

PUBLIC DEFENDER OF GEORGIA

HUMAN RIGHTS SITUATION OF INTERNALLY DISPLACED PERSONS AND CONFLICT AFFECTED INDIVIDUALS IN GEORGIA

REPORTING PERIOD 2013



UNHCR
The UN Refugee Agency



Public Defender of Georgia

Opinions expressed in this report do not necessary reflect the official position
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INTRODUCTION

Internally displaced persons (IDPs) have been high on Georgia's agenda for the past third decade now. There are hundreds of thousands of IDPs and refugees living in the country. Living conditions have not improved over the years for the majority of them and they are still in need of urgent State support.

Public Defender of Georgia annually examines the human rights of IDPs, both on the basis of individual appeals, as well as within the framework of the Support to PDO project on IDP issues. The project has been ongoing since 2010 with the financial support of the Council of Europe and UNHCR.

According to re-registration data of IDPs conducted in 2013, there are up to 250 000 IDPs residing in Georgia. The Public Defender's report reviews the issues which IDPs face and remain unresolved until the present day.

We welcome the policy of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia to cooperate with human rights institutions, which was expressed in the Ministry-initiated forming of the Commission to work on the new draft law. In the process of IDP re-registration the Ministry also successfully cooperated with the Public Defender's Office (PDO), as well as international and local NGOs.

As to the human rights of IDPs, for their great majority the problem of dire living conditions and lack of living space still remains central. There are IDP collective centres which not only fail to comply with the minimum living standards, but are even hazardous to health. Public Defender's Report for the year 2012 referred to such IDP collective centres, though in some of them the situation remains the same. Like in 2012 the process of privatization of the living space of IDPs, i.e. handing over the space in ownership to IDPs is still very slow. Undoubtedly, the problem is severe socio-economic condition in which the majority of IDP families still remain.

Lack of awareness among IDPs on the developments in terms of IDP rights still needs to be resolved. PDO is still being addressed by IDPs who signed privatisation agreements without being informed regarding rehabilitation standards. Inclusion of IDPs in the decision-making must be ensured, which greatly improves the level of awareness on various issues among IDP population.

Like in previous years, situation is complex in the villages adjacent to so called

ABL (administrative border line), with the lack of employment opportunities, poor quality roads, heating problems in winter, selling agricultural produce – the main problems faced by the population of the villages along ABL. The village residents report that although irrigation channels were built in several villages, the majority faces shortage of irrigation water supply, which the Public Defender highlighted in his report for the year 2012.

NEW STATE POLICY DIRECTIONS ON IDP ISSUES

2013 was marked with many novelties in terms of human rights situation of IDPs. A draft law on the Internal Displaced Persons (Refugees) from the Occupied Territories of Georgia was prepared¹; re-registration of IDPs was carried out; provision of IDPs with the living space started as per the order №320 of the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia dated 18 December 2013, which refers to the Rules and Criteria for the Provision of IDPs with the Living Space, as well as Approval of the Charter of the Commission on IDP issues. These novelties will be described in detail below.

In 2013 there has been no eviction of IDPs from the premises they are occupying arbitrarily. In his report for the year 2012 the Public Defender referred to the premises where IDPs were illegally residing after 2012 Parliamentary Elections, which covers 47 premises possessed by various state institutions and private owners. According to the information provided by the Ministry, by the end of 2013 there are 26 premises that remain illegitimately occupied by IDPs.² IDP families which left the premises and are in need of shelter before long-term re-allocation, have been provided with a rent allowance.

In 2013, upon the initiative of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, a special commission working on the new draft law on IDPs was set up by the Minister's order №164 of 18 December 2012.

¹. The Parliament of Georgia adopted the Law on IDPs (Refugees) by third hearing on 6 February 2014. The draft law was prepared and submitted to the Parliament in 2013. .

². Letter №05/02-12/53726 of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia dated 20 December 2013.

In addition to PDO, the Commission was represented by: UNHCR, Norwegian Refugee Council (NRC), Fund for Social Programmes, Georgian Young Lawyers' Association (GYLA) and Danish Refugee Council (DRC). The Commission worked on the draft law for 6 months and presented it to the Parliament of Georgia in December 2013.

Re-registration of IDPs started on 1 August 2013 and ended on 27th December 2013. According to the data available to us, there were 246 549 IDPs re-registered this time, which is 25,000 less than the pre-registration figures. Along with the other organizations, Public Defender of Georgia was also conducting the monitoring of the registration process.

As already noted, provision of IDPs with the living space was conducted as per the order №320 of the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia dated 18 December 2013, which refers to the Rules and Criteria for the Provision of IDPs with the Living Space, as well as Approval of the Charter of the Commission on IDP issues. The scoring system approved by the order³ allows for fair distribution of the space between the IDPs. However, it should be noted that Public Defender is still being addressed by IDPs who believe that assigning of scores was conducted with some violations, due to which they did not receive their share of the living space.

We welcome the initiative of the Ministry which resulted in the amendments to the 2012-2014 Action Plan for the Implementation of the State Strategy on the Internal Displaced Persons (Refugees) from the Occupied Territories of Georgia, and during the last 5 years IDPs residing in Tbilisi were given the opportunity of a durable housing in Tbilisi. In 2012 they did not have such opportunity, as the Action Plan did not envisage durable housing solutions in Tbilisi.

In addition, the Ministry initiated setting up of a Commission for Developing the Draft Law on Eco-migration Processes Resulting from Natural Disasters, which, like the Commission on IDP issues is represented by Public Defender's Office and various international and local organizations. In 2013 one-time aid programmes were implemented, which included allocation of one-time allowance to IDPs for various immediate needs, and distribution of "winter allowance" in the amount of GEL 200. Such allowances ('vouchers') were issued to IDPs having received

³. Within the framework of the Ministry-announced resettlement process, an IDP fills in an application for a living space, based on which IDP family is assigned scores based on various criteria. The living space is allocated to the families receiving the highest scores.

scored below 70 001, in total to 23 000 families. They were able to cover the costs of the consumed power and natural gas supply.⁴

Despite the progress described above, general socio-economic condition of IDPs remains grave. The issues which IDPs have been facing for years will be presented in the next chapters of this report.

GEORGIA'S NEW IDP LAW

As already noted, the new draft law on IDPs was prepared in 2013. Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia took into consideration the majority of suggestions by the working group members developing the draft law, however on some issues agreement with the Ministry could not be reached. It can be states that the approved Law does not represent a consensus between Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia and working group members.

In June 2013 Public Defender organized a concluding meeting of the working group⁵, which reviewed the draft law article by article and produced its final version. However, the version submitted to the Government and Parliament of Georgia was different that of proposed by the working group.

