



IN THE WAITING ROOM

INTERNALLY DISPLACED
PEOPLE IN GEORGIA

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**AMNESTY
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cover photo: Elderly woman at a collective centre for the internally displaced people in Gori, Georgia, March 2010.

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1. INTRODUCTION

“Seventeen years ago when the war broke out I was a student of foreign languages at the state university, but never finished because I became a refugee. It still brings me a pain when I think about it. Now my son is in high school, but I do not have any means to afford his university. I cannot rebuild my future any more, maybe I no longer have the prospects of ever finding employment or a career, but I hope that at least my children will not have to suffer the same fate, I hope at least they will have a better future.”

Iza, Displaced woman in a collective centre in Kutaisi

The legacy of the territorial conflicts which accompanied the collapse of the Soviet Union remains a daily reality for hundreds of thousands of families displaced in their wake. This is particularly true for Georgia, where about 6 per cent of the current overall population (some 246,000 people) are internally displaced.

About 220,000 people these were forced from their homes during conflicts that took place in the early 90's. But it was not until over a decade later, in 2 February 2007, that the Georgian government adopted a State Strategy to set a practical framework to address the issue of Internally Displaced People (IDPs). For several years these people were left to fend for themselves, as the government of Georgia ignored their problems, or was incapable of dealing them, and the international community gradually turned its attention elsewhere.

A second wave of displacement occurred more recently, during and after the Georgian-Russian war of August 2008. The war resulted in hundreds of deaths and an additional 128,000 people displaced from South Ossetia and adjacent areas, and from the Kodori Gorge of Abkhazia. The majority of those displaced in 2008 have since returned to their

original places of residence, but close to 26,000 people are still unable to return, and will not be able to in the foreseeable future.

On 28 May 2009, the government amended the earlier State Strategy on IDPs and adopted an Action Plan on Internally Displaced Persons to also cover those displaced as a result of the August 2008 war. The Action Plan in its current form aims to provide durable housing solutions to the displaced, irrespective of whether they were uprooted as a result of the war in 2008 or earlier conflicts.¹ Yet despite these efforts to achieve harmonization and ensure all displaced people receive equal treatment, a number of solutions and assistance measures -- such as durable housing, inclusion in the social assistance programmes or provision of free healthcare and assistance with income generating activities -- in practice are not provided to all displaced people alike. In addition, distinctions in benefits and treatment are currently based on the timeline of original displacement and as well as people's living arrangements, rather than the criteria of need and vulnerability.

This report focuses on the obligations of the Georgian government in areas under its effective control, documenting and analysing the human rights situation on the ground for both those displaced during the 90's, as well as those displaced as a result of the war in August 2008. It provides an overview of some of the most pressing issues faced by internally displaced persons in Georgia, focusing on the Georgian government's obligation to respect, protect and fulfil their economic, social and cultural rights.

Beyond this main focus, the report also highlights issues such as the security and human rights of people in other situations,² such as those who have returned to areas which are under the effective control of the *de facto* authorities in the self-proclaimed breakaway regions of South Ossetia and Abkhazia, or the villages adjacent to the Administrative Boundary Line (ABL), where they still face security risks.³ Such concerns require cooperation among all parties of the conflict in order to be effectively addressed.

Some of the main concerns addressed in this report include the ongoing lack of adequate housing, especially for these in protracted displacement, high poverty and unemployment among the displaced people and barriers to access to healthcare and livelihood/employment opportunities. The report also provides an overview and analysis of some of the government programmes and policies dealing with the displaced, highlighting the issues of concern such as the lack of planning, coordination and consultation with these communities, which often hinder effectiveness and result in a failure to implement these programmes and policies in ways that safeguard the human rights of the supposed beneficiaries.

Although housing has been a key aspect of the state policy on internal displacement since 2007, Amnesty International is concerned that many displaced people, especially those from the conflicts in the 90's, still live in dire conditions after almost two decades.

While Amnesty international welcomes the speediness with which the Georgian government was able to provide housing to those displaced as a result of the 2008 war, the settlement policy has been marred by a lack of consultation with those being relocated. In addition, some of the new settlements have been constructed in remote locations, where necessary infrastructure still needs to be developed to support relocated communities.

Amnesty International does not take a position on territorial disputes. Nonetheless, regardless of the origins of a conflict or the outcome of negotiations, those displaced, as well as other persons from all sides of such disputes, are entitled to protection of their human rights. These rights include the right to return to their original homes in conditions of dignity and security, and/or the right to integration or resettlement elsewhere in the country. ⁴

In the context of protracted displacement, in which up to 246,000 people in Georgia now find themselves, Amnesty International believes that while the current efforts are necessary, they are insufficient to guarantee the progressive fulfilment of displaced people's economic and social rights, as required by international human rights law. Much remains to be done to fulfil the rights of the displaced to live in dignity.

METHODOLOGY

The information in this report was gathered on successive visits to Georgia, during which research was conducted in a number of different sites within the country. Interviews were conducted with civil society activists, representatives of displaced communities, state officials, representatives of international organizations, health professionals dealing with displaced populations and a wide variety of displaced persons. Numerous reports published by international and domestic humanitarian organizations and the Georgia state have also been reviewed.

In July 2009 Amnesty International delegates visited Georgia to gather first-hand information *inter alia* on the observance of the human rights of displaced people, and security in the aftermath of August 2008 war. Amnesty International representatives visited Tbilisi, Gori, and the villages of Karaleti, Tkviavi, Ergneti, Ditsi, Karbi and Mereti in the area adjacent to South Ossetia. A representative of Amnesty International visited a temporary accommodation centre in Tbilisi (formerly the South Caucasus Headquarters of the Ministry of Defence) and new settlements for displaced people at Tserovani and Tsilkani.

Two delegates of Amnesty International travelled again to Georgia from 21 March to 3 April 2010 to research the human rights situation on ground for both new and previously displaced people following the adoption of the Action Plan on Internally Displaced People by the government of Georgia in May 2009. Meetings were held with representatives of the UN High Commissioner for Refugees (UNHCR) in Tbilisi and Gori, UNIFEM, the World Health Organization (WHO), the Council of Europe in Tbilisi and in Kutaisi, the European Union Monitoring Mission (EUMM), the Norwegian Refugee Council (NRC), the IDP-Coalition, the Reconciliation Commission, with OSI Georgia, Transparency International (TI), the Danish Refugee Council (DRC), the Public Defender in Tbilisi as well as the Public Defender's representative in Kutaisi, the Georgian Young Lawyers Association (GYLA), the International Rescue Committee (IRC), with the Minister for Refugees (MRA), a representative of the Ministry for Integration and the Abkhaz Ministry for Education in Exile.

Amnesty International delegates visited and interviewed internally displaced persons in new settlements, collective centres and the private sector in Gori, Karaleti, Senaki, Kutaisi, Zugdidi, Tbilisi and Tserovani.

2. CONFLICT AND DISPLACEMENT

2.1. AN INDEPENDENT GEORGIA

The last years of the Soviet Union were marked with increasingly self-confident aspirations for independence by a number of its constituent republics, including Georgia, but also by steadily increasing political and ethnic tensions in some areas. Georgia was polarized between different political forces, with particular tensions in what was then the Abkhaz Autonomous Republic, a semi-autonomous region within Soviet Georgia, and the South Ossetian Autonomous District.⁵

Following Georgia's 1991 declaration of independence, the central government in Tbilisi faced increasingly vocal calls for secession from the Abkhaz Autonomous Republic and the South Ossetian Autonomous District, with tensions escalating to armed conflicts in both areas.⁶ As a result at least 10,000 people died, hundreds of thousands were displaced, and the government in Tbilisi lost control of most of these two regions, which subsequently declared independence and have remained under the control of *de facto* authorities. Sporadic violence has continued at intervals since, claiming lives and causing further displacement, but large-scale conflict again erupted in and around South Ossetia in August 2008. Following that war, Russia recognised the independence of both the breakaway territories of South Ossetia and Abkhazia,⁷ although it remains one of only four states to date to have done so.⁸

2.2. CONFLICT IN THE 1990'S

ABKHAZIA

Escalating tensions between Abkhazians and Georgians came to a head in August 1992 after Georgian troops entered the territory, taking the regional capital of Sukhumi (known to the Abkhazians as Sukhum) and precipitating fierce fighting. In September the following year Abkhazian forces broke a July cease-fire, and swiftly took control of the region. The conflict, with atrocities reported on both sides, left an estimated 10,000 people dead and some 250,000 displaced.⁹ The ethnic Georgian population, which constituted approximately 46 per cent of the pre-war population,¹⁰ fled Abkhazia following the defeat of Georgian forces. Most were displaced into other parts of Georgia, while many ethnic Abkhaz were displaced within Abkhazia itself. Many Abkhaz and Georgians also sought refuge in Russia. While the overwhelming majority of ethnic Georgians left Abkhazia, some, particularly members of mixed marriages and elderly people, stayed.

Starting from the mid 1990's, ethnic Georgians began to return to the Gali district of Abkhazia. Since then an estimated 40-50,000 displaced people have returned to Gali,¹¹

while *de-facto* Abkhaz authorities insist that the return of those displaced back to other parts of Abkhazia is impossible. International officials who have visited Gali recently describe the situation of the returnee population as “difficult”, including ethnic Georgians facing problems with education in their mother tongue.¹²

SOUTH OSSETIA

In 1989, the South Ossetian Autonomous District¹³ unilaterally raised its status to that of an Autonomous Soviet Socialist Republic within Georgia. The Georgian authorities in Tbilisi annulled this decision and moreover revoked South Ossetia’s status as an Autonomous District, sparking in an 18-month conflict from 1990 to 1992, that resulted in about 1,000 deaths and extensive damage to property and infrastructure. The conflict also caused the displacement of around 60,000 people, mainly ethnic Ossetians from throughout Georgia. Most found refuge in the Russian Federation, while around 10,000 ethnic Georgians from South Ossetia were displaced to other parts of Georgia.

The conflict ended in an uneasy stalemate, with parts of South Ossetia, including the capital Tskhinvali, effectively seceding from Georgia, while other parts remained under the control of the Georgian government.

2.3. CONFLICT IN 2008

Escalating tensions throughout the summer of 2008 erupted into a five-day war between Georgia, South Ossetian forces and the Russian Federation on 7 August, 2008.

The war ended with hundreds of civilian deaths, thousands of injured and the displacement of almost 192,000 people. Thirty-thousand ethnic Ossetians found temporary refuge in North Ossetia, part of the Russian Federation. The arrival of Russian and South Ossetian forces in ethnic Georgian villages in South Ossetia and on the Georgian side of the administrative boundary reportedly resulted in threats to the ethnic Georgian population and instructions to leave their homes.¹⁴

Following what has been described by many international organisations to be a deliberate policy of forced displacement as part of the 2008 war, an estimated 26,000 people, the large majority of Georgian ethnic origin, remain unable to return home to their villages.¹⁵ Many of their homes have been completely destroyed, reportedly in pillaging and arson attacks carried out by militia groups loyal to the South Ossetian authorities, making the return of displaced people more difficult even if possible in principle.¹⁶

In the midst of the South Ossetia conflict, Abkhaz forces retook control of the Kodori valley, which was the last area of Abkhazia still under Georgian control. Some 2,000 ethnic Georgians from the Kodori gorge fled to Georgia proper, adding to the population of internally displaced persons.¹⁷

International mediation led to a ceasefire a week later on 16 August¹⁸. Russia recognized the independence of South Ossetia and Abkhazia and as at the time of writing has stationed thousands of its armed forces in both regions. In an agreement signed in 2009 with the *de facto* South Ossetian government Russia assumed responsibility for guarding the so-called Administrative Boundary Line (ABL) with Georgia for the next 10 years.¹⁹

A large majority of those displaced as a result of the war, both to the rest of Georgia and across the border to Russia, have since managed to return to their homes. However, thousands of those forced to flee remain with little prospect of being able to return home.

2.4. A COMPLEX PICTURE OF DISPLACEMENT

The proliferation of conflicts within Georgia over the last 20 years has resulted in an extremely complex picture of displacement. The statistics available are often inaccurate and disputed.²⁰ Various waves of displacement have produced various groups of people with differing needs, including some who have suffered numerous displacements. Broadly, three groups of internally displaced people in Georgia can be described:

- People in protracted displacement since the early 1990's, amounting to around 222,000 people often referred to as "old IDPs"; including some 40-50,000, persons who have returned to the Gali region in Abkhazia, but are still considered displaced by the Georgian government because of the ongoing concerns over the sustainability of return.²¹
- People who were displaced within Georgian territory during the war in August 2008, but later returned to their places of residence, so-called "new returnees", amounting to over 100,000 people.²² Unlike the returnees to the Gali region in Abkhazia, however, these new returnees do not retain their IDP status. Because of the lack of security in many areas of the return as well as the ongoing need for reintegration, UNHCR presently considers them as "persons in an IDP like situation."²³
- People who remain displaced from South Ossetia following the war in August 2008, and are unable to return to their homes, described as "new IDPs" and amounting to 26,000 people.²⁴

Ethnically Georgian displaced people who cannot return to their homes tend to be concentrated near their region of origin. Those who fled from Abkhazia have mainly resettled in the adjacent regions of Samegrelo and Imereti, with significant populations also residing in the major urban centres of Tbilisi and Batumi. The displaced population from South Ossetia is concentrated mainly in the region of Shida Kartli, immediately to the south of the disputed region.

PERSONS DISPLACED FROM ABKHAZIA AND SOUTH OSSETIA DURING THE 90'S—"Old IDPs"

There is no coherent picture of the situation that pertains among those displaced during the 90's. During protracted displacement for almost 17 years many ethnically Georgian displaced people have changed their places of living within the country multiple times.

The majority of the people displaced during the 90's live either with friends or relatives or in rented or purchased private accommodation, and are referred to in this report as displaced people living in private housing. While they are often assumed to be better off than those living in collective centres, in fact many of them depend on their host families with no right to their own living space.

Another big group, roughly 42 per cent of these ethnic Georgians displaced during the 90's, live in collective centres, which are state or privately owned buildings such as kindergartens, sanatoria, hospitals, hotels or former barracks which have been used to house the displaced population since the 90's. Most of these buildings are not designed for long-term human habitation, and do not meet the minimum standards of adequate housing. Those living in collective centres are often the elderly, children and persons with disabilities living in poverty, who cannot afford an alternative. The living situation of these two groups will be dealt more extensively in the following chapters.

