

ON INTERNALLY DISPLACED PERSONS FROM THE OCCUPIED TERRITORIES OF GEORGIA

Chapter I - General Provisions

Article 1 - General provisions

The state bodies of Georgia, when solving the problems of an internally displaced person ('IDP'), act in accordance with the Constitution of Georgia, other legislative and subordinate normative acts of Georgia, universally recognised human rights and norms of the international law, taking into account specific necessities caused by forced displacement.

Article 2 - Scope of the Law

This law determines the legal status of an IDP, the basis and the procedure for granting, terminating, withdrawing and restoring the IDP status, and the legal, economic and social guarantees, and the rights and duties of an IDP.

Article 3 - Purpose of the Law

The purpose of this Law is to establish legal mechanisms which:

- a) ensure the protection of the rights of an IDP during the period of being an IDP;
- b) facilitate the integration of an IDP at the place of his/her registration;
- c) facilitate the solution of problems of an IDP.

Article 4 - Definition of terms

For the purposes of this Law, the terms used in this Law have the following meanings:

- a) an IDP status seeker - a person who has applied to the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia (the Ministry), to be granted the IDP status;
- b) an IDP card - a document issued to an IDP by the Ministry or a territorial body within its system (a territorial body), certifying that the person has been granted the IDP status. If a place of registration and an actual place of residence are the same, an IDP card is also a document that confirms the lawful possession of a living accommodation, except where an IDP is provided with a long-term living accommodation;
- c) a permanent place of residence of an IDP - a place of residence chosen by an IDP, his/her IDP parent(s), or a biological lineal ancestor, from where one or both of his/her parents or a biological linear ancestor have been forcibly displaced, and where he/she cannot return due to the reasons referred to in Article 6 (1) of this Law;
- d) the place of registration of an IDP - a place of residence of an IDP, indicated in the database of internally displaced persons of the Ministry, where he/she registered while being an IDP, irrespective of form of ownership;
- e) an actual place of residence of an IDP - a place of residence chosen by an IDP, where he/she actually resided without being registered;
- f) IDP allowance - a monthly payment established by the legislation of Georgia for an IDP, on the basis of IDP status;
- g) social assistance - any kind of tangible or intangible goods determined by the legislation of Georgia, which are intended for the improvement of the social and economic conditions of an IDP/IDP family, registered in the united database of socially vulnerable families;
- h) registration of IDPs - the registration of IDPs within the period announced by the Ministry in advance, and the issuance of IDP cards, as needed;
- i) questionnaire survey of IDPs - the procedure for registering personal (identification) data of IDPs by the Ministry;
- j) the database - the database of IDPs, which is administered by the Ministry, in accordance with this Law;
- k) an IDP family - a group of people, who may or may not be relatives, who share a permanent living accommodation, and who have IDP status (a family member may be a non-internally displaced person), and who share household activity (a family may be a one-member household);
- l) a household activity (a shared household economy) - an activity that provides family welfare and implies the shared use and maintenance of the place of residence, making a livelihood, and managing and distributing the means of livelihood (incomes and expenditures) for the benefit of the family;
- m) a proper accommodation - an accommodation transferred into the ownership or lawful possession of an IDP, which provides conditions necessary for dignified living, including fair conditions regarding safety and sanitation, and the accessibility of infrastructure;



n) provision of an IDP with a long-term accommodation ('provision with a long-term accommodation') - transfer of a living accommodation into the possession of an IDP family, or provision of an IDP family with an appropriate sum or other kind of assistance in lieu of a living accommodation, proceeding from his/her IDP status, by state bodies or local self-government bodies, international, donor or local organisations, natural persons or legal entities under private law;

o) a living accommodation transferred into lawful possession - a living accommodation, where, based on the owner's consent, an IDP/IDP family is registered in the data based, or where an IDP/IDP family actually lives without being registered;

p) occupied territories - the territories defined by the Law of Georgia on Occupied Territories.

Article 5 - Protection of population from forced displacement

1. Every person living in Georgia must be protected from forced displacement from his/her permanent place of residence.

2. The State shall be obligated to:

a) take every appropriate measure to avoid the circumstances that may cause forced displacement of persons;

b) protect the life, dignity, safety and freedom of victims of forced displacement, even when forced displacement was caused by inevitable necessity;

c) minimise forced displacement and damage caused by forced displacement that was caused by inevitable necessity;

d) ensure that forced displacement does not last longer than is required by the given circumstances.