The key remarks by the Public Defender towards the draft law prepared by the Ministry referred to the definition of the IDP, as well as the issues of assigning IDP status to under-aged and IDP allowances.

The Public Defender of Georgia had been commenting over the years that the Law on IDPs(Refugees) from Georgia's Occupied Territories of 1996 did not correspond to International Standards⁶, with the central issue being the definition of IDP status. According to the Law:

⁴. 2013 Activity Report, Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia , 2013

⁵. The meeting was attended by the representatives of Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, UNHCR in Georgia, DRC, NRC, GYLA and the Fund for Social Programmes.

⁶. Report on the Protection of Human Rights and Liberties in Georgia, Public Defender of Georgia, 2011. p. 180.

“Internally displaced person – IDP is a citizen of Georgia or stateless person permanently residing in Georgia, who was forced to leave his place of permanent residency and seek asylum within the territory of Georgia due to the threat to his life, health and freedom or life, health and freedom of his family members, as a result of aggression of a foreign state, internal conflict of mass violation of human rights.”⁷

With such definition, IDP status could only be obtained by the person who were forced to flee their homes as a result of armed occupation.

There is no internationally acknowledged mandatory document defining the concept of an IDP. However, 1998 UN Guideline Principles on Internal Displacement considers that IDP is not only the person who was forced to flee his/her home during armed conflict, but also due to mass atrocities, human rights violations, and man-made or natural disasters⁸. Although not mandatory, these principles are universally acknowledged and represent one of the key document in the field of internal displacement. Hence, the States should take into consideration the key principles laid out in it, and use them in the development of the State policy and legislative acts.

Public Defender’s reports also discussed human rights of the persons who were displaced from the villages along the ABL. These persons were unable to receive IDP status, as according to the Law of Georgia on Occupied Territories, so called “villages along the ABL” do not fall under occupied territories and until 11 May 2013 there was no legal basis for assigning the status of an IDP(refugee) from the persons displaced from these villages.

Significantly, by the decision of 11 May 2013 the Constitutional Court of Georgia deemed unconstitutional the wording of the Article 1 (definition of IDP), para 1 – “from Georgia’s occupied territories”, of the Law of Georgia on the Internally Displaced Persons (Refugees) from the Occupied Territories of Georgia, based on Article 14 of the Constitution of Georgia⁹.

The Court clarified, that as the contested norm assigned IDP status only to the persons displaced from the occupied territories defined by the Law of Georgia on Occupied Territories, they were the only recipients of the targeted State support and efforts. While, persons displaced from the territories not considered as occupied

⁷. LAW OF GEORGIA ON INTERNALLY DISPLACED PERSONS, Article 1, 1996

8. UN Guideline Principles on Internal Displacement, 1998, Preamble, Article 2

⁹. Judgment of the Constitutional Court of Georgia of 11 May 2013 on the case of citizen Tristan Mamagulashvili vs Parliament of Georgia.

by the Law of Georgia on Occupied Territories were left without protection. At the same time, these people had no possibility of returning to their homes. Hence, according to the Court decision, the disputed norm caused unjustified differentiation of essentially equal persons, since it linked IDP status only to the displacement from the occupied territories defined by the Law of Georgia on Occupied Territories.¹⁰

The Law of Georgia on the Internally Displaced Persons (Refugees) from the Occupied Territories of Georgia adopted on 6 February 2014 has amended the definition of an IDP:

*"Internally displaced person – IDP is a citizen of Georgia or stateless person residing in Georgia, who was forced to leave his/her place of permanent residency due to the threat to his/her or that of his/her family members', health and freedom or life, as a result of occupation, aggression of a foreign state, armed conflict, mass violence and/or mass violation of human rights, and/or unable to return to permanent place of residency due to the above listed reasons."*¹¹

Although the name of the law has not changed and the word occupation is still mentioned, the new version of the Law of Georgia on the Internally Displaced Persons (Refugees) from the Occupied Territories of Georgia, occupation is not the only reason for internal displacement, and such reason can be mass violation of human rights as well. Such formulation allows to issue IDP status to the population internally displaced from the villages along the ABL.

Despite the recommendations by the Public Defender and other organisations working on the draft law, the definition of IDPs in the new version of the Law does not include persons who were forced to flee their homes due to natural or man-made disasters. In these terms, the new version of the Law fails to comply with the UN Guideline Principles on internal displacement.¹²

Apart from the IDP status, the new edition of the Law introduces lot of novelties in the protection of human rights of IDPs. The Law introduces definitions of "IDP family", "adequate housing", "provision of durable housing to IDPs" and so on.

The new Law does not include the notions of "IDP collective settlement", "private settlement of IDPs" and "temporary residence". These changes are aimed

^{10.} ibid, II, para. 32, 33.

^{11.} LAW OF GEORGIA ON INTERNALLY DISPLACED PERSONS, Article 1, 1996

^{12.} UN Guideline Principles on Internal Displacement, 1998, Preamble, Article 2

at forming an equal approach to IDPs of various categories, which in itself is commendable. Division of IDPs according to their places of residence facilitated unequal treatment to IDPs and in some cases even left without attention the segment of IDPs which lived in so called ‘private sector’.

According to the Law, equal allowance (of 45 GEL) will be issued to all persons having IDP status, whose monthly gross income is below 1,250 GEL.¹³ The Public Defender of Georgia believes that institutionalizing such limits is the discretionary authority of the State. At the same time, such approach transforms IDP linked allowance into the allowance linked to IDP needs, which Public Defender of Georgia welcomes. However, it is unclear how the amount of 1,250 gross income has been defined as the basis for discontinuing IDP allowance. Furthermore, it is also unclear the frequency and form of data provision and processing on IDP income levels to/by the Ministry.

It is also noteworthy that this change might create problems at the initial stage in the former collective centres where individual metering system is not in place. Before the adoption of the new Law, IDPs living in the collective centres were receiving State supplement for covering the costs of consumed electricity (in Tbilisi not exceeding GEL 18.48, and in the regions – not exceeding GEL 12.98). The similar approach was used for other utility costs. Hence, the allowances issued to IDPs living in the collective centres and those living in the ‘private sector’ were different (in the collective centres - GEL 22, and Gel 28 in the ‘private sector’). As already noted, according to the new Law, IDPs will receive GEL 45 allowance irrespective of their places of residence, and the State will stop supplementing their electricity and utility costs. Hence, in collective centres where individual meters have not been installed, IDPs might face problems related to utility costs. According to the data available to us, the Ministry is negotiating with the power supply companies. The Public Defender of Georgia will be observing how the problems with individual meters will be resolved in 2014.

