

**Law of Georgia on  
Internally Displaced Persons – Persecuted from the Occupied Territories of Georgia**

**Chapter I**

**General Provisions**

**Article 1. General Provisions**

The state bodies of Georgia, taking into consideration the specific needs caused by displacement, in resolving problems of the internally displaced persons – persecuted (hereinafter the IDPs) shall act in accordance with the Constitution of Georgia, other legal and normative acts, bylaws of Georgia, universally recognized human rights and norms envisaged by the international law

**Article 2. The Scope of Regulation** This Law determines the legal status of an IDP, grounds and rules for granting, terminating, cancelling and restoring of an IDP status, legal, economic and social guarantees of IDPs and rights and obligations.

**Article 3. The Purpose of the Law**

The purpose of this Law is to create the legal mechanisms that

- a) ensure protection of IDP rights during the whole period of displacement;
- b) facilitates integration of IDPs at their places of registration;
- c) promotes provision of solutions to IDP problems.

**Article 4. Definition of Terms**

Wherever used in this Law, the terms shall have the following meanings hereinafter set forth or indicated:

- a) IDP status seeker – a person who has applied to the Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees of Georgia (hereinafter the Ministry) with the written request to grant him/her an IDP status;
- b) IDP card - a document issued by the Ministry or its territorial body (hereinafter - territorial body) that certifies granting of an IDP status to a person; If the IDP's place of registration and factual place of residence coincide, IDP card also certifies lawful possession of the living space except for the cases when durable housing has been provided to the IDP;
- c) IDP's permanent place of residence – a place selected for residence by an IDP, his/her displaced parent(s) or his/her lineal relative of ascending generation from where he/she, his/her parent(s) or his/her lineal relative of ascending generation were displaced and where he/she cannot return due to the reasons referred to in paragraph 1, Article 6 of this Law;
- d) IDP's place of registration – according to the Ministry's IDP database, it is IDP's place of residence where IDP was registered during the period of displacement despite the type of ownership over this place;

- e) IDP's factual place of residence- a place selected for residence by an IDP during the period of displacement where he/she actually lives without registration;
- f) IDP allowance – IDP status based monthly disbursement set forth by the Georgian legislation;
- g) Social assistance – any kind of monetary or intangible assets envisaged by Georgian legislation, which is directed towards the improvement of socio-economic conditions of displaced persons/families registered in the database of socially vulnerable families;
- h) IDP registration – registration of IDPs and if necessary, issuance of IDP cards within the timeframe announced by the Ministry in advance;
- i) Profiling of IDPs – the procedure of registering personal (identification) data of IDPs by the Ministry;
- j) Database – IDP database, administered by the Ministry in accordance of this law.
- k) IDP family– a group of people holding an IDP status (non-IDP may also be a family member) affiliated by consanguinity or only co-residence residing in a separate area of residence, who jointly implement household activities (one person can also make a family);
- l) Household activities (joint household) – activities directed towards the welfare of the family i.e. joint use and care of living place, gaining means of family subsistence, disposal and distribution of these means (incomes and expenditures) for the well-being of the family;
- m) Adequate housing - accommodation transferred to IDPs into ownership or lawful possession where essential conditions for dignified life are ensured including access to safety, sanitary conditions and infrastructure;
- n) Provision of durable housing to IDPs (hereinafter - provision of durable housing) – with the purpose of providing accommodation, transferring living units into ownership, or providing adequate monetary or other type of assistance to IDP families based on their status by the state or local self-government bodies, international, donor or local organizations, natural persons or legal entities of private law in exchange;
- o) Living space transferred into lawful possession– a living space where an IDP/an IDP family is registered or actually resides without registration at owner's consent according to the database;
- p) Occupied territories – territories as envisaged by the Law of Georgia on Occupied Territories;

## **Article 5. Protection of Population from Displacement**

1. Each person living in Georgia shall be protected from forceful displacement.
2. The Government shall:
  - a) take all appropriate measures to avoid situations that may cause displacement;
  - b) ensure realization of rights of victims of displacement to life, dignity, safety and liberty even in the cases when displacement is caused by imminent inevitability;

- c) minimize inevitable displacement and damages caused by it;
- d) ensure that the displacement does not last longer than required in the given situation.

## **Chapter II**

### **Definition of an IDP. Prohibition of Discrimination**

#### **Article 6. Definition of an IDP**

1. A citizen of Georgia or a stateless person with a status residing in Georgia shall be considered as an IDP, if he/she was forced to leave his/her permanent place of residence because of threat to his/her or his/her family member's life, health or freedom caused by the occupation of the territory by a foreign state, aggression, armed conflict, mass violence and/or massive human rights violations and/or he/she cannot return to his/her permanent place of residence due to the above-mentioned reasons.
2. An underage person is entitled to an IDP status if one or both of the parents have and/or had IDP status, only based on the consent from parent(s) or his/her other legal representative.
3. In case IDP status is not granted to an underage person in accordance with paragraph 2 of this Article, IDP status will be granted based on personal application when the person reaches age of majority.

#### **Article 7. Prohibition of Discrimination**

Discrimination of IDPs shall be prohibited in the enjoyment of their rights and freedoms on the ground that they are internally displaced, as well as because of race, color, language, sex, religion, political or other opinion, national, ethnic and social belonging, origin, property and rank, domicile.

