



**NORWEGIAN  
REFUGEE COUNCIL**



**Submission from the Norwegian Refugee Council (NRC) and its Internal Displacement Monitoring Centre (IDMC) to the Universal Periodic Review mechanism established by the Human Rights Council in Resolution 5/1 of 18 June 2007**

**Tenth session of the Working Group on the UPR (January 2011)  
Georgia**

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**Attachments**

1. Georgia, 11 May 2010. *Decree #575 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"*.
2. Georgia, 2 February 2007. *State Strategy on Internally Displaced Persons – Persecuted*.
3. Georgia, 9 June 2006. *Law of Georgia on Internally Displaced Persons*.
4. Norwegian Refugee Council, 31 March 2010. *Not Displaced, Out of Place*.

## **I. Background to internal displacement in Georgia**

1. Over 450,000 people in Georgia have been displaced by several waves of conflict. Fighting erupted in the early 1990s in South Ossetia and was soon followed by conflict in Abkhazia. More recently in 2008, conflict broke out between Georgia and the Russian Federation over South Ossetia. All conflicts remain unresolved and some 255,000 people are still internally displaced in Georgia proper: 233,000 from the conflicts in the 1990s and 22,000 from the 2008 conflict. This submission focuses on the situation of internally displaced people (IDPs) in Georgia proper who fled their homes in the early 1990s and in 2008.

## **II. Normative and institutional framework for the protection of the rights of IDPs**

2. Since 1992, the government has adopted more than 200 normative and individual legal acts with provisions for IDPs. The main acts regulating the status, rights and duties of IDPs and the government response to internal displacement are the *Law of Georgia on Internally Displaced Persons* No 335-II (last amended 9 June 2006), the *State Strategy on Internally Displaced Persons – Persecuted* (adopted 2 February 2007) and the *Action Plan for the implementation of the State Strategy on Internally Displaced Persons – Persecuted* (last revised 11 May 2010).

3. Within this legal framework, IDPs may enjoy all the rights and freedoms provided to citizens. In addition, those with IDP status are entitled to certain benefits and privileges, including a monthly cash allowance, temporary shelter with utilities free of charge, land plots, primary and secondary education at the state's expense and assistance with securing employment. The government also outlines a phased approach to implementing the state strategy, including support for integration during displacement and reintegration upon return.

## **III. Achievements in upholding the rights of IDPs**

4. With the adoption of the State Strategy in 2007, the government of Georgia exhibited a policy shift. While continuing to maintain return as a settlement option for IDPs, the strategy also supports the integration of IDPs at their current residence. Before the adoption of this strategy, state policies and public discourse viewed the return of IDPs as their only permanent settlement option. The change of policy is extremely important, reflecting an increased willingness to invest in IDPs now and not only in the event of return.

5. Following the 2008 conflict, the Georgian government exhibited significant commitment and political will at all levels to provide all IDPs with permanent housing. For people displaced in 2008, it established 38 new purpose-built settlements with almost 4,000 new houses, and refurbished about 1,600 apartments. Many IDPs also received land plots, appliances, furniture and cash assistance. The government also designed a phased approach to providing people displaced in the 1990s with permanent housing. It started in 2009 by renovating some collective centres and offering IDPs living there the opportunity to own their assigned space. By the end of 2009 6,945 families had signed privatisation contracts, or up to 65% of families living in 234 collective centres, and 243 collective centres and 42 other buildings had been renovated. Throughout the process, the Ministry of Refugees and Accommodation worked closely with international organizations and revised its approach to privatization along the way to better uphold the rights of IDPs.

#### **IV. Main issues of concern**

##### ***Obstacles to IDPs' enjoyment of the right to adequate housing<sup>1</sup>***

6. Inadequate housing remains one of the main problems facing IDPs in Georgia. Some 58 per cent of people displaced in the early 1990s live in the private sector with relatives or friends, or in dwellings that they rent or own. The remaining 42 per cent of people displaced in the early 1990s live in some 1,600 multi-storey collective centres, which are former hospitals, military barracks, hotels, schools and other buildings that were offered as temporary housing at the beginning of displacement. Most people displaced as a result of the conflict in 2008 were quickly resettled to newly built cottage houses and refurbished apartments, though some continue to live in collective centres and the private sector.

7. With regard to people displaced in the early 1990s, living conditions in collective centres are inadequate and it is generally assumed that IDPs in the private sector face similar or worse hardships in terms of the physical state of living space. Mostly without major renovations for over 17 years, the majority of collective centres do not meet minimum shelter standards. Privacy and space is inadequate as families typically occupy one or two rooms with no separation of the sexes or age groups, which has reportedly negatively affected the achievements of children at school. Residents share a kitchen and bathroom on their floor, which are usually run-down and unsanitary. Insulation and roofs no longer fully protect against the elements and electrical wiring is often unsafe.

