increased number of applications against Georgia from the conflict regions to the European Court of Human Rights with regards to the violation of property rights.

Obviously, these cases may become even more problematic in the future. Accordingly, it is recommended to develop certain property restitution mechanisms.

⁷⁸ The law on “the restitution and compensation of property of individuals on the territory of Georgia as a result of the conflict in the former autonomous district of South Ossetia,” December 29, 2006

⁷⁹ Representative of the Secretary – General on the human rights of internally displaced persons, Follow-up Mission to the Report on the Mission to Georgia, A/HRC/13/21/Add.3, 14 January 2009.

However, it should be noted, that one of the reasons for the delay of the creation of the commission was the lack of support from international organisations, which negatively affected the proper fulfilment of the obligation by the State.

9. Evictions

The given reporting period does not include the of August. However, recent developments in Tbilisi, and the importance of the matter made it expedient to increase emphasis on the problem.

Several cases of eviction of IDPs from residential buildings were recorded in the months of July-August, 2010. The Office of the Public Defender and the project staff were actively monitoring the ongoing eviction processes (evictions from the premises of the former publishing “Samshoblo” on July 26-28; from #9 Tamarashvili Street on August 10-11; from #8 Machabeli Street on August 13; from #24 Mosashvili Street on August 18; from #3 Sandro-Euli Street on August 19).

Based on the monitoring, several issues were identified, which was explicitly stated by the Public Defender in his official statement.⁸⁰

As identified during the monitoring, the majority of the buildings from which evictions were implemented did not represent officially registered IDP collective centers. The buildings were inhabited by several categories of internally displaced persons; individuals displaced as a result of the conflict in 1990's, as well as persons displaced following the hostilities of 2008. Among them were IDPs living in the private sector, who entered the premises of the given building without permission from the ministry. The aforementioned buildings were also occupied by individuals displaced as a result of the 2008 conflict, who had applied for monetary compensation in lieu of cottages, and were still waiting for the specified amounts. In addition, a very small number of IDPs remained in the premises of the buildings with the permission from the Ministry. The permission, however, had been given only verbally.

It is clear, that not all of these category of IDPs residing in the aforementioned buildings are subject to alternative housing solutions, thus, the Ministry has different obligations in relation to each of the given category of internally displaced persons.

The Public Defender has addressed the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia with a

⁸⁰ <http://www.ombudsman.ge/index.php?page=1001&lang=1&n=0&id=1305>, August 17, 2010.

request to obtain all the necessary information for undertaking thorough legal analysis of the situation. The Office of the Public Defender has not received a comprehensive response to the questions posed yet; which complicates the process of legal assessment. Nevertheless, the entire process of evictions was accompanied by the following problems:

1. Extremely limited timeframe – as a rule, internally displaced persons were given the eviction notice 5 days prior, and, as stated by the IDPs, the notice was given verbally. Tight deadlines for eviction did not allow them to vacate the premises and remove their belongings.
2. Lack of information – IDPs entitled to alternative housing had no information with regards to alternative accommodation, or possessed general information, which was mainly limited to the geographic location of the housing.
3. In those few cases, where IDPs were informed in advance concerning available alternatives, a different problem was placed on the agenda. In particular, alternative accommodation does not meet the minimum standards of living (e.g. the case of IDPs transferred to #2 Sakviri Street).
4. According to the IDPs, the eviction process itself was very insulting. Cases of verbal abuse were frequent. In certain cases, IDPs were subject to physical abuse.

Presently, a moratorium on the evictions of IDPs has been announced. The guidelines on the eviction of IDPs are currently being developed, in cooperation with international organisations.

Given the existing situation, the following is necessary:

- **Prior to eviction, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia should provide IDPs with accurate information on measures planned with regards to them.**
- **Displaced persons should be given the opportunity to visit alternative accommodation in advance, and make an informed choice.**
- **Prior to the transfer of IDPs into alternative accommodation, it should be ensured that given accommodation is in compliance with minimum standards established by the Steering Committee.**

VIII. Conclusion – Recommendations

In accordance with all the above, it can be concluded, that despite the significant advances made, numerous challenges remain to this day, which requires great effort and active work. It is clear, that number of IDPs in Georgia does not allow for rapid resolution of all existing problems, however, through carefully planned policies, a gradual solution of the problems is still feasible.