As to the other changes, the Law also reflects additional norms against discrimination, protection of family unity and defining rights to adequate housing and

^{13.} the Law of Georgia on the Internally Displaced Persons (Refugees) from the Occupied Territories of Georgia , Article 11.2.e;

It should also be noted that while working on the draft law, the position of the Ministry on the IDP allowance was based on linking allowance to IDP status and the final version of the draft law which the working group developed envisaged the allowance linked to IDP status. However, according to the draft law submitted to the Parliament, Article 11.2.e, the basis for discontinuing IDP allowance could become IDP income which equals or exceeds 1,250 GEL confirmed by the data of the respectively authorized state agency. This is the version of the Law approved by the Parliament.

social protection. A separate chapter of the Law is dedicated to the guarantees for integration, reintegration and protection of rights of IDPs in the other parts of the country prior to their return to the permanent places of residence.

In addition, the Law envisages social protection guarantees for IDPs. Article 16 of the Law states that the Ministry and State institutions, within the competencies defined by Law, assist IDPs in employment, solve pension-related and social issues, provide initial aid during internal displacement and so on. The list is quite long, which, on one hand is remarkable, though on the other, it is unclear how State is going to fulfil some of the obligations envisaged by this article of the Law, in the circumstances when there are no specific obligations defined for various State institutions, and it is unclear whether they possess necessary resources for their implementation.

Importantly, according to Article 6.2 of the new version of the IDP Law adopted by the Parliament of Georgia, an under-aged is entitled to IDP status if one of the parents is a person having IDP status.¹⁴

Adoption of the new Law is indisputably a step-forward in the protection of the human rights of IDPs. The new Law is much closer to international standards than the preceding one. However, some gaps remain and 2014 will show how effective new Law implementation will be in the existing realities.

RE-REGISTRATION OF IDPS

Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia started re-registration of IDPs on 1 August 2013 based on the Minister's order №287 dated 16 July 2013, lasting till 27 December 2013. The aim of IDP registration was to have access to renewed information on IDP population and their profiles, as well as their families. Registration data should be used for identifying the circle of IDP families and individuals in order to discuss their specific needs and identify durable solutions to them.

14. According to the Article 6 of the draft law submitted to the Parliament by the Ministry, the necessary pre-condition for issuing IDP status to the under-aged was IDP status of both parents. Working group member organisations believed that such change would entail violation of equality rights. In the end, the Ministry took into consideration the position of the working group members and adopted the old version of the article – according to the new Law, an under-aged is entitled to IDP status if one of the parents is an IDP.

The Ministry set up 12 commissions to carry out the registration process. Up to 100 members of the commissions underwent special trainings. An expert from UNHCR headquarters was supporting the Ministry in planning the registration process.

A special group was set up to monitor re-registration process, which was coordinated by UNHCR. The group was represented by the Public Defender of Georgia, DRC, NRC, GYLA, SPF, LPI and OFPH. It should be noted that cooperation between the Ministry and monitors proceeded successfully. Monitors had no problem accessing any of the registration sites and getting information. In the majority of cases the Ministry acted swiftly on the problems identified as a result of the monitoring.

Re-registration process monitoring aimed at:

- the assessment of re-registration process, namely, how Ministry complied with the set standards and procedures;
- the identification of problems related to IDP awareness;
- the provision of respective legal assistance to IDPs;
- informing the Ministry on the gaps identified during the re-registration process.

Registration of IDPs was conducted in local municipalities and various administrative buildings. All the monitoring organisations were filling in three monitoring forms. Each of them covered different types of information, namely: Form N1- information provided by the Chairman of the Commission, Form N2 – information obtained through conversations with the IDPs on site, and Form N3 – information regarding information campaign on IDP re-registration.

IDP willing to go through re-registration process, could call a hotline, register in advance and avoid standing in the line, however, according to monitors' observations, the majority of IDPs did not use the hotline service, which often caused conflicts among IDPs. IDPs standing in the lines expressed dissatisfaction when those pre-registered through hotline were directed right to the registration desk.

IDP was eligible for registration if he/she was a citizen of Georgia and/or a permanently residing in Georgia without citizenship, registered as an IDP in the Ministry database and possessed ID and a document certifying IDP status. The couple in registered marriage was required to submit marriage certificate and in case of under-aged registration – his/her birth certificate .

It should be noted that re-registration of IDPs was conducted in organized and peaceful manner. Registration commission members acted promptly in the majority of cases. Positively should be assessed registration campaigns that took place in some of IDP settlements, like in Tserovani, Koda and Bazaleti. Opening registration commissions on site simplified re-registration process for IDPs. IDPs which had to be registered in Tbilisi, but were unable to cover transportation costs, were allowed to register in the regions. Mobile group of the registration commission made 3,300 visits to IDP residences for those who for the variety of reasons could not travel.

It should also be noted that various issues were identified as a result of the monitoring. At the initial stage, Registration Commission failed to respond to IDP questions thoroughly, though at a later stage this problem was solved. IDPs were not informed regarding the goals of the re-registration. Logistical issues came up as a result of monitoring ,e.g. issues related to documentation. Part of the IDPs did not have documents in order (birth certificates were not submitted in the original, documents did not contain birth certificate number, in some cases, IDs were expired), which didn't allow them to register within the set term. In some of the registration centres there was no waiting room, potable water and toilet.

There were cases in August when IDPs with under-aged children were unable to submit original birth certificates, since they were kept at schools and kindergartens. Hence, their registration was hampered, or in some cases could not be completed in their places of registration.

There were cases when 14 year old IDPs did not have IDs, and were unable to register, since one of the documents required for registration was ID. According to the Law of Georgia on the Registration of Foreign Nationals living in Georgia, and Rules of Issuing IDs (Residence Permits) and Georgian Passports, citizen of Georgia must have a personal ID from the age of 14. As quick procedure for obtaining ID entails financial expenses, in some cases IDPs could not register in the places of their registration. This problem was partially solved by allowing all the IDPs to register in Tbilisi or Zugdidi registration centres which operated till 27th December.

The key issue identified by the monitors during the registration process was the presence of external persons on registration sites who were not Commission Members. Prior to getting to the Commission desk, these persons asked various questions to IDPs regarding their places of residence, their origin and neighbours. According to the clarification provided by the Commission Members, these persons were from an international organisation of IDPs from Abkhazia.

There were cases when after the conversation with such persons IDPs refused registration in writing stating that he/she was not an IDP. Questioning procedure by external persons has not been envisaged the Minister's order No 287.