Many ethnic Georgian displaced people also migrated abroad, although a considerable number have chosen to return to the Gali region in Abkhazia despite the fragile security.

RETURNEES TO THE GALI REGION IN ABKHAZIA

A considerable number of ethnic Georgians displaced from the Gali district of Abkhazia during the conflict in 1993 were able to return to the region in subsequent years. Some returnees to Gali have access to their homes and land, notwithstanding the continued insecurity and volatility of the political situation. While precise statistics are not available,²⁵ since 1999 it is estimated that 40-50,000 people have returned to the Gali district²⁶ but nevertheless maintain their IDP status because their return is viewed as unsustainable due to insecurity given the unpredictable nature of the situation on the ground.²⁷

Following the war in 2008, movement across the so called Administrative Boundary Line (ABL) between Abkhazia and the territory controlled by the Georgian government has become more restricted. Based on an agreement between Russia and the *de facto* authorities, the Russian military now patrol the ABL and strictly control movement across the border. After the war in August 2008, the *de facto* Abkhaz authorities also closed the administrative border with Georgia. While some movement appears to be possible for persons with residency in Gali upon the discretion of *de facto* border guards,²⁸ it has become increasingly difficult for Georgian residents in Gali to maintain family contacts, sell their produce, access healthcare or pick up financial entitlements such as IDP allowances on the other side of the administrative border.²⁹

Displaced people interviewed by Amnesty International in Zugdidi reported that the ABL had become less permeable and that following the deployment of Russian troops, they faced increased harassment and violence while crossing, including extortion and random searches. The increased difficulty in crossing the ABL makes it more unlikely that displaced people such as those in collective centres in Zugdidi will continue to have access to their homes and land in Gali for seasonal planting and harvests. Those who have returned to Gali also reported facing restrictions and violations of their rights and freedoms, including alleged prevention of schooling in the Georgian language.³⁰

PERSONS DISPLACED FROM ABKHAZIA AND SOUTH OSSETIA AS A RESULT OF AUGUST 2008 WAR (NEW IDPS)

The 2008 war added a new wave of people displaced within Georgia, worsening the legacy of displacement of ethnic Georgians still lingering from the early 90's.

At the peak of displacement, the United Nations High Commissioner for Refugees (UNHCR) estimated that some 192,000 people of all ethnicities had been forced to leave their homes. A large majority of those displaced, both to the rest of Georgia and across the border to Russia, have since managed to return home. However, thousands of those forced to flee remain with little prospect of being able to return home in the near-term.³¹

Two years after the war some 26,000 persons, the vast majority of whom are ethnic Georgians, remain displaced. About 18,000 of them originate from South Ossetia, with some 5,000 persons coming from the Akhagori district, a predominantly Georgian populated enclave in South Ossetia which had been under control of the Georgian government until the war in August 2008. A further 2,000 persons of ethnic Georgian origin have been displaced from the Kodori Gorge, which came under control of the *de facto* authorities of Abkhazia as a result of the 2008 conflict.³²

Out of this estimated number of 26,000 displaced people, the majority (around 18,000 persons) live in 38 newly constructed settlements mostly in Shida Kartli and Kvemo Kartli regions, while the rest live in renovated apartment blocks or have found their own housing. Together, the apartments and cottages that were built for the "new IDPs" are known as "settlements."³³

Some displaced people from Akhagori currently living in the newly-built settlement in Tsilkani told Amnesty International that while temporary return to their homes would be possible, they were too afraid to risk it. In spite of the fact that their houses were intact and neither the Russian troops, nor the *de facto* South Ossetian authorities were preventing their return, the presence of the Russian and South Ossetian forces as well as the unpredictability of their attitude towards/ approach to ethnic Georgians, made return too dangerous an option.

RETURNEES TO GORI AND OTHER AREAS ADJACENT TO SOUTH OSSETIA

More than 100,000 people fled from the area adjacent to Tskhinvali region in South Ossetia into other parts of Georgia during and after the 2008 war.³⁴ An estimated 75,000 people displaced from Gori and surrounding areas returned soon after the end of hostilities in August and September. An estimated 25,000 individuals who had fled the so-called buffer zone, temporarily occupied by Russian forces for several months after the war, have been able to return home in the Shida Kartli region following the withdrawal of Russian troops between 7 October and 10 November 2008.³⁵

Many of those who have returned to the Georgian-controlled side of the ABL face a new reality brought about by the conflict, in which they struggle to rebuild their lives and livelihoods. Many of the returnees are coping with a loss of income because of the destruction of infrastructure, the loss of livestock and the loss of the 2008 harvest. Many houses and other buildings were damaged during the armed conflict, and property was stolen during the period of sustained looting that followed. In addition, access to many fields around these villages is limited due to occasional shooting from across the ABL. In other cases, orchards, grazing land and access to firewood that had served some villages are now out of reach beyond the boundary line, causing a shortage of firewood and food.³⁶

Many of those displaced as a result of August 2008 war who were interviewed by Amnesty International complained about a lack of information and the uncertainty of plans for resettlement or return. Several of them reported facing multiple displacements in the last year without being informed or consulted about plans for their resettlement. Some people described how they had returned without adequate information about security conditions and housing arrangements.³⁷ As a result, approximately 100 returnees left their homes a second time when they realized continuing security concerns in villages adjacent to South Ossetia.³⁸ During Amnesty International's visit in June 2009, several displaced persons on the Georgian-controlled side spoke about being induced, or subjected to pressure, by officials or persons administering their temporary accommodation – such as directors of schools or kindergartens - to return. Some told Amnesty International that local government representatives had informed them that they had to leave their temporary accommodation and return to their homes, adding that the assistance assigned to them would now be delivered to their original places of residence. However, the above incidents do not appear to reflect an official government policy.

In spite of the large number of returnees, in some villages - especially in the vicinity of the ABL with South Ossetia - an omnipresent sense of tension and insecurity continues to prevent several hundreds of displaced people from returning to their homes and carrying on with their lives.

Most of those whose homes were destroyed during the hostilities have received a one-off assistance of \$US15,000 from the Georgian government to rebuild their homes. In spite of this, very little reconstruction has started. Those interviewed by Amnesty International in June 2009, stated that they feared the possibility of new hostilities, and were reluctant to invest money and effort in rebuilding homes given what they perceived as a fragile peace.

According to international organizations working on the ground, cross-boundary movement

has been discouraged by the Georgian authorities on the basis of security concerns and has been effectively prohibited by the Russian and the South Ossetian *de-facto* authorities, with the exception of the ABL adjacent to Akhgori.

Shootings and incidents of harassment of civilians also reportedly continued in some of the villages close to the ABL with South Ossetia.³⁹ Since the end of the armed conflict, there have been numerous reports of civilians being harassed and detained in connection with their alleged illegal crossing of the ABL by the *de facto* authorities in South Ossetia. Cross boundary movements have also been discouraged by the Georgian authorities. Those seeking to get to the other side of the ABL, for instance to access medical care, to visit graveyards, or to visit relatives or family members, appear to be reliant on the discretion of guards and police.

Due to the lack of clarity over the course of the ABL, the location of official crossing points and conditions for legal crossing, local residents and returnees face a considerable risk of being detained when crossing. At the same time, a person allowed to the other side of the ABL cannot know with certainty whether they will be able to return.

As Walter Kälin, representative of the Secretary-General on the human rights of internally displaced persons has stressed, “until progress is made in finding a political solution to the conflict, it is unlikely that many of those displaced during the recent or past conflicts will be able or willing to permanently return across the administrative boundary line. It is therefore important to allow internally displaced persons to normalize and improve their living situation in the areas of their displacement.”⁴⁰

3. NATIONAL FRAMEWORK

At a domestic level, the Georgian Constitution guarantees a number of basic rights and freedoms, including the rights to life, physical and mental integrity, freedom of movement, association, freedom from discrimination and the right to political participation. Notably, Article 14 ensures the equality of rights and freedoms for all irrespective of “race, colour, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and place of residence.” According to the constitution, the government is obliged to “provide for the equal socio-economic development of the whole territory of the country”⁴¹ and to guarantee the right to development without discrimination as well as “equality in social, economic, cultural and political life irrespective of their national, ethnic, religious or linguistic belonging”.⁴²

Articles 22, 30, 35 and 37 guarantee the rights to social security, work, education and health care respectively. These constitutional guarantees are further defined and articulated in greater detail in other legislative acts and laws.

3.1. LAW ON INTERNALLY DISPLACED PERSONS

The key document on internal displacement in national legislation, which regulates the rights of the internally displaced population and the responsibilities of the government of Georgia towards them, is the *Law of Georgia on Forcibly Displaced Persons*, also referred to as the *Law on IDPs*.⁴³ Adopted in 1996, the law affords displaced people the same rights and equality as all citizens of Georgia. The law also states that they shall not be discriminated against in their enjoyment of any rights and freedoms on the ground that they are internally displaced. Legislative amendments and new laws have also restored the right of internally displaced people to vote and run for local and parliamentary elections, and to acquire property without losing their IDP status.⁴⁴

Under Article 5(2) of the *Law on IDPs*, persons with IDP status are entitled to the following benefits: a monthly allowance, temporary shelter and plots of arable land, free primary and secondary education, healthcare coverage under existing state programs and assistance in finding temporary employment in line with their profession and qualifications.⁴⁵ The law also protects displaced people from arbitrary eviction.⁴⁶

3.2. STATE STRATEGY AND ACTION PLAN

Until 2007, there was no state document in Georgia reflecting a general vision of the problems facing the internally displaced and approaches towards solving them.⁴⁷ On 2 February 2007, the government adopted the State Strategy on IDPs which recognized the right of the displaced to local integration as a durable solution, at least until return to their homes became feasible. The Action Plan of 2009 on Internally Displaced People

effectively amended the strategy in order to incorporate concerns deriving from the wave of displacement that followed the 2008 war.⁴⁸ The stated aim of the Action Plan is to provide a long-term solution to the problems faced by both, new and “old IDPs” and to promote their socio-economic integration. To reach this goal, the Action Plan outlines a number of activities mainly centered on the provision of adequate and durable housing.⁴⁹ This has been discussed in earlier chapters.

While the plan places the socio-economic integration of the internally displaced as one of two major objectives it aims to achieve, these seem to be more of a declaratory nature. The concrete actions proposed by the action plan to this regard are mainly limited to measures such as integration of vulnerable displaced people into state social programmes and some support with the income generating activities.

In May 2010, after consultations with international organizations, the Action Plan was revised with the stated aim of providing “enhanced accountability in terms of the framework and transparency”,⁵⁰ to broaden its scope and encompass economic and social rights, and to include measures to increase the awareness of the internally displaced population about their choices of durable solutions offered to them.

4. HUMAN RIGHTS CONCERNS

4.1. IDP STATUS AND REGISTRATION

“During the 2008 war about 10 men broke into our house, robbed us, destroyed everything and threatened to kill us if we did not leave immediately. We fled that day to the neighbouring village of Tkviavi and afterwards took shelter in Gori. Two years later we still don’t know whether it’s safe to return. We don’t have any legal status and are dependent on the goodwill of the government to allow us to stay here. We don’t receive compensation because the walls of our house are still there even though nothing is left inside... We don’t get IDP status because they tell us we could go back, but if we do we could be killed and there is no one to protect us there.”

Giorgi, 80 years old, collective centre in Gori

All Georgian citizens, those displaced as well as the general population, are obliged to register at their place of residence and receive identity (ID) cards. In addition, displaced people undergo an annual registration to obtain an IDP card in order to receive benefits relevant to their status.

The registration of IDPs is the responsibility of the Ministry of Refugees and Accommodation (MRA).⁵¹ During their protracted displacement, persons displaced during the 90’s within Georgia have changed their residences frequently making it difficult for the authorities to maintain accurate registration records.

Registration inaccuracies negatively affect displaced people in a number of ways. It may compromise their entitlement to benefit from the privatization of their living space, to obtain compensation or alternative housing and to be protected from eviction.

Local organizations working with displaced people have highlighted the differences between registry data and the people who actually live in the collective centres. While registration inaccuracies can in part be attributed to the failure of the displaced to re-register when they move, during the mass registrations such people were reportedly not adequately informed about changes of registration dates or about registration procedures, nor were they informed about remedies available to them should their application be rejected or if they missed the deadline for registration.⁵² Displaced people living in privately owned accommodation faced additional barriers to register as they need permission from the owner of the property in order to notify the authorities of their actual residence.⁵³ The MRA acknowledges registration inaccuracies, but claims they will be corrected in due course.⁵⁴

There were also reported inaccuracies and delays with registration of new IDPs which lead to difficulties for people who had not been registered to access IDP benefits such as assistance and social services and delays in granting of the IDP status.⁵⁵

Some displaced people who had lost documents or left them behind had been unable to register by the end of 2009. In order to replace these documents, and subsequently register as an IDP, an application needs to be issued at the civil court but many people concerned

lacked funds to cover related expenses.⁵⁶ During registration of newly displaced people in 2008, the Civil Registry Agency (CRA) counted up to 2,500 people who lacked identification documents.⁵⁷ When displaced people do not have access to documentation that is necessary for the exercise of their rights, competent authorities should consider facilitated issuance programmes. In order to give effect to the right of displaced people, as with all citizens, to have their documents issued and replaced, IDP laws and policies should take into account the specific circumstances of those displaced, including their loss of previous documentation and lack of access to records in their place of origin.⁵⁸

In addition, those displaced as a result of the August 2008 war also faced problems obtaining their formal IDP status. Granting of IDP status is a prerequisite for entitlement to the IDP allowance and other benefits, as well as being an explicit recognition of the right to return.⁵⁹ According to Georgian legislation in cases of mass displacement, all displaced persons should be granted the status of IDP immediately.⁶⁰ However the process of granting IDP status for those displaced as a result of the August 2008 war only started in May 2009, nine months after their displacement. Granting the status to newly displaced people has often been criticized as a slow and protracted process, effectively denying them their legally guaranteed rights under the law.⁶¹

Another group currently excluded from IDP status are those whose homes are in areas of Georgia outside of the self-proclaimed territories, but who cannot return to their homes due to security concerns. Initially, granting of IDP status was suspended until the overall situation stabilised, but two years after their displacement the government still lacks a clear a policy on how to address this group. These are mostly people from areas adjacent to South Ossetia, especially villages close to the administrative boundary line. According to the Council of Europe, about 400 people from villages adjacent to South Ossetia cannot go back to their homes due to security concerns, and have not yet been granted IDP status.⁶² Without the status, these individuals lack protection afforded to them according to the law and are in a particularly vulnerable situation.

