

**Submission from the Internal Monitoring Displacement Centre (IDMC)  
of the Norwegian Refugee Council (NRC) for consideration at the  
109<sup>th</sup> Session of the Human Rights Committee**

**(14 October - 1 November 2013)**

**GEORGIA**

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**Internal Displacement Monitoring Centre**

The Internal Displacement Monitoring Centre (IDMC) is a world leader in the monitoring and analysis of the causes, effects and responses to internal displacement. Through its monitoring and analysis of people internally displaced by conflict, generalised violence, human rights violations, and natural or human-made disasters, IDMC raises awareness and advocates for respect of the rights of at-risk and uprooted peoples. IDMC is part of the Norwegian Refugee Council (NRC). All of the information contained in this submission can be found online at [www.internal-displacement.org](http://www.internal-displacement.org).

## I. Background on internal displacement in Georgia

1. Over 450,000 people in Georgia have been displaced by several waves of conflict. Fighting erupted in the early 1990s in South Ossetia and was soon followed by conflict in Abkhazia. More recently in 2008, conflict broke out between Georgia and the Russian Federation over South Ossetia. All conflicts remain unresolved, and only around 50,000 internally displaced people (IDPs) have been able to return. With return a distant prospect for the vast majority of IDPs, the government is committed to local integration and settlement elsewhere for its roughly 270,000 IDPs. This submission focuses on the situation of IDPs who fled their homes in the early 1990s and in 2008.

## II. Main issues of concern

### ***Rights to self-determination and non-discrimination (Articles 1, 2)***

2. Around 45,000-50,000 IDPs have returned to their homes in the Gali region of Abkhazia, the only area where return has been possible. These returnees continue to face difficult living conditions, including inadequate housing, limited livelihood and employment opportunities, difficult access to services and insecurity. Access to Abkhazia by international humanitarian organisations continues to be challenged by both the *de facto* authorities in Abkhazia (who effectively control movements over the administrative boundary line) and the Georgian Government. The *de facto* authorities in South Ossetia require organisations who work there to enter from the Russian Federation. Currently, the International Committee of the Red Cross is the only international agency operating in South Ossetia.

3. Since 2008, the Georgian Government has adopted legislation and regulations in an effort to better control activities of all actors, including humanitarians, inside Abkhazia and South Ossetia. Most notably this includes the January 2010 State Strategy on Occupied Territories: Engagement through Cooperation as well as the 2008 Law on Occupied Territories. The latter imposes restrictions that also affect humanitarian agencies assisting the population inside these territories. Thus far, the Georgian Government elected in 2012 has not introduced substantial changes in its policy towards the breakaway regions, but their rhetoric has been less confrontational and more supportive of international efforts to provide aid in Abkhazia. For their part, the *de facto* authorities in Abkhazia are trying to put more conditions on humanitarian assistance, while the *de facto* authorities in South Ossetia continue to restrict access of international agencies.

4. In 2007, the Human Rights Committee concluded on Georgia:

While taking note of the difficulties expressed by the State party in implementing the Covenant in the Abkhazia and Tskhinvali Region/South Ossetia, and acknowledging positive steps taken to ensure protection of the rights under the Covenant of persons living in territories presently not under its control, including encouraging United Nations special procedures mechanisms invited to Georgia to visit such territories and engage in dialogue with *de facto* authorities, the Committee is concerned that the populations concerned do not fully enjoy the Covenant provisions. (arts. 1 and 2). **The State party should continue to take all possible measures, without discrimination, to enhance protection under the**

**Covenant for the population of these regions by the Abkhazia and Tskhinvali Region/South Ossetia *de facto* authorities. The State party should ensure that international agencies are able to operate without obstacles.**

5. In its 4<sup>th</sup> Periodic State report (CCPR/C/GEO/4) submitted to the Committee on 1 November 2012, the Georgian government acknowledged that Covenant rights of residents of Abkhazia and South Ossetia are not guaranteed and the human rights situation in these areas are a particular concern to the Georgian government (para 4). It explains that it lost *de facto* control over these regions following the 2008 war, and as a result cannot guarantee freedoms and rights secured by the Covenant (para 45). The government also emphasises its commitment to the peaceful resolution of the conflict through the Geneva International Discussions (para 5) and its advocacy that international human rights and security organisations be permitted to monitor the human rights situation in Abkhazia and South Ossetia (para 6). However, the Georgian government provides no information on the obstacles it has imposed on international agencies that provide assistance in Abkhazia and South Ossetia.