The Ministry clarified that 10,000 IDPs stated during the registration process that they currently resided in Gali Region. Also, it should be noted that according to unofficial data, there are 50,000 returnees to Gali Region. The difference in these figures might be caused by two circumstances: due to various problems part of IDPs living in Gali Region were unable to cross ABL, while part of the IDPs avoided to reveal their actual residence due to security concerns. The Minister stated that according to unofficial information, the great majority of IDPs living in Gali were registered, but they refrained from naming the actual place of residence.¹⁵

During the registration process there were instances when the persons who could not register in their places of registration were directed from Zugdidi to Tbilisi, or vice versa, which considerably complicated registration for IDPs and increased their expenses. Therefore, Monitoring Group members addressed the Ministry with the request to allow such IDPs register in the registration centres they had access to, however this request was not met.

Overall IDP registration process should be assessed positively. According to the data available to us, there were 246,549 IDPs registered, which is 25,000 less than pre-registration number of IDPs. The Ministry actively cooperated with the Monitoring Group during the registration process. In the majority of cases, IDP needs were taken into consideration. IDP registration results will greatly assist the Ministry to plan future strategy and policy formulation.

DURABLE HOUSING PROCESS

In the Public Defender's Parliamentary Report for the year 2012, the reference was made to the construction of multi-story residential buildings for IDPs across the country. New settlement areas were Poti, Batumi and Tskhaltubo.

Prior to the return to the permanent places of residence, State priority is still provision of IDPs with durable housing and their socio-economic integration. As already

¹⁵. Meeting of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia Board on IDP issues, 17 February 2014 .

noted, based on the Order No 320 of 9th August 2013 of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, the rules and criteria for durable housing to IDPs and the charter of a special commission on IDP issues was approved. This Order established the rules for the provision of durable housing to IDPs. The responsibility over the review of IDP applications and decision-making lies with the Commission on IDP issues.

The Order spells out the procedures preceding the transfer of the living space to IDPs in ownership. The development of such rules is a significant step in the process of regulating the durable housing process and distribution for IDPs, in terms of observing the principle of impartiality.

The Order envisages several procedures for housing provision. At the initial stage the Ministry provides IDP families with the information on the living space available for distribution. This stage allows IDPs to submit the receptive application requesting the allocation of the living space.

At the following stage IDP family fills in an application form and a special questionnaire regarding the allocation of the living space. The Ministry reviews the applications based on the criteria and standards of the living space according to the rules defined by the Minister's Order. The review materials are then forwarded to the Commission for the approval or rejection of the request for living space allocation.

IDPs will be allocating specific living space according to floors and entrances based on ballot procedure. Taking into consideration the needs of persons with disabilities, the "Commission may allocate a living space to an IDP family without taking part in ballot procedure".¹⁶

Regulation of the settlement rules based on such order is also connected with the partial eradication of one of the key problems, which is provision of housing for the IDPs living in 'private sector'. In his previous reports Public Defender always referred to the human rights of IDPs living in 'private sector'. Their appeals to PDO have especially increased in the recent years. The great majority of IDPs in the 'private sector' live in the gravest social conditions, paying rent for years and often, due to deteriorated financial standing, face the threat of staying homeless. Despite the acuteness of the problem, the provision of housing for the IDPs living in 'private sector' was envisaged only at the second stage of

¹⁶. The order №320 of the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia of 2013, which refers to the Rules and Criteria for the Provision of IDPs with the Living Space, as well as Approval of the Charter of the Commission on IDP issues, Article 3.13

the Action Plan, following resettlement of the IDPs living in collective centres. Minister's Order N 320 allows IDPs in especially difficult conditions to receive the living space irrespective of their places of residence.

Tbilisi

The Ministry, based on the authority defined by the mentioned Order, and according to the applications received and scoring conducted, allocating a living space for 85 IDP families in November 2013 in the premises of the building on 101 Kvareli Street in Tbilisi. PDO and its project conducted monitoring of these premises at 101 Kvareli Street in Tbilisi.

The monitoring revealed that the living conditions in this building are good and fully corresponding to the standards set by the Supervisory Board.



101 Kvareli Street

Despite the fact that the Minister's Order N 320 considerably improves the process of the provision of IDPs with durable housing, PDO received appeals where IDPs dispute the scorings assigned based on the filled in forms and/or the decision for the rejection of the request for living space allocation. PDO continues exploring the cases, though, the preliminary assessment revealed some shortcomings.

Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia published the list of the families resettled to the premises of the building at 101 Kvareli Street on its official web-page in November 2013. According to this list, the living space was allocated to the families which were assigned 3,2 and 1 score based on the applications filled in. Later this list was removed from the web-site, while the list provided to PDO based on its request differed from the list previously published on the Ministry website¹⁷, and it did not contain the families with the scoring of 3,2, and 1. According to the clarification provided by the Ministry, the initial list published on the web-site was not final, and that is why it included the families with the low scoring.

Ajara

In terms of the durable housing process for IDPs with the housing in the regions of Georgia, in Tamari settlement of Batumi, so called new IDP quarters, there are commercial facilities on the ground floors of residential premises, which, by the decision of the Ministry were turned into living space. According to the Ministry statement, there were total of 195 applications requesting living space in these premises, and 48 IDP families from various regions of Georgia were finally selected. On 18 December 2013 46 IDP families received the living space through ballot procedure. During the space distribution one of the families refused to receive the space due to its small size, while one of the families did not turn up at the ballot. Prior to the distribution one living space was arbitrarily occupied by an IDP family.

In the residential buildings of Tamari settlement in Batumi, IDPs from "private sector", as well as Zugdidi, Kutaisi, Tskaltubo and other IDP collective centres were resettled. It is remarkable that the IDPs who were refused reallocation in 2012, among them single persons and PWDs (Public Defender described their

¹⁷. Letter of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, №05/02-12/55552, dated 31 December 2013.

situation in his Parliamentary Report of 2012¹⁸), where this time provided with the living space. However, several single elderly are still awaiting their turn.

Shortcoming of the re-settlement could be considered the fact that in the process of space handover, rehabilitation of premises had not been finalized and repair works were still ongoing. In addition, in the transfer documents (acceptance-delivery acts), size of the living space was not indicated. At the time of the handover IDPs were informed only on the number of rooms, while it was impossible to verify whether their size corresponded to standard ones without conducting special measurement works.

Imereti

In 2013 based on the criteria for durable housing for IDPs, the Ministry resettled IDPs in the rehabilitated premises of Imereti Region, namely in Samtredia ,Tkibuli, Tskaltubo, Kutaisi, Vani and Terjola.

