

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Addresses Parliament of Georgia with regard to the Draft Law on IDPs

Draft law on amendments to the Law of Georgia on Internally Displaced Persons initiated by the Government of Georgia has been submitted to Parliament for consideration. In addition to other technical issues, the draft law also envisages changes that may have a negative consequences for the rights of individuals to whom the current Law applies.

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More specifically, the draft law changes notion of a displaced person by providing the following formulation: “An internally displaced person from the occupied territories of Georgia (hereinafter, and IDP) is a citizen of Georgia or a person permanently residing in Georgia who was forced to leave his place of permanent residency due to the threat to his life, health and freedom or life, health and freedom of his family members, as a result of occupation of the territory and aggression by a foreign state, mass violation of human rights or as a result of events determined by para. 11 of Article 2 of this Law”.

Such definition of the notion of IDP narrows down the list of individuals to whom the existing Law applies to and limits it to persons displaced from the occupied territories, whereas a number of individuals from unoccupied territories, villages adjacent to the conflict zone (villages of Zardiantkari, Didi Khurvaleti, etc.) were forced to leave their places of permanent residence following the August 2008 war. In absence of strong security guarantees, they are unable to get back to their homes, which is also confirmed by letters of the Ministry of Interior Affairs.

If the draft laws is adopted with similar formulation, noted individuals (interests of around 70 of such individuals are protected by GYLA) will no longer be entitled to IDP status and consequently, to social guarantees that IDPs can currently benefit from. It is also noteworthy that such definition of displaced persons fails to correspond to the UN The Guiding Principles on Internal Displacement.

Identification of notion of a displaced person with displacement from the occupied territories only may force persons displaced from borderline villages to return to places where their life and safety may be threatened, which also violates the UN The Guiding Principles.

Therefore, GYLA addresses Parliament of Georgia to formulate draft of amendments to the Law of Georgia on Internally Displaced Persons without infringing rights of persons displaced from borderline villages.