Given the continued limitations on IDPs' and returnees' enjoyment of Covenant rights in Abkhazia and South Ossetia, IDMC/NRC invites the Committee to pose the following questions to the government of Georgia in relation to Article 2:

- Please outline the conditions currently in place by the Georgian government for international agencies to provide assistance to the civilian population in Abkhazia and South Ossetia;
- Please outline measures to enhance protection under the Covenant for the population of Abkhazia and South Ossetia by the Abkhazia and South Ossetia *de facto* authorities.

***Liberty of movement and freedom to choose one's residence (Article 12)***

6. Despite the government's active involvement in the Geneva International Discussions, the vast majority of IDPs are still unable to return and take up residence at their place of origin in Abkhazia and South Ossetia due to the lack of resolution to the conflicts. The issue of restitution and/or compensation for housing, land and property left behind by IDPs also has yet to be solved despite the adoption of related legislation and programmes by the Georgian government.

7. While the government's housing programmes for IDPs are guided by the principle of informed choice and voluntary decisions, the vulnerable situation of many IDPs has meant that they accepted offers of housing in locations determined by the government. The lack of opportunity to influence the design and location of housing offers often meant that these would not be suitable for IDP families' livelihoods and special needs. New housing built by the government for IDPs displaced in the 1990s and in 2008 is often segregated from the non-displaced population and in some cases located far from administrative centres without public transport services. Although five years has passed since the first new IDP

settlements were built, these places remain isolated and disconnected from surrounding communities.

8. The privatisation process launched in 2009 that offered IDPs ownership of their living spaces in collective centres is a commendable initiative that allows many IDPs to potentially secure adequate housing. Unfortunately privatisation of collective centres slowed down considerably and almost ceased in 2010 and 2011. The slowdown created a large backlog and also added legal uncertainty about the status and future plans for the remaining collective centres. In 2012, the process was reactivated and some 7,000 families received ownership of their living units in the run-up to the October 2012 elections. However, the lack of transparency in the allocation process made it difficult to assess the quality and final impact of this round of privatisation. Little progress on privatisation has been noted since the new government took office in October 2012, and it is questionable whether the government will reach its target of 5,000 new families in privatised units in 2013.

9. A series of evictions of IDPs from temporary shelters and collective centres was carried out in 2010 and 2011. In 2010, around 5,000 IDPs who were displaced in the 1990s and 2008 were evicted. This caused a widespread public outcry and the Public Defender pointed out that the process was marred by four main problems: short notice (five days on average), lack of information about housing on offer, offered housing was inadequate, and disrespect (verbal and physical abuse of IDPs). In response, the government adopted eviction standards in October 2010, which it applied during evictions of around 1,500 IDPs in January 2011 from 22 buildings in Tbilisi. While the process had improved, genuine consultation on alternatives was lacking, as was access to legal protection. As forced evictions of IDPs disrupted the enjoyment of their home, this issue may also relate to article 17 on non-interference with the home.

10. In 2007, the Human Rights Committee deliberation on Georgia concluded:

While acknowledging the adoption of the State party's strategy aimed at allowing internally displaced persons (IDPs) to lead a normal life while, at the same time, retaining their right to return, its efforts to prepare a plan of action in this regard, as well as measures taken to create conditions for their voluntary return to their permanent places of residence, the Committee regrets the reported cases of forced eviction from collective centres in Tbilisi, Kutaisi and Adjara regions, without a court decision or agreement of the persons concerned, and without proper compensation and support by governmental agencies. (arts. 12 and 26). **The State party should ensure that the privatization of collective centres is properly regulated and take all the necessary measures to prevent cases of forced evictions of IDPs in the future. The State party should also ensure that the plan of action for IDPs is fully in line with the Covenant, in particular with principles of voluntariness of return and non-discrimination.**<sup>1</sup>

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<sup>1</sup> UN Human Rights Committee, Concluding Observations CCPR/C/GEO/CO/3, 15 November 2007