The Public Defender is his Parliamentary reports and recommendations always pointed to the fact that when reallocation of IDPs to new premises, the Ministry should take into account the condition of IDPs living in the collective centres, which are dilapidated and posing health and live threat to its inhabitants.

Based on the Order 320 , which refers to the Rules and Criteria for the Provision of IDPs with the Living Space, as well as Approval of the Charter of the Commission on IDP issues, the Commission could give preference to the IDPs living in the collective centres posing most threat to their health hand lives and provide them with the living space without going through set criteria¹⁹.

Monitoring in **Vani** identified that in the newly rehabilitated premises of the former vocational education school, IDP families were relocated from “Argo” tourist base IDP collective centre (conditions in “Argo” were one of the gravest and has been on numerous counts reflect in PDO Parliamentary Reports), which in itself is a noteworthy fact.

In Imereti Region there are several collective centres in most dire conditions

¹⁸. Information is available on the web-page at: <http://www.ombudsman.ge/uploads/other/0/86.pdf> , [Last seen on 10 March 2014]

¹⁹. The order №320 of the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia of 2013, which refers to the Rules and Criteria for the Provision of IDPs with the Living Space, as well as Approval of the Charter of the Commission on IDP issues, Article 3.3

and unbearable living conditions, however IDP families residing there were assigned very low scores, and did not qualify for a space in the newly rehabilitated premises. Among them were IDPs living in the collapsing buildings of collective centres in Imereti Region, e.g.: **Samtredia** – IDPs living in so called “former polyclinics premises”, “construction company office”, “geologists’ apartments”.

Tskaltubo – at the resettlement of IDPs to the rehabilitated premises it turned out that several collective centres were not appropriate for living: sanatoria “Megobroba” and “Imereti” (PDO Parliamentary Report of 2012 mentioned them), though neither IDPs living in these centres were given preference and part of them was not allocated with the new living space.

Kutaisi – IDP families from the collective centres with extremely poor living conditions: tourist base “Rioni” (10 families) and “Ateka -11” (3 families) have also filled in forms to request a new living space. The majority of IDPs living in these centres belongs to the category of socially vulnerable. Their gravest living conditions have on numerous occasions been reflected in the Parliamentary Reports of the Public Defender of Georgia for the years 2010-2012, and recommendations have been issued for their immediate reallocation. Nevertheless, IDPs living in these collective centres also received low scores and at this point have not received a living space in the newly rehabilitated premises.

Shida Kartli

IDPs from sanatoria “**Poladi**” in **Gori** (Public Defender wrote about unbearable living conditions here in his Parliamentary Report of 2012) were provided with the durable housing solution in the premises of the rehabilitated former Khashuri Hospital. It is also remarkable that there is a residential building constructed for IDPs on the territory of the vocational education school in Kareli, which corresponds to the standards established by the Supervisory Board.

Surami damaged sanatorium premises are being closed down and IDP families residing there are being relocated to the newly repaired collective centres in Khashuri. The problem is created by the fact that IDPs were allocated space in Surami collective centres without having rehabilitation works conducted there, which is a violation of the Action Plan.²⁰

20. 2012-2014 Action Plan for the implementation of the State Strategy on IDPs (refugees) from the occupied territories of Georgia, Article 2.2.

Despite the fact that order N 320 is a significant step forward in the durable housing process for IDPs, it would be desirable to have a more transparent process of the allocation of the residential property to IDPs, in order to exclude some mistakes or violations. We would have welcomed inclusion of the Public Defender with the observer's status in the work of the Commission on IDP issues set up by the Order N 320. This would have ensured more transparency of the process for durable housing provision to IDPs.

REHABILITATION OF COLLECTIVE CENTRES

Public Defender's Parliamentary Report 2012 referred to poor quality of rehabilitation works. This issue remains for 2013 years as well. Monitoring conducted in the reporting period revealed that IDPs were dissatisfied with the repair works conducted in the premises handed over to them. IDP families were talking about damaged floor, uneven plaster cover on walls, paint peeling off, incorrectly installed taps, etc.

In the premises of the vocational education school of Oktomberi village, Zugdidi Region, where 70 IDP families reside, due to poor quality of rehabilitation works, parents have to move their children to their friends' houses because during heavy rain roof leaks nearly in all the rooms. Leaked water dampens the walls causing plaster to fall off. Power cables are not in order. Wall tiles fall off the walls in toilets and showers. There is no sewage well and the water from pipes flows down to the basement which is full of water.

In Zugdidi Region Chkaduashi village, "Pioneer's Camp" repair works have also been of poor quality. It was rehabilitated in 2010, though due to poor quality of works roof leaks in IDP I rooms.

Poor quality rehabilitation works have been conducted in Imereti Region as well. Monitoring in July 2013 revealed that repair works in the newly rehabilitated former hospital premises in **Samtredia** did not meet the standards. There is no gas pipes installed in the building, some of the flats do not have doors leading to other rooms, water supply does not reach second and third floors. During the rain the yard gets flooded and water flows into the ground floor rooms. There is an old hospital building nearby where old medical supplies and tools are left unattended, which might pose threat to the health of the children residing nearby.



Former Hospital Building, Samtredia

In September 2013 the Ministry reallocated IDPs to rehabilitated premises in **Tskhaltubo**, namely: former hospital buildings – 49 IDP families, and so called “Statistics Building” – 17 families.

The monitoring revealed that the former hospital building for 49 families had been rehabilitated by the Municipal Development Fund with the poor quality of repair works. Namely, flooring is uneven, bathroom from the top floor leaks, electricity cables are installed without observing safety rules, gas pipes are not installed, the yard is not taken care of and the rain water collects in it. In addition, the building is not equipped with sewage system, which will inevitable cause sanitation problems. It is necessary to immediately improve these conditions to avoid health threat to the population. Due to inadequate living conditions several IDP families refused to receive living space in this building.

As to so called “statistics building” for 17 families. It was rehabilitated by USAID with high quality of works. The rooms are equipped with household items: gas cooker, water and room heater, and a dryer. Gas pipes are installed in the building and children’s playground is arranged in the yard.

Hence, in **Tskhaltubo**, neighbouring to each other there are two buildings, of which one has been rehabilitated through poor quality of works, while the other by meeting up to date standards. In both premises IDPs were allocated simultaneously, based on the scoring conducted according to the guidelines, criteria and procedures for the durable housing for IDPs. Such facts cause legitimate dissatisfaction among IDPs.

In **Poti** and **Senaki**, like in the rest of the country, rehabilitation of collective

centres has been ongoing since 2009. In parallel construction of new residential buildings was also taking place. The new IDP settlement sprung up named “new district”. In Poti, except one collective centre, rehabilitation works have been concluded in all residential buildings, though repair works had and still have some shortfalls.