4.2. RIGHT TO ADEQUATE HOUSING

"I have spent 20 years of my life in this tiny room in terrible conditions. I may have been young when we first came here, but I am not any longer... After all this time, me and my husband are still waiting and no one has told us anything. We do not know if we have to spend the rest of our lives here or if there will be any change. I may not have many years to live, but I want to spend at least the rest of my life in decent conditions."

Izolda, 69-year-old woman in a collective centre in Tbilisi

DISPLACED PEOPLE IN COLLECTIVE CENTRES

Roughly 42 per cent of those displaced during the conflicts in the 90's live in collective centres - state or privately owned buildings such as hospitals, kindergartens, sanatoria, dormitories and barracks. According to the last comprehensive assessment conducted by the

UN Office for the Coordination of Humanitarian Affairs (OCHA) in 2003, an estimated 70 per cent of collective centres in Georgia did not meet minimum shelter standards, lacking adequate privacy, access to water, proper insulation and functional sewage systems.⁶³ . Since then conditions reportedly worsened as families grew, leading to additional strains on common infrastructure, while maintenance was kept to a minimum, with at best ad hoc repairs.⁶⁴

The majority of the buildings housing the collective centres for displaced people were not designed for long term habitation and are now in a situation which is often described as “overcrowded”, “dilapidated”, “isolated” and “sub-standard”.⁶⁵ Most of the buildings that are used as collective centres have accommodated displaced people for almost two decades.

Amnesty International representatives visited 16 collective centres in the areas of their major concentration such as Tbilisi, Gori, Senaki, Kutaisi and Zugdidi.⁶⁶ While those designed for short-term occupancy, such as hotels and dormitories, at least have basic washing or shower facilities, others such as schools, hospitals or factories have few or no basic services for hygiene and sanitation.

Georgia is a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Under Article 11 (1) of the ICESCR, Georgia is under an obligation to guarantee the right of all persons to adequate housing. The UN Committee on Economic, Social and Cultural Rights has identified the following aspects which are crucial to determine whether any particular form of shelter can be considered to constitute adequate housing under Article 11 (1) of the ICESCR: 1) legal security of tenure; 2) availability of services, materials, facilities and infrastructure; 3) location; 4) habitability; 5) affordability; 6) accessibility; and 7) cultural adequacy.⁶⁷ The majority of the collective centres Amnesty International visited, especially the ones still pending refurbishment, failed to meet these criteria for adequacy of housing.

The Committee on Economic, Social and Cultural Rights has emphasised that “Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors”.⁶⁸ It must be in a “location which allows access to employment options, health-care services, schools, and other social facilities”.⁶⁹

It must also contain “certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.”⁷⁰

While most of the buildings awaiting renovation were extremely dilapidated, some even posed the danger of collapsing with broken windows, leaking roofs and cracked walls and ceilings. Examples of these include the former Tourbasa building near Gori and the former printing house building in Zugdidi, both accommodating people who were displaced during the 90's. According to the residents, both buildings were deemed too run-down to be repaired, however the authorities have still not provided a specific alternative accommodation or date for the resettlement.

Unsafe electrical wiring, often installed by the displaced people themselves, was common in many of the collective centres. Residents in the former printing house building in Zugdidi told Amnesty International that when the electrical wiring caught fire in the building some years ago, people had to fetch water from the nearby well as the building does not have running water. For the roughly 20 families that reside in this facility, there are only two toilets and two showering facilities, located outside the main building in the yard.

The lavatories and washing facilities were insufficient in number, lacked basic privacy and were often out of order in many of the collective centres visited by Amnesty International. For example, in a Kutaisi collective centre (a former orphanage), seven families had to share one toilet with no bathing facilities and broken windows that offered no privacy. Residents of a collective centre in Zugdidi that used to be a hospital had to share one bathroom and washing facility per five households, with the conditions in these bathrooms being unsanitary.

Overcrowding and a lack of personal space and privacy was another consistent problem, with several family members having to share one small room both as a living and sleeping space.

“When we moved here some 15 years ago, it was just me, my husband and my daughter. But now that my daughter is married with children, our family grew from three to six persons. I sleep in the same room as my daughter, her husband and their children. I often feel redundant, and think that I am the reason why they do not get privacy, but I have nowhere else to go...”

Elderly women in collective centre in Zugdidi.

Some of the refurbished buildings visited by Amnesty International also failed to meet the criteria for housing under international law, as refurbishment work was sometimes faulty and the houses still lacked access to water and proper sanitation. For example at the time of the visit, the residents of the renovated collective centre in Kutaisi did not have running water in the building. Residents also complained about leaking roofs and inadequately installed windows, as well as mould and dampness in the building as a result. Residents of another renovated collective centre visited by Amnesty International, a former military centre in Senaki, lived in unsanitary conditions with a constant smell of sewage arising from broken pipes in the basement. Many residents living there told Amnesty International that they feared for their and their children's health in such unsanitary conditions. Residents of the Senaki collective centre also complained about the lack of employment opportunities available in the area and the lack of an earned income in order to be able to fix the problems themselves.

The inhabitants of collective centres often belong to particularly vulnerable and marginalised groups, such as elderly people without family support, female-headed households, disabled and severely traumatised people.⁷¹ However, as these people as well as groups and organizations working on the IDP issues explained to Amnesty International, they have not been prioritized by the responsible authorities in the process of allocation of durable housing or other resettlement options. In addition, many of the vulnerable displaced people interviewed by Amnesty International still did not have any clear prospects regarding their resettlement.



Collective centre in Zugdadi (a former printing works). People have been living here since they had to leave their homes in Abkhazia in the 1990's. © Amnesty International

DISPLACED PEOPLE IN PRIVATE HOUSING

Around 58 per cent of the total number of households who are in situations of protracted displacement live in private housing.⁷² These are displaced people who found accommodation on their own. Some have been able to purchase their own accommodation over the years but many are either renting or have been sheltered for free by extended family, relatives or friends.⁷³ While they are often assumed to be better off than those living in collective centres, in fact they are in a vulnerable situation as many of them depend on their host families with no right to their own living space. Many still live in precarious conditions where economic hardships and cramped living conditions create additional stress and tension between the displaced and their host families.⁷⁴

Some of the displaced people in the private sector interviewed by Amnesty International stated that they had to change their living places as often as once a year, as they did not want to burden their host families for longer periods. Interviewees also described how host families grew reluctant to accommodate them over a protracted period of time and ultimately requested that they leave. Many others were evicted as they became unable to afford the rent. Furthermore, displaced people interviewed by Amnesty International stated that they often faced discrimination and other obstacles as prospective tenants, because landlords usually perceived them as impoverished and a risky category of rent payers.

Despite the precarious conditions in the collective centres, local and international NGOs on

the ground report that an increasing number of displaced people living in the private sector resort to moving to collective centres as they are not able to pay rents.⁷⁵ Often, however, no space is available for them in collective centres, and they are also met with suspicion or reluctance from the side of the authorities, who often deny their indigence since they have not previously approached the authorities before that point.⁷⁶

DISPLACED PEOPLE IN NEW SETTLEMENTS

The majority of newly displaced people who could not return after the 2008 conflict were re-housed in newly constructed settlement villages or refurbished apartments during 2009. Unlike the previously displaced people who had to fend for themselves for years, those newly displaced were re-housed in long term accommodation from camps and emergency shelters within a few months of their displacement. Less than a year after the war in August 2008, construction of the new settlements was completed, and some 36 new settlements were equipped with basic furniture, cooking facilities and garden plots.

The speed with which this was carried out has been recognized as a major achievement by the Georgian government, NGOs and donors, yet serious problems remain.

Many of the settlements are located in rural areas with limited options for income generation. Being located far from major towns also makes it difficult to access facilities such as hospitals, shops, schools and government offices. Living conditions vary considerably from one settlement to another. Dampness and drainage problems are often reported, as well as problems with water supply.

It remains unclear what considerations were made and which criteria were applied in order to select suitable locations for the construction of new settlements, such as infrastructure, geological factors including the risk of floods, availability of land plots (particularly in light of the large number of displaced people previously generating their income as farmers) and possibilities to generate an income. Residents interviewed by Amnesty International highlighted that they had not been consulted about facilities or equipment and complained in particular that the choice of electric heating facilities rather than gas or firewood would generate considerably higher expenses once utility bills have to be paid by themselves.

The living conditions also vary from one settlement to another. For example, the residents of the new settlement in Tserovani, visited in June 2009, considered their living conditions to be generally acceptable with some exceptions. Some residents complained about dampness, leaking roofs or inadequately installed windows. All the houses in Tserovani visited by Amnesty International had indoor plumbing and drinking water, as well as clearly demarcated land for kitchen gardens. On the other hand, all cottages in the new settlement of Tsilkani had outdoor plumbing and toilet facilities, and none of the households were equipped with washing or facilities. Residents complained of poor sanitary conditions, such as wooden latrines being located in the vicinity of the house and the waste not being collected for extended periods of time by the municipality, as well as limited access to water. Tsilkani residents told Amnesty International that around eight households sharing one tap had to queue for access to water and that they only receive water for one hour each day.

During Amnesty International's visit to Tserovani and Tsilkani settlements in June 2009, residents complained that they had not been allocated any other agricultural land for cultivation, apart from the small parcel of land around their houses for kitchen gardens. Even in instances where they had been provided with agricultural land, it was of low quality for cultivation owing to a lack of available irrigation water and machinery. These factors have prevented many households from engaging in farming.⁷⁷ The biggest challenge cited by inhabitants, was the absence of employment opportunities, which made residents increasingly dependent on humanitarian aid or financial allowances.



New settlement built by the government to house IDPs from the 2008 conflict near Tserovani. © Amnesty International

RETURNEES TO GORI AND OTHER AREAS ADJACENT TO SOUTH OSSETIA

Following the August 2008 war, more than 100,000 went back to their homes in areas adjacent to South Ossetia, most returning shortly after the withdrawal of the Russian army in autumn 2008. Many of their homes situated in the villages close to the Administrative Boundary Line (ABL) suffered enormous damage during and after the conflicts. Amnesty International has documented large-scale destruction of houses, theft of property and destruction of agricultural land.⁷⁸ International humanitarian agencies estimate that some 300 to 500 houses in the so-called buffer-zone had been deliberately burned during the occupation by Russian and South Ossetian forces, and that about 2000 houses were otherwise damaged in the course of the conflict.⁷⁹ Returnees received compensation equivalent to \$US15,000 to renovate their houses, but very little reconstruction has started due to perceived instability and fear of the possibility of renewed hostilities.

HOUSING POLICY FOR INTERNALLY DISPLACED PEOPLE

For more than 15 years, the country lacked a state policy on providing decent housing to the displaced. For several years after the conflicts during the 1990's there was no state policy or strategy in place to address the issue of the displaced. These people were housed on a haphazard, ad hoc basis in accommodation that was inadequate for long term human habitation and fell short of basic living standards.⁸⁰ In the initial years of displacement, due to the almost total absence of any public measures to attend to those displaced, many displaced people had to go door to door, seeking shelter with friends and relatives, and putting considerable strain on a population already suffering from high unemployment and widespread poverty. Many of those displaced suffered evictions and temporary homelessness due to their inability to afford rents, or after being evicted by the legal owners of buildings they had occupied.⁸¹

Many organizations on the ground pointed out that the reluctance of the government to provide durable housing solutions was due to the fact that the government's official policy was geared towards return. For about 17 years this category of displaced people lacked any title to their living space in collective centres. The insecurity of tenure not only made them vulnerable to eviction and intimidation, but also added to their overall anxiety about their future.

On 2 February 2007, the government adopted the State Strategy on IDPs which recognized the right of displaced people to local integration as a durable solution, at least until return to their homes became feasible. The need to improve their living conditions was also recognized.⁸² The Action Plan of 2009 on Internally Displaced People effectively amended the strategy in order to incorporate concerns deriving from the wave of displacement that followed the 2008 war. The stated aim of the Action Plan is to provide a long-term solution to the problems faced by both new and old groups of displaced people and to promote their socio-economic integration. To reach this goal, the Action Plan outlines a number of activities mainly centered on the provision of adequate and durable housing.⁸³

For those accommodated in government-owned collective centres meeting minimum living

standards, the plan outlines the durable housing options of renovation and transfer of the renovated living space into IDP ownership for the symbolic price of 1 GEL (equivalent to US\$ 0.50).

For those in the private sector and those who choose not to purchase their current living space, durable housing options will be offered at a later, second stage. For these groups, the government envisages the construction of new houses as well as the purchase of new dwellings and the subsequent transfer of ownership to the displaced residents.

TRANSFERRING LIVING SPACES INTO THE OWNERSHIP OF DISPLACED PEOPLE

The recognition in the State Strategy and Action Plan of the need to provide those displaced with durable housing and the subsequent transferral of living spaces into their ownership, constituted a major breakthrough in the government's policy towards housing displaced people.

In February 2009, the government began to transfer ownership rights to those living in collective centres and to renovate the collective centres eligible for ownership transfer, in an effort to provide residents with durable housing solutions.

With the exception of Tbilisi, the government also started to renovate buildings that had been privatized by displaced people. According to the national Action Plan, renovation included roofing buildings, improving sanitary conditions and ensuring water and gas supply wherever technically feasible.⁸⁴ The two categories of collective centres designated for the privatization project, as outlined in the Action Plan, are collective centres in property currently owned by the state, and property the state intends to buy for the sole purpose of transferring to displaced people.

By the end of 2009, up to 65 per cent of those living in collective centres - almost 7,000 families - had signed purchase agreements.⁸⁵

For those who choose not to purchase their current living space in collective centres, or live in collective centres that are not eligible for transfer into IDP ownership, the government committed to provide alternative durable housing. Some categories of collective centres that were not eligible for transfer included those that are run-down and therefore not fit for habitation; buildings that are to be returned to their primary use (e.g. kindergartens, schools) or privately owned buildings (e.g. hotels and sanatoria). Some government owned buildings in locations with a high real estate value will be auctioned to private investors who will then be responsible for providing displaced people with comparable alternative housing or compensation.