Chapter II - Concept of Refugee. Inadmissibility of the discrimination of IDPs

Article 6 - Concept of refugee

1. An internally displaced person (IDP) shall be a citizen of Georgia or a stateless person having a status in Georgia, who was forced to leave their permanent place of residence, because the occupation of the territory by a foreign country, aggression, an armed conflict, global violence and/or massive violation of human rights posed a threat to his/her or his/her family member's life, health or freedom, and/or, taking any of the said reasons into consideration, he/she cannot return to his/her permanent place of residence.

2. A minor citizen child of Georgia or a stateless minor child having a status in Georgia shall be entitled to IDP status, if one or both of his/her parents have been granted and/or were granted IDP status, only on the basis of the consent of a parent(s) or any other legal representative .

3. If a minor child has not been granted IDP status in accordance with paragraph 2 of this article, he/she shall be granted IDP status on the basis of a personal application, upon the attainment of the age of majority.

Article 7 - Inadmissibility of the discrimination of IDPs

It shall be prohibited to discriminate against IDPs when they exercise their rights and freedoms, for the reason that they are IDPs, as well as irrespective of their race, skin colour, language, sex, religion, political and other views, national, ethnic or social origin, property or social status, and a place of residence.

Chapter III - Procedure for Granting, Terminating, Canceling and Restoring the IDP Status

Article 8 - Procedure for granting the IDP status

1. A person, who leaves his/her permanent place of residence for a reason indicated in Article 6(1) of this Law, shall apply for IDP status to the Ministry or to a territorial body of the Ministry.

2. The Ministry shall make a decision on granting or refusing to grant the IDP status, within one month after receipt of the application.

3. A questionnaire shall be completed, and an IDP card shall be issued to a person upon granting IDP status to him/her. The Ministry shall define the forms of the IDP card and the questionnaire.

4. An IDP card shall be effective with an ID card.

5. In accordance with the legislation of Georgia, the refusal to grant the IDP status by the Ministry may be appealed to a court within one month after receipt of notice of refusal.

6. When a massive and extraordinary displacement of population takes place due to reasons referred to in Article 6(1) of this Law, the IDP status shall be granted immediately (Prima Facie), in accordance with the procedure established by a normative administrative legal act of the Minister of Internally



7. The procedures for granting IDP status and registering IDPs shall be established under the procedure defined by the Ministry in accordance with this Law.

Article 9 - Registration of an IDP outside the territory of Georgia (abroad)

1. If a person was forced to leave his/her permanent place of residence and move outside the territory of Georgia due to reasons referred to in Article 6(1) of this Law, he/she shall be obliged to apply to a diplomatic mission/a consular office of Georgia or to the Legal Entity under Public Law (LEPL) - Public Service Development Agency under the Ministry of Justice of Georgia, to request consular registration, not later than two years after leaving the country.

2. At the end of each month, the Ministry of Justice of Georgia, with the support of the Public Service Development Agency - a Legal Entity under Public Law (LEPL), shall provide the Ministry of Foreign Affairs of Georgia with data on persons with consular registration.

Article 10 - Grounds for termination, cancellation and restoration of the IDP status

1. The IDP status of a person shall be terminated if:

- a) it was cancelled on the basis of a personal request of the person;
- b) the reason, referred to in Article 6(1) of this Law, was eliminated at his/her permanent place of residence;
- c) the citizenship of Georgia of the person was terminated, in accordance with the legislation of Georgia;
- d) the person, as a stateless person having a status in Georgia, was granted the citizenship of another country;
- e) the court declared the person missing or dead;
- f) the person did not pass the registration of IDPs within the period announced by the Ministry in advance on the basis of this Law;
- g) the person died.

2. A person's IDP status shall be restored, if:

- a) a court overturned the decision referred to in paragraph 1(e) of this article;
- b) his/her IDP status has been terminated on the basis of paragraph 1(c) of this article and he/she has been granted the citizenship of Georgia, in accordance with the Organic Law of Georgia on Georgian Citizenship;
- c) he/she had his/her IDP status terminated on the basis of paragraph 1(a) of this article, and he/she filed a personal application for IDP status;
- c) he/she had his/her IDP status terminated on the basis of paragraph 1(f) of this article, and he/she filed a personal application for IDP status in a personal written request.

3. A person's IDP status shall be cancelled, if he/she obtained the IDP status through submitting forged documents and/or information.

4. The Ministry shall resolve the matters of termination, cancellation, and restoration of the IDP status.

5. The Ministry shall resolve disputes on termination, cancellation, and restoration of the IDP status.

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Article 11 - Grounds for suspension, termination and restoration of IDP allowance

1. An IDP allowance shall be suspended on the first day of the month following the origination of the grounds provided for in this paragraph, if:

- a) the accuracy of documents submitted for granting the IDP status is to be verified;
- b) a personal number of an IDP has not been submitted;
- c) a legal representative of a minor IDP child cannot be identified.