- **The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia should take effective steps to increase the awareness of IDPs, both through the hot line and by providing comprehensive and timely responses to appeals addressed to the Ministry;**
- **In order to conduct the information campaign better, and achieve more effective results, it is recommended that the Ministry takes concrete steps, which can be expressed by the dissemination of information through the media, as well as by the preparation and distribution of information brochures.**
- **ensure that privatization-rehabilitation process of collective centres is accelerated in order to provide IDPs with adequate housing in the shortest possible period of time;**
- **In the case of newly constructed cottages, correct all defects described in the report;**
- **The adherence to standards for Rehabilitation, Conversion or Construction Works for Durable Housing for IDPs should become mandatory and a common practice must be established throughout Georgia;**
- **The selection of Collective Centres intended for rehabilitation and privatisation, should be carried out according to the established criteria;**
- **legal status of the rehabilitated Collective Centers should be determined in an accelerated manner, and all IDPs should be provided with relevant documentation confirming ownership;**
- **A list of collective centres intended for privatisation should become publicly available;**
- **An information campaign should be conducted, within the frameworks of which, IDPs who benefit from medical insurance will receive comprehensive information regarding the types of service they are eligible for, and regarding the procedures how to receive this service;**

- Appropriate steps should be taken to ensure that IDPs have access to medication at reasonable prices;
- The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, in close cooperation with international actors, should take steps toward the creation of vocational education programmes for IDPs, which will subsequently contribute to IDP employment.
- The Ministry of Labour, Health, and Social Affairs should take into consideration the request of the conflict-affected population (especially of the Ergneti village) and organize the visits of mobile groups of doctors to the aforementioned villages;
- The population of the so-called adjacent villages, whose agricultural lands remain within the territory currently not controlled by Georgia, should be provided with alternative land plots.
- The existing method of visual assessment, on the basis of which one-time assistance is provided to conflict affected individuals, should be subject of revision.
- The State/the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia should provide appropriate compensation in a timely manner to persons who have made a decision to get a monetary compensation in lieu of a cottage.

In case of eviction:

- Communication between the representatives of relevant institutions (Ministries) and internally displaced population should be improved;
- Prior to eviction, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia should provide IDPs with accurate information on measures planned concerning them.
- Displaced persons should be given the opportunity to visit alternative accommodation in advance, and make an informed choice.
- Prior to the transference of IDPs into alternative accommodation, it should be ensured that given accommodation is in compliance with minimum standards established by the Steering Committee should be ensured.

Annex #1

Standards for Refurbishment, Conversion or Construction Work for Durable Housing for IDPs*					
Parameter	Units	Standards		Comments	
		Minimum standards for New and empty buildings	Minimum standards for Refurbishment of Occupied Collective Centres		
Living space (excluding bathroom)	m ² per flat	25 - 35 m ²	An area greater than 15 m ² for one person + additional 5-8 m ² per additional person.	One room flat	One or two persons
		40 - 45m ²		Two room flat	Three to four persons
		50 - 60m ²	Unless technically not feasible or rejected by the beneficiary family (see guidance note), person per room guidelines must be met.	Three room flat	Five to six persons
		Additional 5 m ² per additional person			For each additional person (in a family of more than 6 people)

Bathroom**	Bathroom	1 in flat	1 designated private and lockable bathroom on the same floor	per flat	Toilet + shower with hot water + hand washbasin with hot water. Floor drain for the shower. Adequate ventilation. Tiled floor and walls. Washable paint elsewhere. Humidity resistant ceiling.
Kitchen**	Kitchen	1	1	per flat	Sink + stove (two rows of tiles behind the sink to form splashback)
Windows	window per room	1	1	No blind rooms (for living space)	Double glazed windows
Heating		1	1	Appropriate and adequate heating provision in each flat. Consider individual gas or wood furnace or kitchen woodstove with efficient and adequate smoke removal to outside.	
Chimney				Wood stove and furnace chimneys should vent to an outside area where fumes will be disbursed. Chimney should be permanently fixed and sealed through outside wall or window, and should terminate at a distance from the building in accordance with the State Standards (1977) on construction.	