For those living in or renting privately owned accommodation the situation is less clear. While the government has undertaken to provide these people with housing at a later stage, there is a shared concern among many IDP rights organizations that donor money may not suffice, and that the government will not have the resources to meet this obligation. Currently, the government hopes to begin to offer housing to those in the private sector in 2010-2011.⁸⁶

However at this stage, the provision of durable housing solutions does not involve the estimated 130,000 displaced people living in private sector housing. These residents, almost exclusively displaced by the conflicts of the 90's, are in limbo pending the finalization of the next phase of the Action Plan, while neither the government nor NGOs have a complete and accurate picture of their number and living conditions.⁸⁷

CONCERNS REGARDING ADEQUATE HOUSING

Amnesty International welcomes the government's initiative to provide durable housing solutions; to improve housing conditions and transfer titles to displaced people to increase their security of tenure. However it is concerned about reports of significant flaws during planning and implementation. These problems negatively affect the right of the displaced to choose freely from the durable solution options available to them.

Registration errors which have not been corrected prior to the start of the transfer process are among these concerns. Errors that have emerged while concluding purchase agreements include different families being registered as closely related and individual displaced people being mistakenly registered as family members.⁸⁸ Not only do these errors cause long delays for displaced people in accessing their rights, but leave some stranded and vulnerable to eviction, as many are not registered at the place of their actual residence.

Throughout the planning and implementation of the transfer process, very little information about procedures and timeframes was available to displaced people.

According to NGOs working with the displaced, in February 2009 many people had signed purchase agreements without knowledge of their rights and obligations deriving from those contracts, including the applicable minimum living space and rehabilitation standards used in the process of renovation. Testimonies from displaced people collected by Amnesty International also confirmed this observation. A majority of those interviewed by Amnesty International complained about not being adequately informed about their rights as well as the availability of the alternatives in case they refused to 'purchase' their current dwellings. The lack of awareness is also indicative of the failure of the authorities to ensure that internally displaced are adequately informed and able to give full and informed consent on durable solution alternatives offered to them. Furthermore, the government only approved renovation standards and defined the minimum living space midway through the privatization process, resulting in a less favourable treatment of some displaced people compared to others.

Organizations that have been monitoring the process of transferring the titles into IDP ownership also raise concerns that the process has so far failed to address gender and other culture specific issues with regard to housing. In developing housing solutions, the government takes the "family" rather than individual displaced persons as a planning unit. This approach however is problematic for several reasons, as often it tends to exclude women and leaves some family members without legal protection or ownership rights. For example, while joint ownership is legally possible for a married couple, consent on behalf of the family is usually sought solely from the head of the family (as a rule represented by the eldest male

member of the household), and the agreement of other family members is not ensured in the process. In addition, the purchase agreement as well as the certificate of ownership is signed between the head of the family and the government or, in rare cases, the joint owners and the government. Other family members are mentioned in the contract as persons registered in the acquired living space, but they are not legal owners or right holders to the property, which leaves them with no legal protection should the head of the family act against their interests.⁸⁹

In the process of resettling people from collective centres, in some cases no consideration has reportedly been taken of the fact that children of displaced parents have grown up and started their own families. Whether for allocation of durable housing or other housing arrangements, they are still considered as members of their parent's family, falling short of acknowledging the rights and interests of the newly-formed families in the process of resettlement.

At the same time, it is not clear to what extent the transfer process is sensitive to specific family needs, such as the right to family unity. In many collective centres several generations of displaced families live together and form a strong support network in terms of sharing household chores, child care and caring for the elderly. Some displaced people expressed concern that it was not made clear to them whether the family members would be given spaces in the immediate vicinity of the rest of the family, after the renovation work was completed, creating obstacles to accessing their support network and family care.

Although provision of displaced people with durable housing is a key aspect of the government's current IDP strategy, Amnesty International is concerned that the current process is not targeted at meeting the needs of the most vulnerable groups.

According to the MRA, the provision of durable housing has benefited some 23,000 displaced families since the August 2008 conflict with Russia, including 8,000 new and 15,000 old caseload families. However, according to the Ministry at the time of writing, there are 28,000 old caseload displaced families who still live in extremely dire conditions, out of which "some 23,000 IDP families will remain in the same extremely poor living conditions" due to a lack of funds.⁹⁰

At present it remains unclear what specific steps government is taking to ensure that these most vulnerable groups are adequately prioritized while implementing durable housing solutions. Many displaced people, including the elderly, persons with disabilities and children, continue to live in appalling conditions in collective centres. Many of them have told Amnesty International that not only have they not been prioritized in receiving ownership of their living space, or having their living space renovated, they have not even been provided a clear prospect of their situation changing at any foreseeable, definite date in the future. The same is true for displaced people with special needs accommodated in privately owned accommodation, who are currently excluded from the privatization process. They are particularly vulnerable to housing shortages, as the government plans to address those living in private housing at a later stage, and only after the housing needs of those who are eligible and living in collective centres have been addressed. The government also needs to ensure that effective safeguards and monitoring processes are put into place, in situations where private investors have been given responsibilities to provide alternative housing and

compensation to displaced people as part of the auctioning of some collective centres. The government must ensure that the rights of internally displaced people are respected and protected in any such process.

The government's initiative to address the housing situation of displaced people in order to provide them with durable housing solutions is a positive initiative. However, this must be implemented in a manner which is consistent with the government's obligation to guarantee the right to adequate housing of all persons. The government needs to ensure that both old and new resettlement sites meet the criteria for adequacy of housing, under international law. It is particularly concerning that many displaced people have been living in buildings which were not designed to house people and that have lacked basic amenities for almost two decades. The government must also address the needs of displaced people living in or renting privately owned accommodation. It also has to ensure that the Action Plan is implemented in a non-discriminatory fashion and prioritises the most disadvantaged groups, while implementing housing solutions.



Elderly man in front of his accommodation at a collective centre near Gori (formerly a holiday camp). © Amnesty International

4.3. EMPLOYMENT OF DISPLACED PEOPLE

"I do not want any assistance or charity; I only wish that I could work to earn my own living. Back at home my husband and I worked on the land from dusk till dawn, for people like us it is very hard to be sitting in this small room feeling idle and useless."

Leila, 70-year-old woman living in a collective centre in Gori

The housing conditions and especially the location of the settlements and collective centres influence the chances and availability of income generation and employment. Many collective centres, newly built settlements and other accommodation for displaced people are situated in areas where there are few opportunities for work, limiting the chances of securing jobs and becoming self-reliant even further. Many displaced people have been out of employment for many years. This in turn has resulted in a deterioration of their professional skills, which have fallen behind and no longer meet the demands of the current very scarce and competitive labour market. Many who could not find jobs have fallen victim to passiveness and depression.

Currently high unemployment remains an especially pressing issue for displaced people.⁹¹ As acknowledged by the State Strategy on IDPs, adopted in 2007, "following the conflicts, IDPs have experienced a higher rate of unemployment in comparison with general data in Georgia; while in the districts densely populated by IDPs, lower indicators of economic activity have been observed. During the spontaneous accommodation of IDPs under conflict conditions, there were limited opportunities for offering job placements; and due to scarce social linkages and insufficient awareness (especially among IDPs in big cities) as well as inflexibility of the labour market, it was difficult for many IDPs to find stable employment. For those IDPs who managed to find work, this often has been outside of their professional qualifications and they have suffered loss of skills. Other IDPs who could not find jobs have lost their hope and initiative."⁹²

Most displaced people that Amnesty International spoke with identified unemployment as their most urgent and pressing problem. They also identified having a job and an earned income as the best way to achieve an improvement in their living conditions. The lack of income generating opportunities is also a frequent factor for economic migration and family separation. Unemployment among young displaced people is a particularly acute problem and has the potential to drive the young into hazardous labour or unlawful activities.⁹³ Lack of employment also reinforces the vicious cycle of dependence on the state.

According to the Georgian Department of Statistics, the overall unemployment rate in 2009 was 16.9 per cent not including those who own land or work in subsistence agriculture.⁹⁴ While there are no official segregated statistics available on displaced people, most recent surveys suggest that they suffer from higher rate of unemployment than the general population.

A survey of approximately 1.3 per cent of the overall old displaced population (3,000 respondents) by the Danish Refugee Council and the Swiss Development Agency in 2008 showed that only 31.3 per cent of those displaced in the 90's were employed, a figure that includes the self-employed and those who worked on their land plots.⁹⁵ Another survey by CARE International in 2009 covering roughly 2 per cent of the newly displaced population

(500 respondents) found that only 8 per cent of those relocated to settlements in Kvemo Kartli and Shida Kartli identified themselves as being formally employed.⁹⁶

According to the CARE International survey, the overwhelming majority of newly displaced people are unemployed and rely on state assistance for daily survival. Out of the 78 per cent who identified themselves as not having any formal employment, 24 per cent claimed that they did have formal jobs before the war. Twenty-two per cent of those unemployed say they have skills used before the war, but not used now, for example former nurses, teachers and carpenters.

BARRIERS TO ACCESS TO WORK

The remote locations of some collective centres and new settlements especially in areas where few employment, self employment or agricultural opportunities are available create additional barriers to access to work for the displaced. While subsistence agriculture tends to be the major employment opportunity available for these in rural areas, the displaced also face barriers in their access to agricultural land. Reportedly, many are unable to participate at all in the special auctions held for the sale of agricultural land, either because they lack funds, or because they are only registered with a temporary address and not in the community registries.⁹⁷ While some land has been allocated by the government to displaced people free of charge, concerns remain regarding the quality of the land plots. According to the recent CARE International survey of new IDP settlements, only 40 per cent of residents are engaged in farming activity. The quality and the size of the land plots available also vary significantly and in some settlements residents have characterized the allocated land as unfertile.⁹⁸ Even in cases where displaced people are able to cultivate the land and the subsistence agricultural activities allow them to avoid hunger, the plots provide small, if any, monetary income.⁹⁹

Against the background of limited formal employment, displaced people are also disadvantaged in seeking alternative employment or income opportunities. Most do not have the material or financial resources to start a small business, lacking the collateral to obtain even a small amount of credit.¹⁰⁰

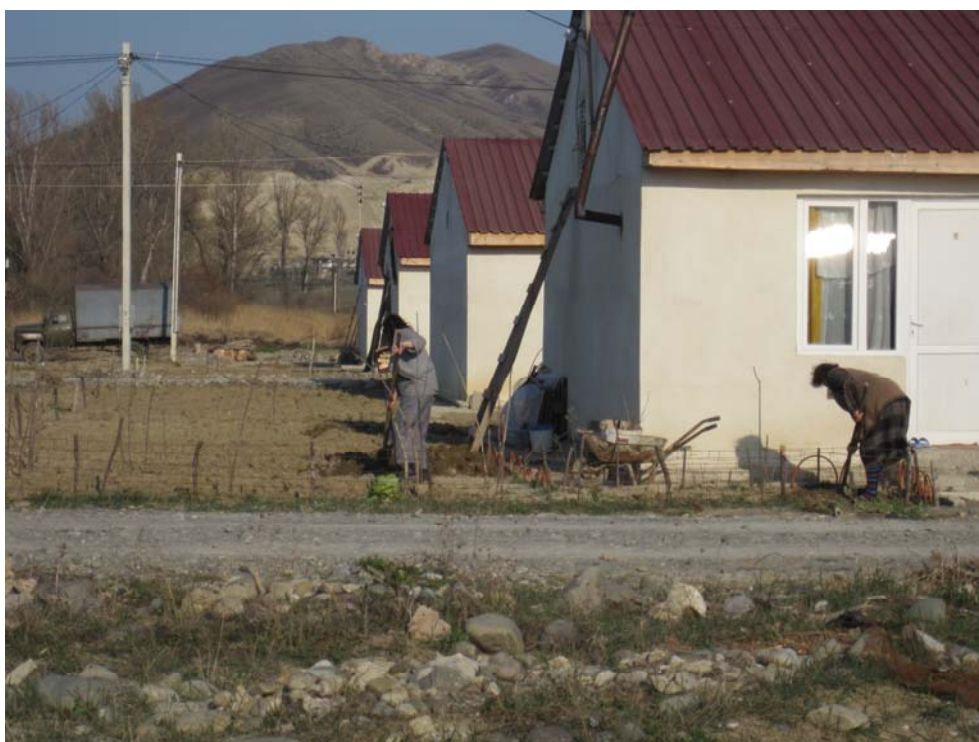
Unemployment among displaced people is aggravated by their loss of networks and traumatic stress as a consequence of displacement. Insecurity of tenure and inadequate living conditions of those displaced in the 90's has contributed further to their loss of being competitive in the labour market.

The Committee on Economic, Social and Cultural Rights has highlighted that the obligation of governments to fulfil the right to work under Article 6 of the ICESCR, includes the obligation "to adopt a national policy on the right to work as well as a detailed plan for its realization".¹⁰¹ The right to work requires formulation and implementation by States parties of an employment policy with a view to "stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment". It is in this context that effective measures to increase the resources allocated to reducing the unemployment rate, in particular among women, the disadvantaged

and marginalized, should be taken by states parties.¹⁰²

With regard to addressing unemployment among displaced people, the Action Plan on IDPs lists a number of measures such as the provision of information on available job opportunities and assistance within self-employment programmes such as micro-credit and grants, support with business start-ups and agricultural programmes.

Amnesty International views these steps as important positive developments, however important concerns remain. Programmes to assist displaced people to earn a living are of a pilot nature and neither nationwide nor comprehensive. The action plan also fails to set clear indicators and benchmarks by which progress in relation to IDP employment can be measured and periodically reviewed. Efforts so far by both government and NGOs to provide vocational training for displaced people have been sporadic and unsustainable. The absence of follow-up on training and subsequent procuring of employment has resulted in many growing reluctant to participate in such training.¹⁰³ This is especially true for women, as it means time away from their households and children. As noted by the recent UNHCR study “the problem arises with the IDPs who have already participated in vocational training and refuse to participate in another, as such training is not usually linked with assistance to find a job and apply acquired skills, which are therefore rendered useless and not worth wasting time and effort.”¹⁰⁴



Women beginning to grow vegetables in the new settlement at Tserovani. © Amnesty International

4.4. SOCIAL SECURITY

“After school I go with my father to collect scrap metal and sell it for money, it is not much but even a little helps. The IDP assistance that we get goes to buy textbooks for school, and we also have to eat.”