2. An IDP allowance shall be terminated on the first day of the month following the origination of the grounds provided for in this paragraph, if:

- a) the IDP status of the person has been terminated;
- b) the IDP has refused to receive the IDP allowance by a personal application;
- c) the IDP has left Georgia for a period of more than two months, except when his/her departure was related to a business trip, study or treatment at a medical institution (that is confirmed by appropriate documents), and the IDP had notified the Ministry about this in advance, in accordance with the



procedure established by the legislation of Georgia;

- d) the IDP has given his/her consent to receive social assistance targeted at households below the poverty line, by a personal application;
 - e) the taxable income of the IDP is GEL 1 250 or more, that is confirmed by appropriate data of an authorised body defined by the legislation of Georgia.
3. An IDP allowance shall be restored if the appropriate circumstances provided for in paragraphs 1 and 2 of this article are eliminated, on the basis of submission of a personal application of the IDP and the necessary documents, as well as in other cases defined by the legislation of Georgia.
4. The payment of an IDP allowance shall be restored after the occurrence of circumstances provided for in paragraph 3 of this article. In addition:
- a) In cases defined in paragraph 1 of this article, payment of an IDP allowance shall be restored from the first day of the following month, and the amount that was not received by the IDP shall be reimbursed within one year from the day, when the IDP allowance was suspended;
 - b) In cases defined in paragraph 2 of this article, an IDP allowance shall not be reimbursed during the whole period of the termination of the IDP allowance, except for the cases provided for by the legislation of Georgia.
5. An IDP allowance shall be paid by an authorised body, on the basis of information provided by the Ministry.

Chapter IV - Protection of Rights of an IDP during Forced Displacement

Article 12 - Rights and duties of an IDP

1. An IDP shall be entitled to:
- a) receive IDP allowance of GEL 45;
 - b) receive social and other assistance, in accordance with the procedure and terms established by the legislation of Georgia;
 - c) use a proper living accommodation on the territory of Georgia until returning to their permanent place of residence, except when he/she has been provided with a long-term living accommodation.
2. An IDP shall be obliged to:
- a) notify the Ministry about changing their place of residence within one month after the day of changing the place of residence;
 - b) participate in the registration of IDPs during the period, announced by the Ministry in advance;
 - c) notify the Ministry about his/her departure in advance, if he/she is going to leave the territory of Georgia for a period of more than two months.

Article 13 - Rights to respect family unity and have a proper living accommodation

1. Each IDP shall have the right to respect family unity. Families may not be artificially divided or merged against the will of family members.
2. The Ministry, together with other state agencies, shall ensure that an IDP that was left homeless due to forced displacement is provided with a proper living accommodation. When providing an IDP with a proper living accommodation, the Ministry shall register him/her at the provided place of residence.
3. In accordance with the legislation of Georgia, the Ministry shall ensure that an IDP executes the rights defined by this Law, and shall take measures to provide social and economic conditions necessary for living a safe and dignified life.
4. If an IDP family has a long-term living accommodation, the State shall be released from the obligation of providing linear descendants of the IDP or his/her family members with a living accommodation, proceeding from their IDP status.

Article 14 - Protection of rights related to a living accommodation of an IDP

1. Disputes on issues related to a living accommodation/housing shall be settled in accordance with the procedure established by the legislation of Georgia.
2. Until the reasons, referred to in Article 6(1) of this Law have not been eliminated, or an IDP has not been provided with a long-term accommodation, the IDP shall not be evicted from a living accommodation in his/her lawful possession, except when:
- a) a written agreement is concluded with the IDP, on providing him/her with monetary or other type of assistance to reimburse him/her for the living accommodation he/she occupies;
 - b) an IDP is given an appropriate living accommodation that does not cause the deterioration of his/her living conditions;
 - c) a natural disaster or any other event occurs that implies provision of compensation and is regulated by a regular procedure.



3. A living accommodation in the lawful possession of an IDP/IDP family, except for a living accommodation provided for in Article 4(o) of this Law, shall be a living accommodation where the IDP was accommodated by the State before this Law entered into force, which was registered in the database as a compact (organised) settlement of IDPs, for which the Ministry paid administrative, living and utility (including electricity) expenses, in accordance with the annual State Budget, and which was in state or private ownership.