Walls				Existing partitions should be kept where possible. If new partitions must be built, soundproofing and use of light material (Knauf type) to be specified.
Wall finish		Painted walls		Washable paint to be used in kitchen.
Floor				Laminated floor where floor needs to be changed, underfloor covering where necessary
Electrical System	System	1	1	Electrical systems to be designed and installed using assumption that each family accommodation unit will use at least two high wattage appliances in the winter in addition to the standard household electrical appliances.
Building envelope and common areas**				Repairs of roof, stairwells, structural walls, pavement, facades, water pumps to a standard that prevents further damage to the building fabric, contributes to the safety of the residents and eliminates hazards, e.g.: banisters and handrails on staircases, waterproof roof, patching of facades, etc. Particular care should be taken to ensure common areas are free of hazards, such as protrusions, likely to cause injury. Adequate shatterproof glass to be used in common areas.

General facilities	water and sewage			Internal installations must at a minimum be in accordance with relevant legislation and Water/Sanitation authority standards
				External networks are the responsibility of the local authorities. Contractor or contractee should arrange external connections
	electrical network			Internal installations must at a minimum be in accordance with relevant legislation and Electricity authority standards
				External networks are the responsibility of the local authorities. Contractor or contractee should arrange external connections
	Gas			Internal installations must at a minimum be in accordance with relevant legislation and gas authority standards
				External connections are the responsibility of the local authorities. Contractor or contractee should arrange connections

<p>Protection against hazardous materials</p>			<p>All buildings may potentially contain hazardous construction material, such as: asbestos, paints containing lead, PCB containing electrical transformers, etc. If the presence of hazardous material is suspected, an assessment survey should be undertaken by an organisation with relevant expertise. In cases where hazardous materials are found, these should be removed or contained in accordance with established safety standards.</p>
<p>*All refurbishment, conversion and construction must be implemented in compliance with Georgian legislation, guidelines and procedures on construction, as a minimum.</p>			
<p>**Where an IDP household contains person(s) with disabilities, the housing design will ensure its accessibility and support its use by individual(s) with disabilities.</p>			

Guidance Note

Standards for Rehabilitation, Conversion or Construction Works for Durable Housing for IDPs

The goal of the ‘Standards for Rehabilitation, Conversion or Construction Works for Durable Housing for IDPs’ (attached) is to ensure adequate housing for all IDPs. No IDP housing should fall below these standards; housing that does not meet these standards cannot be considered a durable housing solution.

The overall guiding principle is to enable IDPs to remain in their current location and/or residence, should they so choose, by providing them with durable housing, which conforms to the standards set out in the attached document.

In the event an IDP family’s living conditions fall below these standards and

rehabilitation of their place of residence in line with these standards is not feasible, an alternative durable housing solution, which conforms to these standards, must be secured for them. An exception to the aforementioned is where an IDP family makes a genuinely informed decision to waive their right to alternative accommodation and expresses a wish to remain in their current accommodation.

These standards provide guidance to:

- IDPs by informing them of their rights related to securing adequate housing, and providing them with a tool to hold the government and partner organisations accountable to these standards in the implementation of the durable housing program outlined in the IDP Action Plan;
- The Government and the IDP Steering Committee in planning, implementing and overseeing the durable housing program outlined in the IDP Action Plan, including (but not limited to):
- Assessing the feasibility of rehabilitating or adapting existing collective centres for conversion into durable housing, and resulting categorisation of CCs;
- Converting existing empty buildings into durable housing for IDPs;
- Constructing new, durable housing for IDPs;
- Government and all implementing organisations, including contractors, undertaking housing rehabilitation, adaptation, conversion or construction projects as part of the IDP Action Plan.