Levan, 14-year-old boy, living with his father in a collective centre in Zugdidi

The quality of life and prospects for a durable solution for the displaced persons from the 90's have improved little over the years. The limited assistance and attention by the Georgian government to support displaced people have kept them in a state of “perpetual limbo—enough to keep them alive, but too little to allow them to re-establish themselves and restart their lives in a meaningful way.”¹⁰⁵

Displaced people continue to be disproportionately represented among the approximately 11.3 per cent of the population which continues to live below the poverty line.¹⁰⁶ According to the most recent 2008 survey which only includes those displaced in 90's, every sixth IDP household regards itself as extremely poor, claiming to be constantly hungry, while approximately the same number of households consider their economical conditions as so hard that they hardly manage to feed themselves. Almost half (48.1 per cent) of IDP households state that their income is enough only for nutrition, while 17.3% of households are more or less satisfied with their economical conditions.¹⁰⁷

Presently, displaced people are entitled to two types of financial assistance: based on their status (IDP allowance) or based on their social vulnerability (social allowance).

Under the IDP Law, all persons with IDP status are entitled to a monthly allowance of 22 GEL (approximately US\$ 12) irrespective of any other income they might have. The sum is slightly higher (28 GEL approximately US\$14) for those living in the private sector, who do not benefit from government-funded utility subsidies. IDP assistance does not include health insurance.

A second, alternative financial allowance is accessible to displaced people based on a government programme of social assistance to the population as a whole, established by decree in 2006. The Targeted Social Assistance Programme (TSA) is available for displaced people who are assessed to be socially vulnerable, as they fall below the poverty line. In order to benefit from this programme, displaced people must meet the government's vulnerability criteria, and be registered in the database of socially vulnerable families. The vulnerability of all beneficiaries is assessed against criteria by social workers during visits to the household¹⁰⁸. The amount provided within this is determined by the number of persons in the household. A one-person household gets 30 GEL (\$US 15), families are supported with 30 GEL and an additional 24 GEL (US\$ D12) for every additional member of the family.¹⁰⁹ Social allowance based on the TSA programme includes enrolment in the state health insurance scheme.

However the TSA programme, being relatively new, reportedly faces issues with coverage of people living in poverty (defined as those living under US\$ 2 a day) and in extreme poverty (those living under US\$ 1/1.25 a day)¹¹⁰ as well as issues with application of the exclusion

and inclusion criteria in practice.¹¹¹ According to the 2009 World Bank Georgia Poverty Assessment report, “TSA reaches the poor well, and substantially increases their disposable income. But its coverage among extreme poor is still limited.” As a result, the impact of the TSA on overall poverty remains marginal and it “falls short of reaching its objective of assisting all people living in extreme poverty”.¹¹²

Another important issue with the TSA is the criteria based on which the households qualify as below poverty line. An assessment is done by a social worker, who visits the family to record a range of poverty ‘indicators’ which are used to assign each family a score of neediness.¹¹³ While assessing the families for needs, current criteria, alongside income, expenditure and living conditions, are also largely based on assessment of material assets, such as quality of housing, ownership of a TV, refrigerator, furniture etc.¹¹⁴ This in practice can mean that ownership of certain household items such as TV or refrigerator can make a difference in whether households qualify for assistance. Amnesty International delegates have observed in several instances, that poor and vulnerable households in appalling conditions and with family members suffering from health issues or disabilities have been deemed ineligible to be included in the TSA. For example, several displaced families in extremely poor conditions in collective centres and in the private sector told Amnesty International that they had been disqualified from receiving social allowance because they possessed a TV set or refrigerator, often given to them as a gift or borrowed from relatives.

In fact, the evaluation of the TSA programme by the World Bank in 2007, found that the current approach while capable of helping some poor was “still far from equitable” and many persons excluded under the programme and effectively left with nothing may in fact have been “very poor.”¹¹⁵

Finally while those displaced in the 90’s as well as displaced people living in private accommodation have to undergo an individual assessment in order to qualify for the TSA, currently those housed in newly constructed settlements automatically qualify for the TSA without having to undergo an assessment of vulnerability.¹¹⁶

The Committee on Economic, Social and Cultural Rights has clarified that governments are under a core obligation, to prioritise the realisation of minimum essential levels of each of the rights in the ICESCR. In relation to the right to social security under Article 9 of the ICESCR, this includes ensuring “access to a social security scheme that provides a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential health care, basic shelter and housing, water and sanitation, foodstuffs, and the most basic forms of education.”¹¹⁷

Amnesty International welcomes the assistance measures provided by the government; however it remains concerned that neither IDP assistance, nor the TSA is sufficient to provide displaced people with minimum essential levels of benefits. Both of them fall far below the subsistence minimum specified by the Georgian government¹¹⁸, and therefore are not adequate for meeting the basic standards of living for the displaced, especially the most vulnerable. Further, the criteria for assessment appear to be applied in a manner which leaves many IDP families that are living in poverty without the necessary assistance.



Father and son living in Zugdidi collective centre. © Amnesty International

4.5. HEALTH OF DISPLACED PEOPLE

“My husband passed away so I am alone taking care of my two children. A couple of months ago, my grandmother was partially paralyzed and cannot walk any more. I took her in with us since she had no one else to take care of her and we could not afford to leave her in hospital. Until recently, we had the government sponsored health insurance but this year it was cancelled. We were told that we no longer qualify for the assistance, because we own a TV set.”

Thea, a single mother living in a collective centre in Tbilisi

Poverty as well as lack of income and poor housing conditions and marginalization negatively affects the general health of displaced people, exposing them to higher health risks and long term depreciation of health as well as limiting their overall ability to address health related problems.¹¹⁹ Recent studies show that their health status is worse than that of the general population, with a higher share of IDP households that cannot afford and consequently do not seek health care.¹²⁰ In addition, displacement and the trauma for those who fled from or remain trapped in conflicts and displacement often results in a variety of mental health disorders such as major depression, anxiety and stress disorders. The inadequate living conditions and malnutrition that are especially widespread among displaced people also

increases susceptibility to diseases such as tuberculosis, diphtheria and anaemia.¹²¹ Health experts note that some health conditions are of social genesis and indicative of the inadequate living standard that many displaced people in Georgia find themselves in.¹²²

Healthcare for displaced people in Georgia is provided in line with existing state programmes. They are entitled to the same health care in state-owned medical facilities as other citizens and free emergency aid.¹²³

Since February 2009, all internally displaced people, by virtue of being citizens of Georgia, can sign up for a health insurance programme partially co-financed by the state. The programme mainly covers accident, primary and some emergency treatment, but there is no coverage for expenses related to the purchase of medicines.¹²⁴

As of June 2006 displaced people who qualify for targeted social assistance (i.e. those living below the poverty line) are eligible to receive free health insurance under the Medical Assistance Program (MAP) for the poor. This insurance has more comprehensive coverage¹²⁵ including primary care and urgent inpatient care (without limit), and planned inpatient care up to GEL 15,000 or \$US 7,000 annually.¹²⁶ As of February 2010, the programme also includes partial (up to 50 percent) reimbursement of the cost of medicines up to GEL 50 (approximately \$US 25) a year, but for many beneficiaries the commencement of this obligation will start after their current insurance policies come to an end.¹²⁷ The provision of medical insurance is currently provided via private insurance companies. The beneficiaries receive insurance vouchers and then have to choose from the 15 insurance companies that purchase health care from providers on behalf of eligible households and are responsible for provision of the services in the benefit package identified by the state.¹²⁸

As with the state insurance in attached to the TSA, the only group of displaced people automatically qualifying for the free state insurance programme are the recently displaced who now reside in the newly constructed settlements. Those displaced during the 90's do not automatically receive the TSA, and have to undergo individual assessments to qualify, like the rest of the population.

BARRIERS TO ACCESS TO HEALTHCARE

As a state party to the ICESCR and the revised European Social Charter, Georgia is obliged to respect, protect and fulfil the right to health.

The Committee on Economic, Social and Cultural Rights has clarified that Article 12.1 of the Covenant is not confined to the right to health care. The right to health "embraces a wide range of socio-economic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water and adequate sanitation, safe and healthy working conditions, and a healthy environment."¹²⁹

It has emphasised the obligation of governments to ensure the availability, accessibility, acceptability and quality of health care facilities, goods and services. The Committee has

stated that the right to health in all its forms and at all levels contains the following interrelated and essential elements:

(a) Availability. Functioning public health and health-care facilities, goods and services, as well as programmes, have to be available in sufficient quantity within the state party.

(b) Accessibility. Health facilities, goods and services have to be accessible to everyone without discrimination, within the jurisdiction of the state party. Accessibility has four overlapping dimensions:

Non-discrimination: health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.

Physical accessibility: health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous populations, women, children, adolescents, older persons, persons with disabilities and persons with HIV/AIDS.

Economic accessibility (affordability): health facilities, goods and services must be affordable for all. Payment for health-care services, as well as services related to the underlying determinants of health, has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with health expenses as compared to richer households.

Information accessibility: accessibility includes the right to seek, receive and impart information and ideas concerning health issues.

(c) Acceptability. All health facilities, goods and services must be respectful of medical ethics and culturally appropriate.

(d) Quality. As well as being culturally acceptable, health facilities, goods and services must also be scientifically and medically appropriate and of good quality. This requires, inter alia, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation.¹³⁰

An important problem in the access by displaced people to healthcare remains the lack of information about the types of healthcare services that they are entitled to receive. This problem is further aggravated by the general mistrust in state policies and aid programmes that pertains among displaced people, as well as ongoing transitions and frequent changes in Georgia's health care system and a confusing maze of healthcare policies.¹³¹ For the displaced people who qualify for the state sponsored health insurance, the problem is the lack of information about what services or coverage the different private insurance companies offer them under the programme.

Displaced people interviewed by Amnesty International often complained about the lack of information and clarity about their entitlements to healthcare and often expressed their lack

of trust in the quality of the available healthcare services in general. Those that were eligible to participate in the state insurance programme for the population below the poverty line under the TSA programme, were also unsure of what was included or covered under the programme and therefore how much expense they would incur visiting medical facilities. The lack of information in many instances reportedly led to their reluctance to seek healthcare in timely and effective manner.¹³² Several displaced people also stated that, despite financial hardship, they were sometimes forced to opt for private health care so to ensure the quality of healthcare and as to avoid lengthy waiting times and procedures.¹³³

A lack of proper information coupled with poor communication between insurance companies, healthcare providers and displaced people creates additional barriers to accessing health care. While hospitals involved in state healthcare programmes have clear contractual obligations to provide services, displaced people interviewed by Amnesty International as well as organizations on the ground reported obstacles in receiving healthcare in some of these hospitals.¹³⁴

Many displaced people simply do not have the money to pay for health services, medicines and transport to get to the healthcare facilities.

As discussed above, not all of the displaced population qualify for the TSA, which grants them free state health insurance. Even in cases when they do qualify for state sponsored health insurance most medicines are not covered, nor are a number of other important services. Out-of-pocket payments for medicines and special treatments not covered by the state health insurance force many displaced people to let illnesses go untreated or fall into debt.¹³⁵ In addition, even with state health insurance, displaced people may also be asked by medical personnel to pay additional, often unjustified, fees that they cannot afford.¹³⁶

Even when medical consultations are free, many displaced people cannot afford to buy the prescribed medicine. Those interviewed by Amnesty International complained that they often could not afford to buy medicine, especially for chronic health conditions such as high blood pressure. Many also stated in that due to a lack of finances and uncertainty about regular access to medicine, they were not able to take the prescribed medicines regularly. Until recently, the cost of medicines was not covered even for the most vulnerable groups of people under the TSA. In this light the introduction of the partial co-payment for medicines into the MAP programme in February 2010, is an important development with the potential to alleviate some of the burdens of high medicine costs. However, its effectiveness can only be properly assessed after implementation, and will also depend on how well the beneficiaries among the displaced are informed of the process. At the time the Amnesty International delegates visited, a month after the initiative was adopted, none of the displaced persons interviewed had been informed about the new benefits.

Travel expenses also add to the financial barriers to accessing healthcare, and are a particular additional cost for displaced people living in rural areas. According to an Oxfam International report¹³⁷ the population in rural areas of Georgia have limited access to health services, as the rural healthcare facilities tend to be of poor quality and the "privatised health-care system means that patients may have to travel long distances to reach the closest health post, often depending on which providers their insurance company has a contract with. Another risk is that services may be centralised by commercial owners to save costs,

further restricting access.” International organizations on the ground have also raised their concerns about the fact that due to the limited presence of medical staff in rural areas, as well as the absence of modern medical equipment, IDP patients have to travel further, and therefore these additional costs place treatment out of reach, especially if it is needed on a regular basis.¹³⁸

The lack of information and inability to afford medical services is the biggest impediment in displaced people’s access to healthcare.

The government-financed state insurance programme, which benefits some displaced people who qualify as socially vulnerable, has gone some way to ensuring greater access to health care for the poorest, but it does not solve the lack of access to necessary healthcare completely. Its coverage is limited both in terms of services and benefits afforded as well as the coverage of its beneficiaries.¹³⁹

Because of these barriers, displaced people are either left without care, or their families are pushed further into poverty. Financial constraints, lack of information and fear of unmanageable expenses also limit their willingness to seek healthcare until the critical moment. Even preventable diseases are rarely diagnosed quickly and treated adequately, resulting in serious consequences to the health of displaced people.



Elderly couple in a collective centre in Kutaisi. © Amnesty International

4.6. LOCAL INTEGRATION

“Almost 20 years ago, when we had to flee our homes in Tskhinvali, the government told us we would return in six months. We have been waiting ever since but after so many years we still do not know what our fate will be. We want to return but we also want to live whatever is left of our lives in dignity.”

Elderly couple in a collective centre in Tbilisi

National and local authorities have the primary duty and responsibility to ensure that all internally displaced people have access to durable solutions. This includes establishing conditions, as well as providing the means, which allow them 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, and to assist them to recover their property and possessions or obtain just compensation.