8. The transfer of ownership of collective centre space is ongoing. While government measures to offer permanent housing to IDPs living in collective centres are a positive development, the most vulnerable IDPs were not targeted first as a matter of priority and the privatised space did not always conform to agreed minimum shelter standards. Information provision to IDPs about the privatisation process has also not been systematic and substantial. As a result, some IDPs wish to cancel concluded contracts claiming that they signed contracts at an early stage without having full and impartial information on housing possibilities. IDPs living in collective centres destined for sale to third parties appeared to be increasingly at risk of eviction in 2010. In at least one case IDPs were evicted unlawfully following the sale of the building and offered housing of a worse standard than what they enjoyed in the collective centre.

9. People displaced in 2008 also face problems with housing. The government response to provide them with permanent housing was prompt, but their living conditions are often inadequate in terms of location and habitability. A recent inspection of some of these new houses by engineers showed that nearly every house had a defect, which had an impact on the quality of life of those living there. Defects included extensive mold, large cracks in walls and heavily warped floorboards allowing for entry of vectors and improper protection from the elements. These were reportedly caused by oversights in initial architectural design rather than quick construction. Furthermore, many new settlements are located in isolated and economically depressed areas without adequate social services or public transport links, which is a barrier to IDPs' access to jobs, health-care services, schools, child-care centres and other social facilities.

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<sup>1</sup> UDHR Article 25.1, ICESCR Article 11.1, CRC Article 27.3 and ESC Article 31

### ***Obstacles to IDPs' enjoyment of the right to work<sup>2</sup>***

10. While there are no formal limitations on the right of IDPs to work, they are particularly affected by unemployment. In the State Strategy adopted in 2007 the government reported that unemployment was higher among IDPs than the non-displaced population and districts densely populated by IDPs had lower indicators of economic activity. Over time some have lost their professional skills since relevant jobs were not offered to them or available in the context of the transition from a planned to a market economy. Others have not always had the skills or capacity to adapt to the labour market. Their inability to use, rent or sell their own house or land or other assets at their place of origin also obstructs their self-reliance. As a result, most IDPs do not have a regular income that allows them to enjoy an adequate standard of living and have become increasingly dependent on external assistance.

11. New settlements built for IDPs displaced in 2008 are mostly in economically underdeveloped rural areas with little access to sustainable income generation and employment opportunities. They received one-time financial assistance of 200 GEL (approx. 110 USD) from the government and remain reliant on social assistance. The majority of these IDPs were farmers and although some were granted land plots, not all have the means or capacity to work the land and some plots have not given a sufficient harvest or it has been located far from their current residence. Often, land plots with poor soil quality and/or lack of access to irrigation restrict their use for agricultural production. Allocation of farmland is also essential for the restoration of self-reliance of returnees near the administrative border with South Ossetia.

12. The State Strategy and corresponding Action Plan outline activities the government will undertake to improve the access of IDPs to jobs and other income generation activities. However, the implementation of these activities has not begun and the government has not sufficiently taken positive measures to enable and assist IDPs to enjoy the right to work as a disadvantaged group. While some technical and vocational training programmes have been put in place to facilitate IDPs' access to employment, specialised services to assist and support IDPs to identify and find available employment do not exist. This is partially explained by human resources and financial constraints within the Ministry of Refugees and Accommodation and other levels of government.

### ***Obstacles to IDPs' enjoyment of the right to education<sup>3</sup>***

13. Following displacement in the early 1990s, public schools were established in Georgia for the education of children displaced from Abkhazia. The aim was to provide education close to where children lived and maintain communities for when return became possible. While most children from displaced families now attend local schools in the mainstream education system in Georgia, 14 Abkhaz public schools still exist. They educate some 3,000 children from families displaced from Abkhazia in the early 1990s, which equates to about 10 per cent of school-age children with IDP status. After the conflict in 2008, a new school exclusively for new IDPs has opened in the Tserovani settlement with around 1,000 pupils attending.

14. Article 5.2d of the Law 335-II guarantees the right of IDPs to education and study free of charge in secondary educational institutions. The enrolment of children from families displaced

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<sup>2</sup> UDHR Article 23, ICESCR Article 6-7, ICCPR Article 8.3a, ICERD Article 5e, CEDAW Article 11.1a, CRC Article 32 and ESC Article 1-2.

<sup>3</sup> UDHR Article 26.1, ICESCR Article 13, CRC Article 28.1, CEDAW Article 10, and ECHR Article 2 Protocol No. 1

in the early 1990s in primary and secondary education is not significantly different from the local population, but attendance is not effectively free. A recent study found that students from displaced families are more often from poorer families living in inadequate housing conditions. As a result they are less able to afford informal fees or private tuition, and tend to have fewer textbooks, supplies and appropriate clothing. Their poor living conditions lead to a higher prevalence of illness and absence from school. Some students are also malnourished, which interferes with their concentration at school.

15. The main barrier to the attendance of children displaced in 2008 is also economic. Many children still require textbooks, school supplies, appropriate clothes and shoes. Some new settlements are far from school with no transportation and children walk along busy roadways. Despite the government's attempt to address the financial barriers that IDPs face by providing textbook subsidies and funding, the economic barrier to education persists. The result has been that some internally displaced students have dropped out of school or are frequently absent, their ability to participate and learn has been hindered, and the likelihood that they will enter higher education has decreased.