Poti “Profteqnikumi” da “Technikumi” collective centres are worth noting separately. Repair works were of poor quality from the start. Sewage system remains the problem and water flowing form the pipes goes down to the yard and basement. The road leading to the building is not taken care of. Despite the fact that the local municipality repaired pipes and dug wells, the problems cited above still remain unresolved to present day. Since the quality of repair works was poor, issues could not be resolved by simple repairs to correct the faults. During the rain unpaved road poses threat and creates problems to young children. More so that they have to walk quite a long distance to reach the transport.

There have been no repair works carried out in several collective centres in **Senaki**. In addition, the Ministry’s position on whether these centres will be subject to repairs or not is not known. Rehabilitated collective centres, like “Khalichebi”, military settlement and “Railway Boarding School” have serious problems related to sewage pipes, and the water drains down directly to the basement.

In the collective centre located at 8 Mshvidoba Street in **Poti** repair works were funded by the German Bank of Reconstruction and Development. Next to the hotel, one four-storey residential building was constructed. Repair works started in 2011 and were due to finish last autumn, though the construction company could not meet the deadlines due to various reasons. Until the end of the construction works IDPs were distributed in various empty and damaged buildings. On 25 October 2013 IDPs were officially handed over the living space. It is significant that both new and rehabilitated premises were equipped with gas heaters, electric water heaters and other household items.

In **Gori** Region, like in other regions, the situation differs centre by centre. Though conducted rehabilitation works often fail to meet the standards. In this regard, the situation is especially grave in the former premises of blood transfusion centre, where IDP living conditions and size of the space allocated does not correspond the set standards. There is poor sanitation and water supply system is broken down. The similar conditions are in the former Gori policlinics premises. IDP living conditions here are also grave and requires immediate State

intervention. Striking examples of poor quality rehabilitation works are “No 1 Sabinao Tresti”, “Goris Studbina” and former musical school premises.

In the process of the rehabilitation of IDP residential premises, it is necessary that the Ministry ensures observance of the set rehabilitation standards. The Ministry must carry out oversight over the rehabilitation works and request from the companies compliance with the terms of the contract. Otherwise, the quality of rehabilitation works will be unsatisfactory.

PRIVATIZATION PROCESS

According to the Action Plan for the implementation of the State policy on IDPs, one of the significant forms of durable housing process of IDPs is the transfer of ownership over the space currently occupied by IDPs in the collective centres.

This process started by Presidential Order N 62 in 2009, and envisages transferring ownership of the living space currently occupied by IDPs for the symbolic price of 1 GEL. It should be noted that privatization process is voluntary and the transfer of ownership is carried out only with the consent of IDP family current residing in the premises. Apart from Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, there are many other agencies involved in privatisation process.

Privatisation process consists of several stages:

- taking decision on handing over the ownership of certain premises to IDPs;
- compiling the list of persons residing in the premises by the Ministry and issuing permission for carrying out measurement works in the building;
- sending the results of the measurement works to the National Agency of State Property Management;
- the latter is responsible for reviewing the respective individual administrative-legal acts issued by the President of Georgia and their further processing in the President’s Administration;
- Following Presidential resolution on the handover of certain premises in the ownership of IDPs, privatisation agreement is drafted; once IDPs sign it, Public Registry Agency ensures registration of ownership rights.

Monitoring conducted in 2013 revealed that the process of transfer of ownership over the living space occupied by IDPs to IDP families is proceeding with delays, and creates problems to IDPs living in collective centres. According to 2013 data, there were 1399 collective centres registered in the database of Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia.

Within the framework of the project implemented in partnership with PDO, monitoring was conducted in numerous collective centres in Tbilisi, part of which is in the process of privatisation or has already been privatised. PDO requested the list of collective centres privatisation/rehabilitation of which was planned for 2013.

Monitoring of privatisation/rehabilitation process conducted in Tbilisi revealed number of problems. As a rule, IDPs agree to the Ministry offer irrespective of the fact whether they are satisfied with the size of the living space or conditions or not. The main reason for this is the lack of awareness regarding alternative residential options.

Another significant issue is unequal distribution of space. The monitoring showed that in some collective centres living space among IDPs is handed over not based on the number of persons living there, but according to the number of rooms actually occupied. In some of the centres, the size of the living space was defined according to the number of persons.

As already noted, one of the most pressing problems is lack of awareness among IDPs. It is precisely due to lack of awareness that the majority of IDPs signed privatisation agreements without even checking on the size of the premises. Regrettably, the majority of IDPs were not provided information from the Ministry on the standards of the residential premises.

Furthermore, the monitoring showed that the majority of collective centres is ‘partially privatised’. According to IDP explanation, measurement works of the premises occupied by them had been conducted on numerous counts, though privatisation has not been completed.

The monitoring also revealed the issue of forming homeowners association by IDPs. In compliance with the Article 11 of the Law of Georgia on Homeowners Associations, the partnership is considered founded in the multi-flat premises, which is located on a single piece of land and where there are

more than two flats in individual ownership. Despite this fact, the majority of IDPs are unable to form associations, as only some parts of the buildings are privatised, while lack of homeowners association creates serious problems for IDPs, since they could have carried out major construction works on the premises through co-financing arrangements.

In 2013 privatisation process started in the following premises: in **Tbilisi** – 25 km, Kakheti Highway (former Institute of Rock Mechanics), 3, Hero Student's ("Gmir Kursanta") Street (former premises of the Ministry of Internal Affairs); in Kutaisi – 57, Shervashidze Street (former Kindergarten No 30); in Samtredia – 2, Chavchavadze Ave (former "Samtredia" hotel); in Senaki – 5, Gvinjilia Street (former children's sanatorium). In addition, privatisation process continued in up to 50 centres in various regions of Georgia.

Privatisation process has not been completed in none of the centres in **Ajara, Poti and Senaki**. In Ajara only one collective centre has been privatized fully, with the new settlement in Tamari settlement – partially. In the list of centres planned for privatisation in 2013 provided by the Ministry²¹, there are 4 more centres in Ajara, though verification on public registry website revealed that owner of these buildings is the State and not IDPs.

Due to un-privatised buildings IDPs are faced with numerous problems. Namely, in **Batumi**, in the collective centre located at 5 Kakhuli Street, sewage system is dysfunctional. The residents have addressed self-governing body of Batumi Municipality and Ajara Health and Social Protection Department for IDPs, though the problem cannot be resolved, as the property is registered under the ownership of the Georgian Ministry of Economy and Sustainable Development. Limited local budget does not allow for the provision of necessary funding; which also does not allow for the repair of Chakvi collective centre, which was damaged (cracks in the walls) as a result of earthquake.