4. In the cases provided for in paragraph 3 of this article, an owner shall be authorised to apply to the Ministry and an appropriate body and request the eviction of an IDP who is registered and/or actually lives in the immovable property of the owner.

5. If an owner exercises the right provided for in paragraph 4 of this article, he/she shall be obliged to take into account the requirements of paragraph 2 of this article.

6. In the cases provided for in paragraph 2 of this article, when an IDP moves to another part of the country, in order to protect his/her dignity, freedom and safety, the Ministry must ensure that:

a) an IDP/IDP family is fully informed about the reasons and procedures of moving and accommodation, as well as appropriate offers, so that he/she is given a free and voluntary choice;

b) every IDP is provided with a proper living accommodation;

c) an IDP is provided with a living accommodation with satisfactory safety, health and sanitary conditions, and the right to respect family unity is respected.

7. The requirements of paragraphs 2 and 6 of this article shall not apply to an IDP/IDP family who has not been given a living accommodation by the State, and who found it on his/her own (is registered and/or lives in a rented, borrowed or his/her own house, or with a host family, etc.), and the Ministry did not annually pay administrative, living and utility (including electricity) expenses for his/her/its living accommodation, in accordance with the State Budget.

8. An IDP/IDP family provided for in paragraph 7 of this article may be evicted only if the owner files an application with the Ministry to cancel the registration of an IDP registered at the living space of the owner. In such a case, an IDP/IDP family shall be evicted in accordance with the procedure established by the legislation of Georgia.

9. When grounds provided for in paragraph 2 of this article exist, the Ministry shall give its consent to implement measures to prevent deprivation of an immovable thing in the ownership of an IDP, or against any interferences with the right to use the immovable thing, within the period defined in the General Administrative Code of Georgia.

Article 15 - Protection of property rights in the permanent place of residence of an IDP

1. The State shall acknowledge the right of restitution on immovable property of an IDP, which was left behind in the permanent place of residence, and the hereditary nature of this right.

2. The state must take every possible measure to protect the immovable property in the ownership and/or possession of an IDP, which the IDP had to leave behind due to reasons referred to in Article 6(1) of this Law, from robbery, destruction, wilful and other kind of illegal use and misappropriation.

3. When the reason referred to in Article 6(1) of this Law is eliminated and an IDP returns to the permanent place of residence, the State must take every possible measure to ensure that the immovable property owned and/or possessed by the IDP, which he/she was forced to leave behind, is returned to its legal owner and possessor.

4. The right provided for in paragraph 1 of this article shall be retained even if the IDP has been provided with a long-term living accommodation.

Article 16 - Social protection of an IDP

1. The Ministry and other state institutions, within the powers granted to them by the legislation of Georgia, shall assist an IDP to exercise his/her rights, namely:

a) assist an IDP to get employed, taking into account his/her profession and qualification;

b) pay an IDP allowance and deliver assistance provided for by the legislation of Georgia;

c) ensure that an IDP exercises his/her constitutional right to education, and finance general education, in accordance with the procedure established by the legislation of Georgia;

d) solve the issues of providing IDPs with pensions;

e) assist an IDP in solving social and living issues;

f) participate in searching for burials of persons, who were killed as a result of massive violation of human rights, and in searching for missing persons;

g) assist an IDP to return to their permanent place of residence upon the elimination of the reason referred to in Article 6(1) of this Law;

h) provide an IDP with emergency assistance during forced displacement within the territory of Georgia;

i) in case of death of an IDP, cover burial expenses, to the extent possible, in accordance with the established procedure.



2. The expenses of treatment at a medical institution of an IDP/IDP family registered in the unified database of socially vulnerable families shall be covered through the state programmes, or insurance, in accordance with the established procedure.

3. The working experience of an IDP shall be considered uninterrupted during the period of being an IDP if it was terminated due to forced displacement, irrespective of the current employment situation of the IDP.

4. The Ministry shall coordinate the activity of other ministries and agencies of Georgia in the sphere of execution of rights by IDPs.

Chapter V - State Guarantees for the Accommodation and Integration of an IDP in Another Part of the Country before he/she Returns to the Permanent Place of Residence, and Reintegrating the IDP after he/she Returns to his/her Permanent Place of Residence

Article 17 - State guarantees for the accommodation and integration of an IDP in another part of the country before he/she returns to his/her permanent place of residence

Within the powers granted by the legislation of Georgia, the Ministry and other state institutions shall ensure that:

a) appropriate conditions are created for free, dignified and safe accommodation and settling of an IDP in another part of the country, until the IDP returns to his/her permanent place of residence;

b) appropriate mechanisms are developed to ensure that an IDP is integrated in another part of the country, where he/she was given an accommodation, until his/her return to their permanent place of residence, and the social and economic conditions are created that are necessary for an IDP to live a safe and dignified life, and to ensure that IDPs freely and equally participate in social and economic relations and have an access to social services;

c) an IDP is involved in the implementation of measures provided for in paragraph (b) of this article.