16. While the same curriculum is taught in all schools and there is no significant difference in the quality of teaching, IDP schools are in a worse state of disrepair than local schools. They lack or have dysfunctional equipment and resources such as heating and lighting systems, libraries and blackboards. All of these factors stem from a shortage of financial resources in households and long-term under-investment by the authorities. The achievement of students also seems to be lower for students of IDP schools: a smaller proportion of students from Abkhaz public schools enter into higher education institutions and fewer receive grants, which are based on results of national entrance examinations.

17. As a result of the 2008 conflict, over 100 schools were damaged or burned down and over 170 schools were used as shelters. Some were kindergartens and as a result kindergarten activities were cancelled which affected the school preparedness of about 30,000 children. The majority of existing facilities need complete or partial refurbishment. This included suspension of educational programmes for old IDPs. Psychosocial needs of children displaced by conflict also affect the quality of education they receive since it affects their learning capacity and has a negative impact on their achievement.

***Obstacles to IDPs' enjoyment of the right to the highest attainable standard of health<sup>4</sup>***

18. The health care system is being restructured and privatized in Georgia and it is not clear how it will affect the access of IDPs to health care. Since February 2009 citizens can enroll in health insurance 67% financed by the state, or in the state voluntary social assistance program if they live below the poverty line, which gives them access to health care. To avoid long wait times many pay for private health care, which forces most IDPs into debt or worse health as illnesses go untreated. IDPs in collective centres have unhampered access to several health clinics, but the areas affected by the 2008 conflict are insufficiently covered by health facilities, have decreased capacity, and need to be repaired and refurbished.

19. Comprehensive and current information on the physical and mental health of IDPs and how it compares to their non-displaced neighbours was unavailable. There appear to be unmet needs

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<sup>4</sup> UDHR Article 25.1, ICESCR Article 12.1, CRC Article 24.1 and ESC Article 11

for psychosocial support for children affected by the 2008 conflict, which has manifest itself in flashbacks, sleep disturbances, increased hyper-vigilance, startled responses, angry outbursts and other mental responses. To address this issue, the government has committed to ensuring there is a psychologist in every school.

#### ***Obstacles to information and consultation of IDPs on their situation***<sup>5</sup>

19. During the development of the State Strategy on IDPs and the corresponding Action Plan, the government made attempts to encourage input from IDPs. However, since that time IDPs have not been sufficiently involved in decisions affecting their lives. Information about government programmes has been inadequate or come too late, and there has been insufficient encouragement of IDP participation. This is especially the case for IDPs in rural areas. As a result, IDPs were not always able to make informed decisions on housing offers made to them. The limited capacity of the Ministry of Refugees and Accommodation in terms of staff and resources in provinces and districts partially explains this problem since they are not always able to give IDPs information or transmit an accurate picture of their needs to central decision-makers.

#### **IV. NRC/IDMC's recommendations**

**At the tenth session of the Working Group on the Universal Periodic Review, NRC/IDMC invites the Human Rights Council to consider the following recommendations:**

To the Government of Georgia:

- Regularly assess IDPs' achievement of durable solutions during implementation of the State Strategy and Action Plan against the criteria in the Framework on Durable Solutions for Internally Displaced Persons, A.HRC.13.21.Add.4<sup>6</sup>;
- Apply the adopted guiding principles for the allocation of housing to IDPs as well as the adopted housing standards in all future provision of durable housing solutions;
- Allocate resources to municipal budgets for co-funding of condominium reserve funds;
- Adopt a national strategy aimed at progressively ensuring employment opportunities for all, identifying the resources available to achieve the objectives;
- Ensure that the special needs of internally displaced youth are adequately addressed in national vocational training policies and initiatives;
- Assess the potential impact of integrating IDPs into the state social assistance programme and identify the adjustments necessary to address the specific needs of IDPs, in close consultation with the IDPs;
- Harmonise the content of higher education National Entrance Exams with the school curriculum to decrease the dependency of students on private tuition;
- Prioritise Abkhaz public schools with particularly poor conditions in the national rehabilitation programme (unless they are to be closed in the near future);
- Conduct a survey on the physical and mental health of IDPs and ensure their access to quality health care;

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<sup>5</sup> Guiding Principles on Internal Displacement, Principle 28.2. In its Recommendation Rec(2006)6 to member states on internally displaced persons, the Council of Europe's Committee of Ministers provided the following principle to guide member state governments on their response to internal displacement: 11. Internally displaced persons should be properly informed, but also consulted to the extent possible, in respect of any decision affecting their situation prior to, during or after their displacement...

<sup>6</sup> [http://www2.ohchr.org/english/issues/idp/docs/A.HRC.13.21.Add.4\\_framework.pdf](http://www2.ohchr.org/english/issues/idp/docs/A.HRC.13.21.Add.4_framework.pdf)

- Implement the public information strategy developed by the Steering Committee with the aim of explaining the State Strategy for IDPs, Action Plan and entitlements to IDPs.