<sup>2</sup> Please note the data on housing transferred in ownership to IDPs differs from the Periodic State report and the Annual Privatization Report issued in April 2013 (available on [www.mra.gov.ge](http://www.mra.gov.ge)). Whereas a figure of around 18,000 IDP families is cited in the Periodic State report, the Annual Privatization Report states some 14,000 families have 4

11. In its 4th Periodic State report (CCPR/C/GEO/4) submitted to the Committee on 1 November 2012, the Georgian Government states that it faces serious obstacles to ensuring freedom of movement in Georgia as a result of losing *de facto* control over Abkhazia and South Ossetia (para 43) and the inability to manage the administrative borders with Abkhazia and South Ossetia (para 111). It also outlined housing assistance it had provided to 36,103 internally displaced families by the end of 2011 (para 32) and acknowledged that some IDPs have been “asked to leave” buildings (para 35)<sup>2</sup>. In its Periodic State report, the government does not explain how non-discrimination is ensured amongst IDPs, which legal remedies IDPs may access, or measures to ensure IDPs can make an informed decision on housing assistance offered to them.

Given the continued limitations on IDPs’ enjoyment of rights guaranteed under the Covenant due to forced evictions and the lack of resolution to the conflicts, IDMC/NRC invites the Committee to pose the following questions to the Government of Georgia in relation to Article 12:

- Please explain how non-discrimination amongst IDPs displaced in the 1990s and IDPs displaced in 2008 has been ensured during the allocation of housing solutions and the evictions process;
- Please outline what safeguards the government has put in place to make sure that evictions can be avoided as much as possible and to ensure when they are carried out, they are done so following due process;
- Please outline how IDPs may be provided or access legal remedies when confronted with an eviction notice so as to fully exercise their right to justice;
- Please detail the measures taken to ensure IDPs have information needed to make a voluntary decision on housing assistance offered to them.

### ***Limited public participation of internally displaced people (Article 25)***

12. During the development of the State Strategy on IDPs and the corresponding Action Plan, the government made attempts to encourage input from IDPs. The Strategy also foresees participation of one local civil society representative and one international NGO representative on the Steering Committee to implement the Strategy. Some local civil society groups have also participated in technical working groups established for implementation of the Strategy, and IDP groups have been trained on advocacy. The government also established a hotline telephone number and reception centre in order to improve IDPs’ access to information and processing of their cases. The Council of Europe has stressed that such “persons should be properly informed, but also consulted to the extent possible, in respect of any decision affecting their situation” throughout their displacement (Committee of Ministers Rec(2006)6, para. 11).

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<sup>2</sup> Please note the data on housing transferred in ownership to IDPs differs from the Periodic State report and the Annual Privatization Report issued in April 2013 (available on [www.mra.gov.ge](http://www.mra.gov.ge)). Whereas a figure of around 18,000 IDP families is cited in the Periodic State report, the Annual Privatization Report states some 14,000 families have received ownership since 2009.

13. These efforts have not always translated into effective participation of IDPs in practice. The lack of information among IDPs about government programmes remains a problem as it has been inadequate or come too late. As a result, IDPs have not always been able to make informed decisions on housing offers made to them. Those who consider their rights have been violated in the process have no complaints mechanism to appeal to. The limited staff and resources of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees partially explains this problem. IDPs are also not being consulted on the current revision of the Law on Forcibly Displaced Persons, though the government in December 2012 created a Commission for revising the IDP legislation in which non-governmental actors participate.

14. In its 4th Periodic State report (CCPR/C/GEO/4) submitted to the Committee on 1 November 2012, the Georgian Government does not provide any information on the participation of IDPs in the planning and implementation of policies and programmes for addressing internal displacement. However, the government states in the State Strategy on IDPs from 2007 that “[i]n planning and implementing solutions for IDP problems, IDPs’ interests and needs often have not been adequately taken into consideration; dialogue has not been conducted with them”.

Given this limitation on IDPs’ right to take part in conduct of public affairs, IDMC/NRC invites the Committee to pose the following questions to the Government of Georgia in relation to Article 25:

- Please outline the measures taken to engage with all major stakeholders, including IDP communities and relevant government ministries, on the IDP law revision process and publicly debate important policy issues affecting IDPs;
- Please detail how the systematic participation of IDPs, including particular segments of the displaced population such as women, children, elderly and the disabled, has been ensured in all stages of national programmes and policies affecting them.