Article 18 - State guarantees for the reintegration of an IDP in the permanent place of residence upon return

1. The State shall ensure that appropriate mechanisms are developed to promote the reintegration of an IDP that has returned to his/her permanent place of residence.

2. If an IDP returns to their permanent place of residence after the reason referred to in Article 6(1) of this Law has been eliminated, the Ministry and other state institutions, within the powers granted by the legislation of Georgia, shall:

a) ensure that an IDP exercises the rights granted by the Constitution of Georgia and this Law;

b) take measures to create social, economic and legal conditions necessary for an IDP to live safely in his/her permanent place of residence;

c) take every measure necessary to ensure that private property, including a house and a homestead, be returned to an IDP or his/her legal heir in the form the property was at the time of being returned; in addition, restore a demolished building to the extent possible and ensure that it is returned to the owner;

d) coordinate the process of compensating for the damage incurred after the limited amount has been defined.

3. The procedure for defining the amount of the damage incurred and compensating for immovable property shall be established by the authorised bodies.

4. In the process of return of an IDP to his/her permanent place of residence, the Ministry, together with other appropriate state bodies, shall coordinate measures ensuring the return, resettlement and reintegration of the IDP, and shall guarantee a safe and dignified return.

5. The State shall devote a special effort to the involvement of an IDP in the process of planning and managing the return to, resettlement and reintegration of the IDP in his/her permanent place of residence.

Chapter VI - Guarantees of Executing his/her Rights by an IDP

Article 19 - Organising rendering assistance to an IDP

1. The Ministry, together with other state institutions, within the powers granted by the legislation of Georgia, shall resolve the issues related to the resettlement, registration, and social and other issues of an IDP.

2. In accordance with the procedure established by the legislation of Georgia, the Minister shall be authorised to issue appropriate legal acts related to the matters falling under the scope of authority of the Ministry, in accordance with this Law.

Article 20 - Guarantee for the protection of rights of an IDP

1. The rights of an IDP shall be protected by the Ministry, other state institutions and local self-government bodies, within the scope of their authority.



2. A complaint against an unlawful action of an official may be filed with a superior official or a superior administrative body, and/or in court, in accordance with the procedure established by the legislation of Georgia.

Article 21 - Financial sources of assistance of an IDP

1. Expenses related to IDPs, provided for in this Law, shall be financed from the State Budget.

2. Additional sources of financing for an IDP shall be donations by natural and legal persons and financial assistance of other states and international organisations.

Article 22 - Liability for the violation of the law

Violation of this Law shall result in liability in accordance with the procedure established in the legislation of Georgia.

Chapter VII - Transitional Provisions

Article 23 - Obligation of an IDP to submit his/her personal number

An IDP who has not submitted his/her personal number to the Ministry, must submit a document provided for by the legislation of Georgia, where the name, the surname and the personal number of a citizen of Georgia or a stateless person with a status in Georgia is indicated, within three months after the entering into force of this Law.

Article 24 - Measures to be implemented in relation to the entry into force of this Law

1. The Government of Georgia shall ensure that appropriate subordinate acts are in compliance with this Law, within six months after this Law enters into force.

2. Within three months after the entry into force of this Law, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia shall develop and approve:

a) the procedure for granting, terminating, canceling and restoring of the IDP status of a person, registering IDPs, and maintaining a database of IDPs;

b) the procedure for providing IDPs with living accommodations.

3. Legal acts adopted (published) on the basis of the Law of Georgia of 28 June 1996 on Internally Displaced Persons from the Occupied Territories of Georgia - IDPs shall retain in legal force until the subordinate acts determined in paragraphs 1 and 2 of this article are adopted (published).

Chapter VIII - Final Provisions

Article 25 - Invalid normative acts

Upon the entry of this Law into force, the Law of Georgia of 28 June 1996 on Internally Displaced Persons from the Occupied Territories of Georgia - IDPs (the Official Gazette of the Parliament, No19-20, 30.7.96, p. 39) shall be declared invalid.

Article 26 - Entry into force of this Law

This Law shall enter into force on 1 March 2014.

President of Georgia

Giorgi Margvelashvili

Kutaisi,

6 February 2014

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