In buildings to be rehabilitated (as opposed to new or empty buildings), some families occupy more living space than specified by the standards. In cases where there are found to be gross inequities among IDP households, as regards living space, in buildings where this space is needed to accommodate other IDP families, a transparent process must be instituted, whereby the community can devise an equitable solution for addressing these inequities.⁸¹

Actors (whether governmental, private contractors, or international agencies /

⁸¹ This process must be truly representative of the community and include safeguards to protect the rights of vulnerable or socially excluded individuals. Independent monitors are critical to ensure the credibility of the process.

NGOs) implementing housing projects should ensure the genuine participation and inclusion of the beneficiaries in design and implementation. While the modalities will differ depending on the housing solution (rehabilitation, conversion or construction) such consultation must take place.

In all cases, the works' implementer is responsible for ensuring that provision is made, either directly or through a third party, to support the occupants in establishing procedures and developing the skills required to manage the communal maintenance and repair of common spaces and any building-specific systems which require regular servicing or maintenance (such as septic tanks).

Where an IDP household contains one or more persons with disabilities, the design of the accommodation (including the building's common areas) will ensure its accessibility and support its use by the individual(s) with disabilities, incorporating features such as low-level and accessible toilets and bathrooms, wider doorways and ramps for wheelchair access etc. Where technically not feasible in the individual's current place of residence, an alternative durable housing, which meets disability accessibility standards, must be found. As a general principle, external disabled access should also be provided for all other buildings wherever possible.

Annex #2

The Process of Allocation of Living Spaces in Adjara Region (June 14-20)

On June 14-20, 2010, the special Committee was set up to distribute living spaces for IDPs in Batumi, Chakvi, and Kobuleti. The Committee consisted of the representatives of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, the representatives of the regional offices of the Ministry and the Deputy Minister of Health and Social Affairs of the Autonomous Republic of Adjara. The project monitor participated in the work of aforementioned commission as an observer.

As a result of the work implemented by the Committee, housing was provided to IDPs residing in the premises of the former children's shelter in Makhinjauri, and the holiday house, "Kobuleti" (the latter building was also inhabited by several families affected by natural disasters). According to information supplied by the Ministry of Health and Social Affairs of the Autonomous Republic of Adjara, the aforementioned facilities housed 209 displaced families (with an additional 13 non-IDP families). In accordance with information gathered in parallel mode by the project monitor, at the time, the buildings housed 167 families.

The following issues were identified during the work process:

1. The Committee began its work on June 14. On-site study of the cases of IDPs residing in the premises of the holiday house “Kobuleti”, and the former children’s shelter in Makhinjauri were carried out. In particular, a census of the IDPs, and the verification of documentation proving their status was conducted. Due to the fact that the work process of the committee was not planned in advance, it was carried out under tense circumstances

More efficient planning of the activities would have been desirable, since this would have eased the work of the members of the Committee.

2. In case of several IDP families, during the process of living space distribution, 2-member families consisting of a mother and an adult son were allocated a one-room flat, which became a source of discontent among the IDPs as no gender considerations were made.

The Committee took into account the existing situation and the problem of each family was settled favorably.

3. During the work of the commission the allocation of living space was taking place according to the number of family members. If an internally displaced man was married to a non-displaced person, the couple was counted among the number of family members, thus the family was getting more living space. However, if an internally displaced woman was married to a non-displaced man, then, she was denied living quarters. This issue became a source of discontent among the IDPs.

The Committee also favorably settled the aforementioned issue and all similar families were provided with appropriate accommodation.

4. Complaints were made concerning the quality of rehabilitation work. Several flats featured so-called “blind” (windowless) rooms. The front doors had malfunctioning locks. In some places, the flooring and paint on the walls had been damaged by dampness.

The lack of information was also deemed as a basis for uncertainty and dissatisfaction among internally displaced persons. The IDPs were unaware of the fact that the allocation of living space was according to the number of family members, rather than according to a special number assigned to the families, as was the case in 2006.

Annex #3

Criteria for IDPs Durable Housing

Criteria below are listed according to order of priority for durable housing allocation. Each criterion bears a number of points that will be part of the total score for one IDP family.