There are three alternative durable solutions to address the situation of internally displaced people generally: return, local integration and resettlement in another part of the country.¹⁴⁰In the case of Georgia, return to places of origin still remains unfeasible at least in the near term. The Georgian authorities have the primary duty under international law to establish conditions, as well as provide the means, which facilitate the local integration of displaced people where they are re/settled.¹⁴¹

A durable solution can be achieved only “when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement”¹⁴²and enjoy without discrimination *inter alia*:

- Long-term safety, security and freedom of movement;
- An adequate standard of living, including at a minimum access to adequate food, water, housing, health care and basic education;
- Access to employment and livelihoods.¹⁴³

In cases where local integration or resettlement are the only viable options, such as is currently the case in Georgia, the central benchmark of successful local integration is that the standard of living attained by displaced people should be comparable to that of the host community, and that displaced people should not face discrimination for reasons related to their displacement.¹⁴⁴ Local integration also encompasses:

- Measures to facilitate access to the education and health care.
- Creation of economic opportunities, allowing the displaced to sustain themselves.
- Providing an environment in which internally displaced persons can participate in the planning process and have access to a consultative and decision making process related to their local integration: in this regard a dialogue between national and local authorities and representatives of displaced people is crucial.¹⁴⁵

In the case of displaced people in Georgia, local integration is not only an alternative durable solution, but an opportunity for a strategy to allow people to live normal lives until conditions materialize to support sustainable return to their areas of origin. This includes realizing and protecting their rights during displacement as well as building their self-reliance and self-sufficiency.¹⁴⁶

For people in protracted displacement, who suffered the attendant marginalization and social stigma, as well as being disempowered and dependant on meagre government assistance for years, more measures than the provision of housing are needed to guarantee their empowerment and to ensure their integration. The same is true for those displaced following the August 2008 war, especially these living in remote settlements with a lack of infrastructure. In order to create sustainable communities out of these artificial settlements, the government must create appropriate conditions such as the provision of employment or income opportunities and ensure adequate access by displaced people to the social infrastructure and essential services such as schools, kindergartens, pharmacies and health facilities.

4.7. PARTICIPATION

“The ministry representatives come and offer us their vision on how the renovation works should be done. They tell us we can privatize the current space but in the case of many families their current space is cut or reduced significantly because they claim that is what is needed for overall renovation of the building. They have not really offered us any alternative, inquired about our needs or given us any information about our rights. Basically it is a take it or leave it deal and we do not really have a say in it.”

Displaced woman in a collective centre in Kutaisi

The right of every citizen, without discrimination, to participate in public affairs is recognised, *inter alia*, in the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights and Fundamental Freedoms (ECHR) and the Guiding Principles on Internal Displacement, as well as through specific provisions in other human rights treaties including the Convention on the Elimination of All Forms of Discrimination Against Women. Moreover, the right to participate in public affairs is an integral aspect of the fulfilment of other human rights. For example, the Committee on Economic, Social and Cultural Rights has stated that national health strategies “should respect the principle of people’s participation...the right of individuals and groups to participate in decision-making processes, which may affect their development, must be an integral component of any policy”. Similarly, with regard to the right to adequate housing, the Committee has observed that “[A]ll those affected, including the homeless and the inadequately housed must participate in national strategies and be extensively and genuinely consulted”. Fulfilment of the right to participation in public affairs is therefore closely related to and essential for the fulfilment of numerous other rights enshrined in the ICESCR.

The importance of displaced people and returnees being consulted on all issues affecting their daily life and the future of their families has also been highlighted repeatedly by the likes of the representative of the UN Secretary-General on the human rights of internally displaced persons in his report of 13 February 2009¹⁴⁷ as well as the Council of Europe

Commissioner for Human Rights.

The vast majority of displaced people that Amnesty International spoke to lacked even basic information about their rights, options and remedies available. They had little awareness of what services they were entitled to within the new and complex state health insurance scheme, and most did not know about the timing, procedures and standards involved in renovating their living space, or alternatives to privatization. Many also complained about the lack of information on availability of employment opportunities.

Many newly displaced people told Amnesty International that they had had no say in their relocation, and had not been consulted with regard to the location, set-up or facilities of new settlements to which they were relocated from emergency relief collective centres. Displaced people residing in collective centres also spoke about the lack of information and consultation with regard to rehabilitation and the privatization process. Most said they were unaware of whether and when their living space would be refurbished and transferred, or whether they would keep their current living space. They were unaware of their rights about alternatives if they were not able to purchase their living space and about the criteria applied. Congruently, many displaced people interviewed claimed that they were confronted with a “take-it-or-leave-it” approach about durable housing solutions, which was confirmed by many NGOs working on IDP issues.

The lack of information on available alternatives was an issue of special concern with respect to those collective centres that had not (yet) been earmarked for renovation and transferral to the ownership of the displaced people living there. For example, some of the buildings that currently house displaced people in Tbilisi will not be privatized on behalf of the residents, but will be auctioned to investors because of their prime location and high value. At the same time, the Action Plan clearly states that no new buildings will be constructed to house displaced people in Tbilisi. Displaced people from urban areas, especially those from Abkhazia, tend to be strongly resistant to the idea of being relocated from the capital because of the lack of available employment opportunities elsewhere, but are not aware of any alternatives.¹⁴⁸

Information campaigns, where conducted, seem to have been unsuccessful in delivering basic levels of information to IDP communities.

Decisions regarding the location of new settlements constructed to house displaced people, as well as regarding the privatization and rehabilitation processes, have been taken without adequate consultation with those displaced themselves. The approach of the Georgian authorities appears to be ‘top-down’, whereby the participatory approach in terms of developing policies and solutions for displaced people is often understood as the involvement of international donors and NGOs, and does not necessarily involve those actually displaced.¹⁴⁹ Lack of access to credible and accurate information and low awareness of their rights as IDPs is especially acute in the regions. The lack of clarity on the division of responsibilities of various actors tasked with issues of concern to displaced people adds to the problem.

The lack of information and consultation also hampers the effectiveness of government programmes, as displaced people are reluctant to make final decisions without knowledge of available alternatives or clear standards for government-offered renovation works and

minimum allocated living space.

The MRA states that it has taken concrete steps to increase the level of information among displaced people, by the distribution of information brochures and the establishment of a 24-hour phone hotline to provide advice and information. Interviewees, however, report that this hotline remains ineffective, not offering comprehensive information but merely redirecting inquirers to other sources of information. Organizations working on IDP issues also described the government's communication with displaced people, if and when it happens, as a "one-way street", rather than providing a space for consultation with IDP communities.¹⁵⁰ Local NGOs, who attempt to address the lack of information, have also described to Amnesty International how they themselves are constrained by the failure of government to adequately communicate its strategy; either by lack of communication of up-to-date policies or due to the lack of such policies.

Despite efforts by the MRA to improve communication, Amnesty International is concerned by the apparent lack of information available on rights and options and by the failure of the authorities to ensure consultation with displaced persons prior to decision-taking.

This lack of information and awareness not only jeopardizes and delays the effectiveness of state programmes for displaced people but also deepens the isolation of IDP communities, and reinforces their dependence on the state. Without full knowledge of their rights, entitlements and options, displaced people will find it even harder to integrate into the rest of Georgian society.



A family of IDPs living with relatives in Zugdidi. © Amnesty International

4.8. ACCOUNTABILITY

“Government and international organizations usually go to the new settlements where new IDPs live, because the conditions are better and people complain less. I often see them passing through this highway. But they do not stop here. Here everything is old and collapsing and we have been living in these conditions for almost twenty years. They do not care about us. We, the “old IDPs”, are an old story.”

Elderly couple in an old tourist base building near Gori

In 2005, the United Nations Commission on Human Rights adopted a series of 12 benchmarks of national responsibility aimed at providing a normative framework for state responses to internal displacement. Based on the Guiding Principles on Internal Displacement the benchmarks consist of a number of practical steps aimed at fulfilling national responsibilities. These are:

- Prevent displacement and minimize its adverse effects
- Raise national awareness of the problem
- Collect data on the number and conditions of internally displaced people
- Support training on the rights of displaced people
- Create a legal framework for upholding the rights of displaced people
- Develop a national policy on internal displacement
- Designate an institutional focal point on internally displaced people
- Encourage national human rights institutions to integrate internal displacement into their work
- Ensure the participation of the internally displaced in decision-making
- Support durable solutions
- Allocate adequate resources to the problem
- Cooperate with the international community when national capacity is insufficient

These benchmarks provide further valuable criteria for assessing the realization of human rights of internally displaced persons.

Several governmental institutions in Georgia deal with issues relating to the registration, status and economic and social rights of the internally displaced. First and foremost is the Ministry for Refugees and Accommodation (MRA), which is directly responsible for IDP protection. However, in practice the powers of the MRA are limited to issues and concerns directly relating to displacement such as distributing monthly IDP allowances and subsidies,

maintaining databases and issuing various documents certifying the identity of a displaced person. The MRA is also responsible for coordinating the efforts of all other governmental agencies relating to the internally displaced and has established representative branch offices in the regions.

Other issues of considerable relevance to displaced people, such as social assistance based on vulnerability, access to healthcare and education and support with agricultural livelihoods, are within the responsibility of the Ministries of Health and Social Affairs, the Ministry of Education and the Ministry of Agriculture. In those areas, the MRA's competence is limited to its coordinating function.

Many displaced people, as well as several organizations dealing with IDP issues, voiced concern that a lack of clarity with regard to the division of responsibilities and cooperation of the various branches of government and other authorities over IDP issues often created additional barriers to resolving the issues in a timely and efficient manner. For example, the ongoing privatization process under which displaced people's current living spaces are transferred into their ownership is coordinated by the MRA, however the Civil Registry Agency (CRA) under the Ministry of Justice is tasked with registering the space inhabited by displaced people, while renovation work rests with the Municipal Development Fund (MDF) through construction contracts with private companies that carry out the renovation work. As a result displaced people are often confused as to who is responsible for defects or faults in their renovated apartments.¹⁵¹

When it comes to institutional responsibility in dealing with the IDP issues there is a lack of a clearly established institutional mechanism that allows the internally displaced population to contact the authority in charge and to receive a prompt response.¹⁵²

There are a high number of ministries and government agencies involved, without often a clear and concrete division of tasks when it comes to dealing with issues of displaced people. This vagueness also hinders accountability of authorities and access by the internally displaced to information and remedies, as often they are not aware which agency or government ministry is responsible for what. Despite the government's efforts to establish local focal points to deal with IDP issues, displaced people in the regions complain that the local structures are ineffective in addressing their problems due to resource or competency constraint, while the option of bringing their complaints directly to the central MRA in Tbilisi is often very expensive and time consuming. This often results in situation where people either fall into the role of passive aid recipients, or are forced to go back and forth through multiple structures or different agencies in search of solutions. The lack of communication and consultations with the displaced population into the planning and implementation process, as well as the lack of consideration and the feedback from the displaced population as the beneficiaries of government's policies, also reinforces the deficiency of institutional accountability.

5. CONCLUSION

In the context of protracted displacement in which up to 246,000 people now find themselves, much remains to be done to fulfil the rights of the displaced to live in dignity.

Until recently, the government almost exclusively focused on return as the only acceptable durable solution for the displaced, thereby reinforcing their dependency on the state. A breakthrough occurred in 2007, with the adoption of the State Strategy on IDPs, which recognized the right to local integration as a durable solution, at least until return home became feasible. The need to improve living conditions of the internally displaced was also recognized.¹⁵³ The Action Plan of 2009¹⁵⁴ on IDPs effectively amended the strategy in order to incorporate concerns deriving from the wave of displacement that followed the 2008 war.

Amnesty International welcomes the Georgian government's efforts to allocate resources to establishing a legal framework protecting the rights of the internally displaced population, and to develop a national strategy and Action Plan. Amnesty International further acknowledges measures taken to improve the housing situation of the internally displaced. These measures include the swift resettlement of the newly displaced from camps and emergency shelters to more durable accommodation, and initiating the process of renovating collective centres, as well as transferring living spaces into the ownership of displaced people. However, concerns remain regarding the ongoing lack of adequate housing in many collective centres where residents are awaiting renovation or resettlement. There are concerns also that some of the refurbished collective centres and newly built settlements do not fully meet the criteria of adequate housing due to problems with access to water and sanitation, as well as the availability of essential services.

Furthermore, important concerns remain regarding the integration of the displaced population, and their access to economic, social and cultural rights. While durable housing is an important component of national governments' obligations towards a displaced population, it is only part of a durable solution for the displaced. A durable solution should also include the rights of internally displaced people to social security, health, employment and livelihoods.¹⁵⁵

In terms of realizing economic and social rights other than housing, the present action plan does little more than integrate most of the internally displaced into existing state social assistance programmes. Even then, problems with the coverage and inclusion of such programmes mean that many of the very poor are left without assistance.

High unemployment remains an especially pressing issue for displaced people. However there is no coherent state policy to tackle the general unemployment or unemployment among vulnerable groups such as the displaced. Programmes to assist displaced people to earn a living are mostly of a pilot nature; they are neither nationwide nor comprehensive and generally lack sustainability due to an absence of follow up measures.

Displaced persons also face important information and financial barriers that limit their access to healthcare, and have negative consequences for their health. In addition, some very

poor IDPs with serious health conditions are left without the state sponsored health insurance.

The effectiveness of government policies and programmes is also hindered by a lack of planning, coordination and consultation with representatives of the displaced population. This often results in these programmes not being implemented in ways that fully safeguard the human rights of their intended beneficiaries. In addition, the absence of statistical data on certain issues relating to displaced persons, such as unemployment, health conditions, mortality etc, makes monitoring or assessing progress on economic, social and cultural rights for the most vulnerable groups very difficult.

In the aftermath of the August 2008 war, the Georgian government, with the help of the international community¹⁵⁶, responded swiftly to the urgent displacement needs of the new wave of internally displaced people,¹⁵⁷ re-housing the majority in newly built settlements before the winter. But in sharp contradistinction to this achievement, many of those displaced in the 90's continue to live in dire conditions. Tens of thousands still await solutions to their most pressing needs, a situation that has not changed for over 17 years.

6. RECOMMENDATIONS

Amnesty International calls upon the Georgian authorities:

To ensure the progressive realisation of the human rights of the internally displaced population. In particular:

- Devote the maximum available resources to progressively achieving the full realization of economic, social and cultural rights.
- Collect disaggregated data to monitor the realisation of rights by the internally displaced population through the implementation of regular and comprehensive surveys.

To ensure that durable housing solutions meet with the criteria for adequate housing and are extended to all the displaced persons in need:

- Ensure that all housing provided to displaced people in collective centres and in new resettlement sites meets the criteria of habitability, as well as access to water, sanitation and other basic infrastructure and is in a suitable location.
- Ensure the prioritisation of those who require the most urgent attention, as well as the most disadvantaged groups of people while allocating durable housing solutions.
- Ensure that plans for durable housing solutions are extended to all displaced people, including those living or renting private accommodation.
- Ensure genuine consultations with, and the participation of displaced people in, the development and implementation of plans for durable housing solutions.
- Ensure that the internally displaced are not impeded in the registration of new family units as separate households with full eligibility to subsidies and benefits as guaranteed in law, including durable housing.