In **Kutaisi** the Ministry privatised only part of the collective centres since 2009. Privatisation process has been delayed since April 2012 due to reasons unknown to IDPs. For example, in Kutaisi former Physics and Mathematics Boarding School and TB Sanatorium premises have been rehabilitated years ago, all the works related to privatisation process have been conducted: plan of the living space, measurement works and so on., however privati-

21. Letter of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia №619-op, dated 3 May 2013

sation of the buildings has not been finalised till present day. The similar was the situation with regards to **Kutaisi** former Kindergarten No 30, which was privatised in August, 2013.

IDPs residing in ***Surami*** sanatorium in **Gori** state that privatisation was conducted speedily, they were signing privatisation agreements without having adequate information on the standards of rehabilitation, size of the living space and other possible alternatives.

Considering all the above, it is necessary for the Ministry to have acceleration of privatisation process as one of its key priorities for the year 2014. At the same time, it is necessary to intensify work for raising IDP awareness so that they receive exhaustive information on the privatisation process.

IDP CENTRES IN THE WORST CONDITION

Public Defender of Georgia spoke about IDP centres in especially grave conditions in his Parliamentary report of 2012. In the majority of them the state of affairs has not changed and IDPs still continue living in the same situation.

Several centres are in especially grave condition, among them is a former “**Trikotazhi N3**” premises at **3, Ninua St, in Tbilisi**. The roofing is damaged, water supply pipes, sewage system and drainage pipes are dysfunctional. The building is not suitable for living with the walls and ceilings being cracked.

Buildings of Ltd “**Kvari**” located at **2, Dadiani Street** and premises at **13, Zhores Street in Tbilisi** are in especially poor conditions. They are practically collapsing. IDPs residing in these buildings are in need of immediate relocation to other living space, though even in this case it is not clear when the allocation of new living space for them is planned to take place.



13, Zholes Street, Tbilisi

Especially grave are the conditions in former tourist base “**Sichabuke**” in **Tskhvarichamia**. Public Defender of Georgia has conducted number of monitoring visits there and revealed that there is no sewage system in the building. IDPs have no gas and water supply, roofing is damaged and the territory needs to be cleaned from household waste. Absence of sewage pipes and waste contributes to heavy sanitary conditions, which poses threat to the health of IDPs living in the centre. In addition, there is no secondary education facility in Tskhvarichamia. According to the letter №89091 of 2012 of the Ministry of Education and Science of Georgia, the nearest school is located in 10 km away in the village of Galavani. There is no shop and public transportation in the village.



Former tourist base “Sichabuke”, Tskhvarichamia

According to United Nations Guideline Principles on Internal Displacement, apart from adequate housing, IDPs should have access to means of education. Respectively, even if the Ministry rehabilitates the building, long-term reallocation of IDPs in Tskhvarichamia would still be inexpedient.

The situation is extremely grave in the old building of **“Surami” sanatorium in Khashuri**, where IDPs from Abkhazia have been residing. The building is not fit even for rehabilitation. Similarly grave is the situation for IDPs living in the former necrology clinic premises. Their main problem is the absence of toilets and showers and limited living space. There are no partitioning in place and IDPs use corridor as a kitchen area.

IDPs settled in former **sanatorium “Kartli 96”** are also in difficult conditions. The building is extremely damaged and not subject to rehabilitation. Water collects in the basement which damages the building and causes sanitation problems.

There are number of collective centres in **Kutaisi**, where living conditions are practically unbearable requiring immediate rehabilitation. These are former premises of the **tourist base “ Rioni”, “ATEKA 11”, Gumiati boarding school, “Ankomi” firm, Kindergarten No1, so called House for the Disabled, Young**

Tourists' House.



So called "House for the Disabled", Kutaisi

17 IDPs, mainly elderly, reside on the top 4th and 5th floors of **Multidisciplinary Vocational School in Senaki**. Roof leaks and they use common toilet. These premises were mentioned in the 2012 Report of Public Defender of Georgia, though the situation remains unchanged till the present day.

Difficult living conditions have been recorded in the **part of Senaki Boarding School No3** where IDPs did not agree to rehabilitation due to the disputed distribution of the living space.

Grave is the situation in administrative building of **Zugdidi Region village of Or-santia**, where 10 IDPs reside. Sewage system is dysfunctional causing sanitation problems. Among residents are persons with disabilities, who are unable to move around independently. Plastering is falling off the walls, parquet flooring is damaged. Damaged plaster cover from the ceiling is falling down and poses threat to the health of the inhabitants, among them young children.



Orsantia Municipality Building

Extremely dire are conditions in **Shida Kartli former sanatoriums “Kartli 96” and “Surami”**. These building are not subject to rehabilitation and IDPs are still awaiting reallocation.



Former sanatorium "Kartli 96", Shida Kartli

It is necessary that one of the priorities of the Ministry for the year 2014 becomes reallocation of IDPs to other facilities or rehabilitation of the existing ones. Delay in addressing the issue of IDP collective centres which are on the brink of collapse can result in sorrowful outcomes. Health and life of IDPs residing in such premises is under threat on daily basis.

SITUATION IN THE VILLAGES ALONG ABL

On the situation in the villages along ABL Public Defender of Georgia spoke in his report for 2012 as well. It is regrettable that the situation remains nearly unchanged there. Security issue is still highlighted. Detainment of Georgian citizens by Ossetian or Russian border guards is frequent, for the reason of crossing the so called Ossetian administrative border line. Socio-economic conditions of the population in these villages are complex. The majority of the village residents are unemployed. Due to the lack of irrigation water, population finds it difficult to carry out agricultural activities. After August war of 2008 the Ossetian side blocked an irrigation channel which was used by the villages along the ABL. The other major issue is selling the produce. Due to considerable costs local population is unable to transport the produce for sale, while the local factories offer minimal price.

In 2013 so called barbed wire installation process, as a result of which several villages were cut off from agricultural land and gardens, while several houses were left on the other side of the ABL.

Within the framework of the project ongoing with the Office of the Public Defender of Georgia, monitoring of the villages along ABL continued in 2013. Monitoring was conducted in the villages of Ditsi, Kordi, Mereti, Gugutiaantkari, Kve-mo Nikozi, Zemo Nikozi, Patara Mejvriskhevi, Jariasheni, Dvani and Kurvaleti. In the majority of these village the problem is the absence of irrigation channels, as well as no access to gas supply. In some villages the central gas pipes are installed, while the households are unable to cover the costs of individual pipes. Poor quality roads and issue of selling the agricultural produce are also among major problems faced by the locals.