The living space will be allocated according to the given criteria in newly constructed buildings as well as in rehabilitated/reconstructed buildings and in buildings bought from private owners.

The necessary condition for meeting the claim of an IDP household is that the space requested by the applicant has to be in accordance with the parameters provided in the “Approved Standards of the Rehabilitation of Collective Centers, Reconstruction and Construction for the purpose of providing IDPs with Long-term Housing Solutions”.

The hierarchy of criteria provided below lays out the priority of the criteria, which will be applied in times of allocating the space for competing applicants. The allocation of space in newly constructed buildings as well as in rehabilitated/reconstructed buildings and in buildings bought from private owners will be based on the given criteria.

In individual cases when the sequence of criteria is identical for the competing applicants, priority will be given to those who meet other criteria too. (In case the latter criteria also coincide, their hierarchical sequence will be considered)

1. The IDP’s temporary living residence (the IDP’s registration place) should be in the same administrative-territorial unit where the building (to be allocated among IDPs) is situated.
2. The IDPs living in CCs under threat of collapse and in those CCs which are dangerous for IDPs’ health.
3. The IDPs living under threat of eviction from CCs to be privatized in the nearest future.
4. IDPs living in CCs that are important objects for Government or/and local municipalities for different purposes.
5. The IDPs living in CCs that were not built for living purposes, and are not and cannot be converted into living places.

6. The IDPs who, in newly-built, rehabilitated and reconstructed buildings, occupy less space (in temporary use) than defined by the norms according to the standards for rehabilitation, reconstruction and construction approved by the SC.
- For each criterion preference will be given to the IDPs with serious diseases (persons with disabilities), (disability – limited activity of a person caused by health problems that is characterized by restriction of self-service, movement, orientation, contact, self-control, learning and labour ability.), pensioners, family members of the persons that died in the war for territorial integrity of Georgia, the veterans of the war for territorial integrity of Georgia.
 - Undistributed living spaces in certain administrative-territorial unit should be distributed among the IDPs living in private accommodation on the same territory. Filing of applications from IDPs living in private accommodation, elaboration on these documents and making decisions should be processed according to the principles, criteria and procedures given above.
 - In exceptional cases and in case of full coincidence of principles, preference should be given to the person whose application was received earlier. If the date is identical as well, the preference will be defined according to the alphabetical order.
 - In order to simplify the process related to use of criteria, each criterion should be equal to certain points. In order to avoid overlapping of high level criteria by a total score of low level criteria (that will finally cause ignoring of preference defined by criteria), the points corresponding to each criterion should be higher than the total score of all following low-level criteria. Besides, the score of social criterion should be added to the score of each criterion (the total score of social criterion equals 15).

Number of Scores According to the Criteria

N	Criterion	Points
1	The IDP's temporary living residence (the IDP's registration place) should be in the same administrative-territorial unit where building (to be allocated among IDPs) is situated.	272
2	The IDPs living in CCs under threat of collapse and in those CCs which are dangerous for IDPs' health.	136
3	The IDPs living under threat of eviction from CCs to be privatized in the nearest future.	68
4	IDPs living in CCs that are important objects for Government or/and local municipalities for different purposes.	34
5	The IDPs living in CCs that were not built for living purposes and are not and cannot be converted into living places.	17
6	The IDPs who, in newly-built, rehabilitated and reconstructed buildings, occupy less space (in temporary use) than defined by the norms according to the standards for rehabilitation, reconstruction and construction approved by the SC.	1

In addition to that, for the purpose of prioritizing disabled persons and persons with health problems over other applicants except from total amount of score will have additional amount of points.

The level of disability is defined by medical-social expertise and it is reflected in the expert's decision.

Amount of Scores for Disabled Persons and Persons Enjoying other Social Privileges

Vulnerability	Points
Person with strongly expressed disability	5
Person with considerably expressed disability	4
Veterans of war for territorial integrity of Georgia and family members of persons died in war for territorial integrity of Georgia	3
Persons whose family is comprised only of pensioners	2
Person with moderately expressed disability	1

