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Consejo de Derechos Humanos

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Tema 3 de la agenda

**Promoción y protección de todos los derechos humanos,
civiles, políticos, económicos, sociales y culturales,
incluido el derecho al desarrollo**

Información presentada por el Defensor del Pueblo de Georgia*

Nota de la Secretaría

La Secretaría del Consejo de Derechos Humanos transmite adjunta la comunicación presentada por el Defensor del Pueblo de Georgia** que se reproduce a continuación de conformidad con el artículo 7 b) del reglamento que figura en el anexo de la resolución 5/1 del Consejo, según el cual la participación de las instituciones nacionales de derechos humanos se basará en las disposiciones y prácticas convenidas por la Comisión de Derechos Humanos, incluida la resolución 2005/74, de 20 de abril de 2005.

* La institución nacional de derechos humanos tiene la acreditación de la categoría "A" ante el Comité Internacional de Coordinación de las Instituciones Nacionales para la Promoción y la Protección de los Derechos Humanos.

** Se reproduce en el anexo como se recibió, en el idioma en que se presentó únicamente.

Anexo

Written submission to the 16th session of Human rights Council on the Follow-up to the Report on the Mission to Georgia of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons

As a Public Defender of Georgia, I have an honor to address the human Rights Council with a written statement regarding the Follow-up to the Report on the Mission to Georgia of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Mr. Walter Kälin. Public Defender welcomes an assessment made by professor Kälin regarding human rights situation of IDPs.

As a National Human Rights Institution and within the broad mandate provided to it by the Organic Law of Georgia on Public Defender, Office of Public Defender of Georgia is empowered to monitor human rights situation on the whole territory of the country. Thus, among its other main functions, the Office closely monitors the situation of IDPs as well. This area is one of the main priorities for the office. With regard to the undertaken functions and in connection with the Follow-up to the Report on the Mission to Georgia, it is important to refer the attention to the major point made in the report - return prospects of persons displaced by past conflicts- which, as was indicated by Mr. Kalin, are disappointingly poor. Public Defender underscores the importance of the principle of voluntary return of the IDPs to the places of their habitual residence. It is a regrettable reality that there are no favorable conditions for their return and it is imperative that neither Russia, as an occupying power, nor the de-facto governments of the breakaway territories should interfere with the realization of the right to return, which can be fulfilled only when the internally displaced persons are given the opportunity to voluntarily return to their places of original residence.

Socio-economic conditions of IDPs remain to be difficult. Georgian government acknowledges the need to provide the IDPs with durable housing solutions and integration opportunities. Even though the implementation process of the State Strategy and the Action Plan seems to be running rather smoothly, and living conditions of some IDPs are improving, there is rather big number of displaced individuals not satisfied with the solutions offered by the Ministry and so, experience numerous problems. The process foreseeing the privatization of the present accommodations (Collective Centers) hosting IDPs is extremely delayed.

One of the major problems, accurately highlighted by Professor Kälin, is the issue of IDPs living in private accommodation. It needs to be emphasized that the slow implementation process of the Action Plan and the fact that government is falling behind the deadlines already defined by State Strategy, is becoming particularly challenging for this specific group of IDPs, who actually constitute 60 percent of total IDP population in Georgia. Most of these IDPs live in extremely dire conditions, waiting for government to provide durable housing solutions. Thus, it is imperative that government starts addressing the needs of IDPs in private accommodation swiftly.

Several cases of evictions of IDPs from residential buildings were recorded in the months of July-August 2010 and January 2011. As it was emphasized in the Follow up Report, there was number of problems identified during the first phase of evictions, however it is a positive development that governmental authorities adopted the Standard Operating Procedures (SOP) for Vacation and Re-allocation of IDPs from Durable Housing Solutions

with active participation of an international community in this process. Having such procedures in place is to be welcomed. However, the main challenge in the process was the location of offered housing alternatives. Even though the buildings offered are newly rehabilitated and comply with basic standards, most of the settlements are rather far from administrative centers and the infrastructure is also underdeveloped. Furthermore it is not clear yet whether the relocated IDPs will be provided with the agricultural land plots or any other livelihood opportunities. It is obvious that resettlement is a stressful process for IDPs, however the main priority of the state should be the creation of minimum necessary living conditions. A lot remains to be done in terms of integration of the recently relocated IDPs, much more attention should be given to the creation of employment opportunities in the new places of residence.

The Office of Public Defender identified certain areas where the government of Georgia should enhance its activities with regard to IDPs. All the findings, major challenges and recommendations were put forth in the Special Report of Public Defender on the Situation of IDPs and Other Conflict Affected Individuals, which was published in September of 2010.

The office of Public Defender continues its active work in given direction and closely monitors recent developments, which will be reflected in the annual report to be produced by March 2011.

George Tugushi
Public Defender of Georgia