To take effective measures to address the barriers on access to work, in particular:

- Develop comprehensive programme and policy to address the barriers to work, especially amongst displaced people and other particularly disadvantaged groups, as well as a detailed plan for its realization.
- Provide information on employment opportunities and facilitate access of internally displaced persons to employment opportunities.

To take effective measures to address the barriers on access to healthcare, in particular:

- Ensure the availability and quality of health care facilities, goods and services.
- Provide information on schemes for health care to all the internally displaced and support them in accessing such schemes. Ensure that essential medicines are affordable and available to them.

To take effective measures to address the social security of the internally displaced population, in particular:

- Harmonize the state benefits and allowances available to all displaced people, to ensure that similarly situated groups of the internally displaced are not treated differently. Ensure that all assessments are based on clearly identified criteria, which do not exclude groups who require assistance.
- Review the criteria for assessment of families under targeted social assistance programmes. Ensure that they are formulated and implemented in a manner which ensures that such benefits are accessible to all those who require them.

To ensure the right of the entire internally displaced population to genuinely participate in decisions affecting the exercise of their human rights. Steps to implement this would include

- Creating mechanisms to consult with displaced people on the development and implementation of the State Strategy and Action Plan and on decisions relating to return, local integration, and durable housing solutions amongst others.
- Ensuring that information on the Strategy and Action Plan and on entitlements that displaced people have under national laws and policies are made available in an accessible form to all internally displaced people. In particular the authorities should ensure that they have access to full and updated information on durable solutions, assistance available for both return and local integration or resettlement/relocation to another part of the country, documentation, social assistance, security, income generation, and vocational training.
- Ensuring that internally displaced persons are fully informed as to their rights to return or to resettlement or integration within a local community if they so wish. Any decision must be made voluntarily, without coercion.

Amnesty International calls upon the international community to:

- Continue to provide international cooperation and assistance to Georgia, in particular to realise minimum essential levels of economic, social and cultural rights for all persons.
- Continue efforts to monitor and support conditions for the enjoyment of the rights to freedom of expression, assembly, association and participation to ensure that full and transparent debates over the direction of policy on internal displacement may be ensured.

1 The Action Plan on Internally Displaced Persons of 28 May 2009 was further amended by the Georgian Government Decree N 575 in order to provide further clarifications regarding the activities planned from 2010 and onward.

2 People in IDP like situations “includes groups of persons who are inside their country of nationality or habitual residence and who face protection risks similar to those of IDPs but who, for practical or other reasons, could not be reported as such.” See UNHCR, Statistical Online Population Database: Sources, Methods and Data Consideration at : www.unhcr.org/45c06c662.html#idps

3 Owing to concerns about security and bad living conditions that inhibit sustainable return UNHCR considers people who returned to Gali and areas adjacent of ABL with South Ossetia to be people in IDP like situations. See: UNHCR Georgia Briefing Note October 2009 at www.unhcr.org/4b274bc76.html and also the International Crisis Group's report, South Ossetia: The Burden of Recognition, 2010 at <http://www.crisisgroup.org/~media/Files/europe/205%20South%20Ossetia%20-%20The%20Burden%20of%20Recognition.ashx>.

4 In line with its stated main focus this report covers the situation of internally displaced persons within the borders of Georgia. It acknowledges, but does not address here, the situation of numerous other people of various ethnicities who left Georgia owing to the complexities of its recent history but who also have a right to return, in safety and in dignity.

5 Representative of the UN Secretary General on Internally Displaced Persons, Profiles in Displacement: Georgia, E/CN.4/2001/5/Add.4, 2001 available at [http://www.unhcr.ch/Huridocda/Huridoca.nsf/e06a5300f90fa0238025668700518ca4/8f7f9cb3884a2855c1256a25002c8635/\\$FILE/G0110622.pdf](http://www.unhcr.ch/Huridocda/Huridoca.nsf/e06a5300f90fa0238025668700518ca4/8f7f9cb3884a2855c1256a25002c8635/$FILE/G0110622.pdf).

6 For background on Georgia- Abkhazia conflict see: WRITENET, The Dynamics and Challenges of Ethnic Cleansing: The Georgia-Abkhazia Case, 1997 at www.unhcr.org/refworld/docid/3ae6a6c54.html

7 For more info on August 2008 Georgia- Russia conflict see Amnesty International's report, Civilians in the line of fire: The Georgia-Russia conflict, EUR 04/005/2008, 2008 available at <http://www.amnesty.org/en/library/asset/EUR04/005/2008/en/d9908665-ab55-11dd-a4cd-bfa0fdea9647/eur040052008eng.pdf>.

8 To date, the only states other than Russia to recognize the breakaway regions of Abkhazia and South Ossetia are Nicaragua, Venezuela and Nauru.

9 See Amnesty International's report, Georgia Summary of Human Rights Concerns, EUR 56/002/1998, 1998 available at <http://www.amnesty.org/en/library/asset/EUR56/002/1998/en/29bab221-d9d7-11dd-af2b-b1f6023af0c5/eur560021998en.pdf>.

10 Representative of the UN Secretary General on Internally Displaced Persons, Profiles in Displacement: Georgia, E/CN.4/2001/5/Add.4, 2001 available at [http://www.unhcr.ch/Huridocda/Huridoca.nsf/e06a5300f90fa0238025668700518ca4/8f7f9cb3884a2855c1256a25002c8635/\\$FILE/G0110622.pdf](http://www.unhcr.ch/Huridocda/Huridoca.nsf/e06a5300f90fa0238025668700518ca4/8f7f9cb3884a2855c1256a25002c8635/$FILE/G0110622.pdf).

- 11 Gali (called Gal by Abkhazians) is the district on the Abkhazian controlled side of the Inguri river administrative border with Georgia, with a pre-war population that was 90 per cent ethnic Georgian. See: Amnesty International's report, Georgia Summary of Human Rights Concerns, EUR 56/002/1998, 1998.
- 12 Council of Europe, Second report on the human rights situation in the areas affected by the conflict in Georgia (April – June 2009), SG/Inf(2009)9, 2009.
- 13 South Ossetia, the other area which is currently outside the de facto control of the Georgian authorities, lies to the north of Tbilisi, Georgia's capital, and borders the autonomous republic of North Ossetia (Alania) in the neighbouring Russian Federation.
- 14 Organization for Security and Cooperation in Europe (OSCE), Human Rights in the was-affected areas following the conflict in Georgia, 2008 available at http://www.osce.org/documents/odhr/2008/12/35656_en.pdf. For more information on the background to the conflict see Amnesty International's report, Civilians in the line of fire: The Georgia-Russia conflict (EUR 04/005/2008) available at www.amnesty.org/en/library/asset/EUR04/005/2008/en/d9908665-ab55-11dd-a4cd-bfa0fdea9647/eur040052008eng.pdf
- 15 Amnesty International, Civilians in the aftermath of the war: the Georgia-Russia conflict a year on, EUR 04/001/2009, 2009, available at <http://www.amnesty.org/en/library/asset/EUR04/001/2009/en/f9998486-b2d7-4356-843d-196a8a6c9486/eur040012009eng.pdf>
- 16 Amnesty International's report, Civilians in the line of fire: The Georgia-Russia conflict (EUR 04/005/2008) available at www.amnesty.org/en/library/asset/EUR04/005/2008/en/d9908665-ab55-11dd-a4cd-bfa0fdea9647/eur040052008eng.pdf
- 17 Institute for War and Peace Reporting (IWPR), Kodori Gorge Refugees in Limbo, 22 January 2009, See : http://www.iwpr.net/?p=crs&s=f&o=349387&apc_state=henh
- 18 A six-point peace plan based on the ceasefire agreement brokered by President Sarkozy was signed by President Saakashvili on 15 August and President Medvedev on 16 August. See Amnesty International's report, Civilians in the line of fire: The Georgia-Russia conflict, EUR 04/005/2008, November 2008 Available at: <http://www.amnesty.org/en/library/asset/EUR04/005/2008/en/d9908665-ab55-11dd-a4cd-bfa0fdea9647/eur040052008eng.pdf>
- 19 The official website of the President of Russia, "Agreement between the Russian Federation and the Republic of South Ossetia on joint efforts in protecting the state border of the Republic of South Ossetia", 30 April 2009 available at www.kremlin.ru/text/docs/2009/04/215691.shtml
- 20 George Tarkhan-Mouravi, Assessment of IDP livelihoods in Georgia: Facts and Policies, 2009 available at www.unhcr.org/4ad827b12.pdf
- 21 UNHCR, Protection of Internally Displaced Persons in Georgia: A Gap Analysis, 2009, available at www.unhcr.org/4ad827f59.pdf. See also Law of Georgia on Internally Displaced Persons, last amended 9 June 2009 at

<http://www.unhcr.org/refworld/pdfid/44ab85324.pdf>

22 Council of Europe, Second report on the human rights situation in the areas affected by the conflict in Georgia (April – June 2009), SG/Inf(2009)9, 2009.

23 See UNHCR Georgia Briefing Note October 2009 at www.unhcr.org/4b274bc76.html

24 According to the information received from the Department for International Relations of Ministry of Refugees and Accommodation in July 2010.

25 Reportedly during recent years the Georgian officials have not registered the spontaneous returnees to Gali, and therefore any statistical data referring to them is imprecise. See George Tarkhan-Mouravi, Assessment of IDP livelihoods in Georgia: Facts and Policies, 2009 available at www.unhcr.org/4ad827b12.pdf. No reliable figures on the composition of the population in Abkhazia are available, see report of the European Union Institute for Security Studies, Abkhazia and the Georgian-Abkhaz conflict, December 2009, page 3, available at: www.iss.europa.eu/uploads/media/Abkhazia_and_the_Georgian-Abkhaz_conflict.pdf

26 International Crisis Group, Abkhazia: Deepening Dependence, 2010 available at <http://www.crisisgroup.org/en/regions/europe/caucasus/georgia/202-abkhazia-deepening-dependence.aspx>. See also report of the Representative of the UN Secretary-General on the human rights of internally displaced persons, Mission to Georgia, E/CN.4/2006/71/Add.7, 2006, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/120/14/PDF/G0612014.pdf?OpenElement>

27 Council of Europe, First report on the human rights situation in the areas affected by the conflict in Georgia, SG/Inf(2009)7, April 2009, available at <https://wcd.coe.int/ViewDoc.jsp?id=1431503&Site=CM>

28 “[P]opulation movements could be observed at the main bridge across the Enguri river – the only official crossing point. Movement at other crossing points which are commonly used by the locals - but are not recognised as such and are usually described as “illegal crossing points” - is limited.” Quoted in Council of Europe, Second report on the human rights situation in the areas affected by the conflict in Georgia (April – June 2009), SG/Inf(2009)9, 2009.

29 Council of Europe Parliamentary Assembly Resolution 1648, The humanitarian consequences of the war between Georgia and Russia, 28 January 2009; Council of Europe, 12 May 2009; and Thomas Hammarberg, Georgia: Report on human rights issues following the August 2008 armed conflict, 12 May 2009, available at <http://www.unhcr.org/refworld/country,,COECHR,,GEO,,4a0d1e6f2,0.html>

30 “In his statement of 14 April, (2009) the OSCE High Commissioner on National Minorities Knut Vollebaek called on the de facto Abkhaz authorities “to put an end to the pressure being exercised on the Georgian population in the Gali district”. He also stated that the pressure on the local ethnic Georgian population was exerted through “the limitation of their education rights, compulsory ‘passportisation’, forced conscription into the Abkhaz military forces and restrictions on their freedom of movement”. He expressed regret over the decision of the Abkhaz de facto authorities to close the administrative borderline “which makes it increasingly difficult for the population to maintain family contacts, access necessary health care or sell their products on the other side of the de- facto border”. See: OSCE. Press release. OSCE High Commissioner on National Minorities deeply concerned by recent developments in Abkhazia. Available at:

http://www.osce.org/hcnm/item_1_37226.html

31 Amnesty International, Civilians in the aftermath of war: The Georgia-Russia conflict one year on, EUR 04/001/2009, 2009.

32 According to the information received from the Department for International Relations of Ministry of Refugees and Accommodation in July 2010.

33 Transparency International-Georgia, Cottage settlements for Georgia's new IDPS: Accountability in aid and construction, 2010, available at www.osgf.ge/files/publications/2010/new_transparency_eng_2.pdf

34 Representative of the UN Secretary-General on the human rights of internally displaced persons, Mission to Georgia, A/HRC/10/13/Add.2, February 2009.

35 Representative of the UN Secretary-General on the human rights of internally displaced persons, Mission to Georgia, A/HRC/10/13/Add.2, February 2009.

36 While most of the mine clearance work has been done, in the Gori-Tskhinvali corridor area and, even after all reasonable efforts and checks have been made to clear contaminated areas, the local population will continue to face residual risks. See Amnesty International's report, Civilians in the aftermath of war: The Georgia-Russia conflict one year on, EUR 04/001/2009, August 2009 for more info:

<http://www.amnesty.org/en/library/asset/EUR04/001/2009/en/f9998486-b2d7-4356-843d-196a8a6c9486/eur040012009eng.pdf>

37 Amnesty International's interviews with displaced persons, June 2009.

38 Council of Europe Parliamentary Assembly Resolution 1648, The humanitarian consequences of the war between Georgia and Russia, 28 January 2009

39 Amnesty International's interview with UNHCR Gori representative, March 2010

See also Amnesty International's report, Civilians in the aftermath of war: The Georgia-Russia conflict one year on, EUR 04/001/2009, August 2009.

40 Representative of the UN Secretary-General on the human rights of internally displaced persons, Addendum - Follow-up to the report on the mission to Georgia, A/HRC/10/13/Add.2, February 2009 available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/10session/A.HRC.10.13.Add.2_en.pdf

See also report of the Representative of the UN Secretary-General on the human rights of internally displaced persons, Follow-up to the report on the mission to Georgia, A/HRC/13/21/Add.3, February 2009, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-21-Add3.pdf>

41 Article 31 of the Georgian Constitution. Adopted 24 August 1995. Last amended 12 February 2010

42 Article 38 of the Georgian Constitution. Adopted 24 August 1995. Last amended 12 February 2010

43 The Law on IDPs was passed on 28 June 1996 and amended in 2001, 2005 and in 2006. It determines the legal

status of IDPs, grounds and rules for the recognition as an IDP, granting, suspension, termination and withdrawal of the IDP status, legal, economic and social guarantees as well as IDPs' rights and obligations.