Ditsi – there was an irrigation channel installed in 2012, however it does not cover the entire village, and hence, part of the village population is left without irrigation water. Central gas pipe is installed but the population cannot afford to install individual pipes.

Kordi – power supply system is old and damaged, the population was forced to cut fruit trees and destroy fruit gardens entirely due to no access to irrigation water. In 2013 hail damaged the local produce, though no State subsidies were allocated. There is no access to gas and water.

Mereti – there are problems with both irrigation water, as well as heating in winter. In the absence of access to natural gas, the population cannot even gather

wood due to the proximity to the ABL. There is no hospital or ambulatory facility in the village.

Gugutiantkari – there is no hospital or ambulatory centre in the village. Power distribution system is old posing threat to one of the village resident's house, though despite numerous requests from the local population, dismantling of the high voltage cable pole is not carried out neither from the local self-governance nor the energy companies. The road leading to the village is in poor condition. There is a problem of potable water supply in the village, for which the works on digging the borehole have started.

Kvemo Nikozi and Zemo Nikozi – there is no problem of irrigation water in Kvemo Nikozi, since irrigation channels have been constructed, however due to poor economic conditions, the families cannot afford to pay the cost of installing individual gas pipes leading to homes and installation of individual meters. For Zemo Nikozi the major problem is access to irrigation water. Although irrigation channels have been constructed, it does not cover the entire village.

Jariasheni – according to locals, due to barbed wire installations, approximately 30 families were deprived of agricultural land, which is the main problem for the village. The road leading to the village is in poor condition, and power cable poles need to be replaced. Like other villages, there is a problem of access to irrigation water and installation of individual gas pipes.

Dvani – during the monitoring visit²² conducted by the PDO project, gas pipes were installed in the village, which is remarkable, but the problems in this village are the same as those in the other villages along the ABL. According to the local population, barbed wire installations have moved the ABL inwards by 300 metres. They also state that vulnerability status was lifted from the majority of the families living in the village. There is no irrigation water supply system as well.

The monitoring revealed that there are several key problems which should be addressed within shortest period of time. These are: irrigation water supply, installation of individual gas pipes and selling of agricultural produce.

The majority of the population in the villages along the ABL face the problem of selling local produce. This problem especially exasperated after the armed conflict of August 2008, since the population is unable to transport fruits to the

²². in December 2013.

so called “South Ossetian” territory. For the majority of the villages the main source of income comes from selling fruits they produce. In some of the villages the population cuts fruit gardens and use trees for heating in winter season. It is necessary for the State to pay urgent attention to this problem and implement various socio-economic programmes. The villages along the ABL require State support the most, so that the villages are not deserted, which would be detrimental not only to the local population, but also to the State interests.

It is remarkable that by the Decision №257 of 4 October 2013 of the Government of Georgia a Temporary State Commission was set up to respond to the needs of the population residing in the villages along the ABL. The Commission is comprised of the representatives of the state agencies represented in the Government of Georgia. The Chairman of the Commission is the Minister of Regional Development and Infrastructure of Georgia.

The functions of the Commission include the assessment of the affected population of the villages along the ABL, and drafting respective conclusions, preparation of proposals for supporting the local population in these villages and submission to the Government of Georgia, coordination of programmes and projects to support the local affected population, coordination of interagency activities in support of the village residents along the ABL.

The representatives of the Public Defender of Georgia met with the Secretary of the Commission and learned that 11 440 village residents in 50 villages along the ABL were issued one time assistance in the amount of GEL 200 for so called “winter” season to purchase wood for heating purposes. Furthermore, by the decision of the Commission, 236 students from the villages along the ABL received full funding to cover the costs of 2013-2014 academic years for bachelor’s and magistrates courses. Potable water wells were constructed in the villages of Koshki, Gegutiaantkari, Khurvaleti and Didi Khurvaleti. Rehabilitation of Saltvisi and Tiriponi village irrigation systems was carried out in 2013.

According to the Secretary of the Commission, in 2014 it is planned to finalize the process of installation of gas pipes in the village along the ABL. In addition, by the decision of the Commission, the cost of installing individual pipes will be covered by the State as well. In 2014 it is also planned to install 6 water pumps to solve the problems related to irrigation water supply.²³

²³. Meeting at the Ministry of Regional Development and Infrastructure, 17 February, 2014

Public Defender of Georgia is going to pay special attention to the human rights of the population of the villages along the ABL. With this purpose in Public Defender's office a chief advisor's post was created with the mandate of working on the issues of human rights in conflict regions. One of the key directions of our work in 2014 will be analysis and monitoring of human rights situation in the villages along the ABL.

CONCLUSIONS

As already noted, 2013 was filled with novelties in the field of IDP human rights in Georgia. New edition of the Law on Georgia on Internal Displaced Persons (Refugees) from the Occupied Territories of Georgia and The order №320 of the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia of 2013, which refers to the Rules and Criteria for the Provision of IDPs with the Living Space, as well as Approval of the Charter of the Commission on IDP issues, will play a vital role in the protection of IDP rights in Georgia.

Despite the novelties, challenges remain in terms of the provision of durable housing solutions to IDPs, socio-economic issues, level of IDP awareness and others discussed in this report. In his report of 2012 Public Defender of Georgia noted that addressing these problems require considerable financial resources and their appropriate utilisation. Hence, one of the State priorities should be protection of IDP human rights. It is necessary that the State provides necessary allocations and carries out various measures to address the problems faced by IDPs.

Considering the above-stated:

Public Defender of Georgia has addressed the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia with the recommendation to:

- carry out additional study into the issues of IDPs who gave up their IDP status based on the interviews conducted with them by external persons at the site of the registration;
- treat as a priority reallocation of the IDPs from the centres which are not subject to rehabilitation due to high degree of damage, and poses threat to health and lives of their inhabitants;

- define legal status of the rehabilitated residential premises and ensure provision of IDPs with the documentation certifying their ownership of the property;
- carry out widespread information campaign so that IDPs are fully informed regarding privatisation process;
- with the aim of increased transparency of the process for ensuring durable solutions to IDP housing issues, involve Public Defender of Georgia in the work of the Commission on IDP issues set up based on the Order 320 of the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia

Public Defender of Georgia addressed with the recommendation Government of Georgia and local self-governance bodies to:

- repair internal roads connecting the village along the ABL;
- start and, in some cases, speed up the construction of irrigation channels in these villages;
- provide State support to the population of these villages in selling local produce;
- allocate necessary resources from the State budget for installing individual electricity meters in these villages;