44 UNHCR, Protection of Internally Displaced Persons in Georgia: A Gap Analysis, 2009, available at www.unhcr.org/4ad827f59.pdf. See also Law of Georgia on Internally Displaced Persons, last amended 9 June 2009 at <http://www.unhcr.org/refworld/pdfid/44ab85324.pdf>

45 *ibid.*

46 According to Article 5(4) of the Law on IDPs, housing disputes shall be settled through a court, and displaced people shall not be removed from their places of temporary residence without their written agreement and allocation of alternative housing, unless the space is occupied in violation of the law.

47 Government of Georgia State Strategy for Internally Displaced Persons, Government of Georgia, February 2007. Available at http://www.mra.gov.ge/index.php?lang_id=ENG&sec_id=207

48 Government of Georgia Action Plan for the implementation of the State Strategy for Internally Displaced Persons during 2009-2012, adopted by the Government Decree No.403 of 28 May 2009 as amended by the Government decree #575 of 11 May, 2010.

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50 Decree of the Georgian Government. #575 11 May, 2010 Tbilisi. Regarding the amendment to the Government Decree #403 of 28 May, 2009 about "Adoption of the Action Plan for the Implementation of the State Strategy on IDPs during 2009-2012"

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53 UNHCR, Protection of Internally Displaced Persons in Georgia: A Gap Analysis, 2009, available at www.unhcr.org/4ad827f59.pdf. See also Walter Kalin, Georgia must act on promises to end displacement crisis, 2006, available at http://www.brookings.edu/articles/2006/0531georgia_kalin.aspx?rssid=georgia

54 "The differences which exist between registry data and the people who actually live in the collective centres are a normal phenomenon. Re-establishing of the address is stopped. When the legalization process is finished it will be resumed. We cannot do those two together as it will turn chaotic." Koba Subeliani, Minister for Refugees and Accommodation as quoted in European Instrument for Democracy and Human Rights' report, EU-Georgia Civil Society Human Rights Seminar on Internally Displaced Persons, 2009 available at http://ec.europa.eu/delegations/georgia/documents/news/12dec2009_en.pdf

55 The registration of people displaced during and after the war in August 2008 started in spring 2009. While registration in general is in the remit of the MRA, for the newly displaced it was carried out by the Civil Registry Agency (CRA), under the Ministry of Justice, which reportedly lead to discrepancies between the data collected by CRA and MRA in their respective databases. Amnesty International's interviews with UNHCR and NRC, April 2010.

56 Council of Europe, Second report on the human rights situation in the areas affected by the conflict in Georgia (April – June 2009), SG/Inf(2009)9, 2009

57 UNHCR Tbilisi, UNHCR Georgia 2010 Operation, November 2009, available at <http://www.unhcr.org/4b274bcf9.pdf>

58 Brookings Institution, Protecting IDPs: Handbook for Law and Policy Makers, 2008, available at http://www.brookings.edu/papers/2008/1016_internal_displacement.aspx

59 George Tarkhan-Mouravi, Assessment of IDP livelihoods in Georgia: Facts and Policies, 2009 available at www.unhcr.org/4ad827b12.pdf

60 Georgian Law on IDPs. Article 2, para 9.

61 Representative of the UN Secretary-General on the human rights of internally displaced persons, Mission to Georgia, A/HRC/10/13/Add.2, February 2009, available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/10session/A.HRC.10.13.Add.2_fr.pdf

62 Amnesty International's interview with Council of Europe representative, April 2010.

63 United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Georgia Humanitarian Situation and Strategy 2004, November 2003, available at: <http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/6fe35a80f260fe4549256de40025b995>

64 Interview with the Norwegian Refugee Council, March-April 2010. See also Akaki Zoidze and Mamuka Djibuti, IDP Health Profile Review in Georgia, 2004, available at http://www.undp.org.ge/news/IDP%20Health%20Profile%20Review_eng.pdf

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66 The collective centres visited by the Amnesty International representatives included four collective centres in Tbilisi and its outskirts, three in Gori, four in Kutaisi, one in Senaki, and four in Zugdidi.

67 UN Committee on Economic, Social and Cultural Rights, General Comment No. 4, December 1991, para 8, available at <http://www2.ohchr.org/english/bodies/cescr/comments.htm>.

68 UN Committee on Economic, Social and Cultural Rights, General Comment No. 4, December 199, para 8 (d) available at <http://www2.ohchr.org/english/bodies/cescr/comments.htm>

69 UN Committee on Economic, Social and Cultural Rights, General Comment No. 4, December 1991, para 8 (f)

available at <http://www2.ohchr.org/english/bodies/cescr/comments.htm>

70 UN Committee on Economic, Social and Cultural Rights, General Comment No. 4, December 1991, para 8 (b) available at <http://www2.ohchr.org/english/bodies/cescr/comments.htm>.

71 See also Walter Kalin, Georgia must act on promises to end displacement crisis, 2006, available at http://www.brookings.edu/articles/2006/0531georgia_kalin.aspx?rssid=georgia

72 Figures on persons internally displaced in Georgia in 1990/1993. As of June 2009, there are 228,142 IDPs from Abkhazia and Tskhinvali region, according to the website of MRA, available at http://www.mra.gov.ge/index.php?lang_id=GEO&sec_id=127

73 Despite the fact that these are latest figures by the MRA, the organizations working on IDP issues voiced concern that no up-to-date or reliable statistics were available regarding the number and living conditions of the internally displaced in the private sector.

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76 The MRA claims that some displaced people who had been settled in cottages or private flats re-entered collective centres again to claim assistance, and pretended to live there for a longer time. Interview with the MRA Officials, Tbilisi, April 2010.

77 Amnesty International's interviews with displaced people in new settlements near Gori. See also GeoWell Research and Caucasus Research Resources Centre for CARE International, Baseline Survey of the IDP Settlements and their Neighboring Communities in Kvemo Kartli and Shida Kartli, 2009, Available at: <http://www.care-caucasus.org.ge/photos/6511-Baseline%20for%20CARE%20IDP%20project%20final%20version%20to%20circulate%20amended%20by%20GW.pdf>

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81 Amnesty International's Interviews with the IDPs in Zugdidi.

82 State Strategy on IDPs available at www.mra.gov.ge/index.php?lang_id=ENG&sec_id=175

83 The Action Plan on IDPs available at http://www.mra.gov.ge/index.php?lang_id=ENG&sec_id=208

84 MRA, Information brochure on the transfer of ownership to IDPs and rehabilitation of collective centres in Georgia, 2009, available at http://www.mra.gov.ge/files/IDP_Booklet_2_ENG.pdf

85 Norwegian Refugee Council, Annual Privatization report: Transfer of ownership of IDP living unites in Collective Centres, 2009.

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88 Working Group on Privatisation in Georgia, Annual Privatisation Report: Transfer of ownership of IDP living units in Collective Centres, 2010, available at

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90 Government of Georgia. Ministry of Refugees and Accommodation. IDP Housing Working Plan 2010

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[Baseline%20for%20CARE%20IDP%20project%20final%20version%20to%20circulate%20amended%20by%20GW.pdf](http://www.care-caucasus.org.ge/photos/6511-Baseline%20for%20CARE%20IDP%20project%20final%20version%20to%20circulate%20amended%20by%20GW.pdf)

99 Amnesty International's interviews with the newly displaced persons in new settlements in Gori area.

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123 Article 5(2) (c) of the Law on IDPs.

124 Government pays the 67 per cent of the insurance coverage that includes 100 per cent of accident, out-patient and primary treatment, as well as 50 per cent of emergency inpatient treatment. UNHCR, Protection of Internally Displaced Persons in Georgia: A Gap Analysis, 2009, www.unhcr.org/4ad827f59.pdf

125 The health insurance state programme for the population "below the poverty line" provided to the internally displaced under the TSA covers out-patient care (GP visits, nurse, lab checkups, x-rays, etc.) In-patient care (including urgent surgeries, planned surgeries and baby-delivery costs. [sentence seems incomplete eg In-patient care includes urgent surgeries etc?

126 See SSA website for more details as to what is covered under the MAP Program
<http://www.ssa.gov.ge/index.php?id=69&mid=863&lang=2>

127 Decree of the government of Georgia Number 28, 2 February 2010, available in Georgian at:
http://government.itdc.ge/old/index.php?lang_id=GE0&sec_id=180&mod_id=0&info_id=0&new_year=0&limit=0&date=

&new_month=&entrant=17

128 The MAP was initially administered by the agency under the Ministry of Health and Social Programs Agency (HeSPA). Eligible individuals received a medical assistance card and were exempted from official user fees when presenting the card at the government health facilities. Starting in September 2007, the government launched a pilot scheme shifting responsibility for provider payment to private insurers. Cards were changed into vouchers so that the beneficiaries could select among four participating private insurance companies. Participating insurance companies have to provide the benefit package identified by the state and cannot deny membership to any people with vouchers. The HeSPA reimburses the insurance companies based on an average premium of 7.2 GEL per beneficiary per month. See: World Bank, An Evaluation of the Initial Impact of the Medical Assistance Program for the Poor in Georgia, 2008, available at http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2008/04/14/000158349_20080414101557/Rendered/PDF/wps4588.pdf

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132 Amnesty International's interviews with internally displaced persons, March-April 2010. See also: Akaki Zoidze and Mamuka Djibuti, IDP Health Profile Review in Georgia, 2004, available at http://www.undp.org.ge/news/IDP%20Health%20Profile%20Review_eng.pdf

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136 Council of Europe, second report on the human rights situation in the areas affected by the conflict in Georgia (April – June 2009), SG/Inf(2009)9, 2009.

137 Tobias Hauschild and Esmé Berkhout, HealthCare Reform in Georgia: A civil society perspective: country case study, Oxfam International, 2009, available at <http://www.oxfam.org/sites/www.oxfam.org/files/healthcare-reform-georgia-report-0905.pdf>

138 Another problem is the limited presence of medical staff in rural areas and the absence of modern medical equipment. Often patients cannot pay for transportation to receive treatment, especially if it is needed on a regular basis." Council of Europe, Second report on the human rights situation in the areas affected by the conflict in Georgia

(April – June 2009), SG/Inf(2009)9, 2009.

139 Eligibility for the free state insurance as part of the TSA is determined by the same criteria of household assessment and consequently suffers from the same limitations of coverage and inclusion as for the overall TSA programme described in the Social Security chapter.

140 A durable solution can be achieved through:

- Sustainable reintegration at the place of origin (hereinafter referred to as “return”);
- Sustainable local integration in areas where internally displaced persons take refuge (local integration);
- Sustainable integration in another part of the country (settlement elsewhere in the country)

The Brookings Institution – University of Bern Project on Internal Displacement, Inter Agency Standing Committee Framework on durable solutions for internally displaced persons, 2010, available at

[http://reliefweb.int/rw/lib.nsf/db900sid/DNEO-857JBE/\\$file/IDP_april2010.pdf?openelement](http://reliefweb.int/rw/lib.nsf/db900sid/DNEO-857JBE/$file/IDP_april2010.pdf?openelement)

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142 The Brookings Institution – University of Bern Project on Internal Displacement, When Displacement Ends: A Framework for Durable Solutions, 2007, available at

http://www.brookings.edu/~media/Files/rc/reports/2007/09displacementends/2007_durablesolutions.pdf

143 *ibid.*

144 The Brookings Institution – University of Bern Project on Internal Displacement, Inter Agency Standing Committee Framework on durable solutions for internally displaced persons, 2010, available at

[http://reliefweb.int/rw/lib.nsf/db900sid/DNEO-857JBE/\\$file/IDP_april2010.pdf?openelement](http://reliefweb.int/rw/lib.nsf/db900sid/DNEO-857JBE/$file/IDP_april2010.pdf?openelement)

145 Sarah Dryden-Peterson and Lucy Hovil, Local integration as a durable solution: refugees, host populations and education in Uganda, UNCHR, 2003, available at <http://www.unhcr.org/3f8189ec4.html>

146 Alex Mundt and Elizabeth Ferris, Durable solutions for IDPs in protracted situations: Three case studies, The Brookings Institution - University of Bern Project on Internal Displacement, 2008, available at

http://www.brookings.edu/~media/Files/rc/papers/2008/1028_internal_displacement_mundt/1028_internal_displacement_mundt.ashx

147 Representative of the UN Secretary-General on the human rights of internally displaced persons, Mission to Georgia A/HRC/10/13/Add.2, February 2009, available at

http://www2.ohchr.org/english/bodies/hrcouncil/docs/10session/A.HRC.10.13.Add.2_en.pdf

148 Under its current Action Plan, the government has promised to build two five-storey apartment blocks in various

urban centres, as well as individual residential houses for 2,500 displaced families in western Georgia and other regions. The Action Plan states that these new apartments and houses will then be transferred to the private ownership of the displaced. However, displaced people consistently reported to Amnesty International that they were unaware of alternatives, in general or until those flats would be constructed. Some interlocutors voiced concern about whether settlement in the newly constructed flats would be voluntary.

149 Amnesty International's interviews with Norwegian Refugee Council and Transparency International, April 2010.

150 Amnesty International's interviews with Transparency International, November 2009.

See also: <http://www.slideshare.net/caitlinryan/idp-policy-presentation-nov-2009>

151 Amnesty International's interviews with the displaced population, June 2009 and March- April 2010.

152 Amnesty International's interviews with the displaced population, June 2009 and March- April 2010.

See also, Transparency International Georgia, Internally Displaced Persons in Georgia: Issues of Concern, 2009, available at: http://www.transparency.ge/index.php?lang_id=ENG&sec_id=215&info_id=500



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IN THE WAITING ROOM

INTERNALLY DISPLACED PEOPLE IN GEORGIA

The war between Georgia and Russia in August 2008 resulted in hundreds of civilian deaths and approximately 192,000 people driven away from their homes. Of these, 26,000 remain displaced in Georgia. These new internally displaced persons (IDPs) add to the legacy of approximately 220,000 IDPs who had been displaced as a result of the conflicts in Georgia of the 1990s.

After more than 17 years of neglect, the Georgian government has finally acknowledged its outstanding obligation to provide IDPs with durable housing solutions, but IDPs need more than just a roof over their heads. As a particularly vulnerable group, they need adequate access to health care, work and education, but these issues remain low on the government's agenda. Integration into the local community has yet to become a reality.

This report provides an overview of the most pressing issues faced by internally displaced people in Georgia. It documents shortcomings in their access to economic and social rights, as well as the deprivation and marginalization they still experience.

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