## **Chapter III**

### **Rules of Granting, Terminating, Cancelling and Restoring of an IDP Status**

#### **Article 8. Rules of Granting IDP Status**

1. A person who leaves his/her permanent place of residence due to the reasons as referred to in paragraph 1, Article 6 of this Law shall apply to the the Ministry or its territorial body in writing to be granted IDP status.
2. The Ministry shall decide on granting or rejecting an IDP status to an IDP status seeker within one month after receipt of the application.
3. Once the person is granted an IDP status, a special form is filled in and IDP card is issued. The templates of IDP card and the form are determined by the Ministry.
4. IDP card is valid together with a personal identity document.

5. The rejection to grant an IDP status can be appealed in the court pursuant to legislation of Georgia within one month after receipt of the refusal.
6. IDP status shall be granted immediately (prima facie) during massive and ad hoc displacement of population caused by the reasons stipulated by paragraph 1 of Article 6 in accordance with the rule established by the administrative-legal act of the Minister (hereinafter the Minister) of the Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia.
7. The procedures for granting of an IDP status and registration of IDPs shall be set forth by the Ministry in accordance with this Law.

#### **Article 9. Registration of an IDP outside Georgia**

1. If a person leaves the territory of Georgia during displacement due to the reasons given in paragraph 1, Article 6, he/she shall apply to the diplomatic mission of Georgia/consulate or to the LEPL State Services Development Agency under the Ministry of Justice of Georgia for consular registration not later than two years after displacement occurred.
2. The Ministry of Foreign Affairs of Georgia with the help of the LEPL State Services Development Agency shall provide the Ministry with the data of those who are registered in the Consulate at the end of each month.

#### **Article 10. Grounds for Termination, Deprivation and Restoration of IDP Status**

1. IDP status shall be terminated:
  - a) if he/she was withdrawn an IDP status on his/her personal application;
  - b) in case of elimination of circumstances as referred to in paragraph 1, Article 6 of this law at IDP's place of permanent residence;
  - c) in case of termination of citizenship of Georgia pursuant to the Georgian legislation;
  - d) in case a stateless person with a status residing in Georgia received a citizenship of other country;
  - e) if the court recognized the person as missing or announced him/her dead;
  - f) if a person did not participate in the IDP registration within the timeframe announced by the Ministry in advance, based on this law;
  - g) a person died.
2. IDP status shall be restored:
  - a) if the court annulled the judgment envisaged by sub-paragraph "e", paragraph 1 of this Article;
  - b) if an IDP status had been terminated in accordance with sub-paragraph "c", paragraph 1 of this Article and the citizenship of Georgia was granted/restored pursuant to paragraph 2, Article 12 of the Constitution of Georgia or paragraph 1, Article 29 of the Organic Law of Georgia on Citizenship of Georgia;

- c) if an IDP status had been terminated in accordance with sub-paragraph “a”, paragraph 1 of this Article and a person reapplied for granting of an IDP status in writing.
  - d) If an IDP status had been terminated based on sub-paragraph f, paragraph 1 of this Article and a person reapplied for restoring of an IDP status in writing.
3. IDP status shall be deprived if the status was granted based on submission of fake documents and information.
4. The Ministry shall decide on issues of termination, cancellation and restoration of an IDP status.
5. The court shall settle disputes concerning termination, cancellation or restoration of an IDP status.

#### **Article 11. Grounds for Suspension, Termination and Restoration of IDP Allowance**

1. IDP allowance shall be suspended on the first day of the following month from the moment of arising the grounds foreseen by this paragraph, if:
  - a) accuracy of the documents submitted for granting an IDP status must be established;
  - b) personal number was not submitted;
  - c) legal representative of the underage person cannot be identified;
2. IDP allowance shall be terminated on the first day of the following month from the moment of arising the grounds foreseen by this paragraph, if:
  - a) in case of termination of an IDP status;
  - b) if the person applied for the termination of an IDP allowance in writing;
  - c) in case an IDP left Georgia for more than two months, except when the person left country due to business trip, studies or medical treatment (these shall be proven by relevant documents) and the IDP informed the Ministry about it in advance in accordance with the rules established by the legislation;
  - d) An IDP agreed in writing to receive the social allowance foreseen for the families at the edge of the poverty line;
  - e) Taxable income of an IDP amounts to 1,250 GEL or more which is confirmed by the authorized body established by the Georgian legislation.
3. IDP allowance shall be restored in case the circumstances envisaged by paragraphs 1 and 2 of this Article are eliminated, based on the personal application and necessary documents submitted by an IDP, also in other cases defined by the Georgian legislation.
4. Issuance of IDP allowance shall be restored after elimination of the circumstances envisaged by paragraph 3 of this Article. In addition:
  - a) in cases envisaged by paragraph 1 of this Article issuance of IDP allowance shall be restored from the first day of the following month and paid only within the current budgetary year from the day of suspension of IDP allowance;
  - b) in cases envisaged by paragraph 2 of this Article IDP allowance shall not be paid during the whole period of termination of IDP allowance.
5. The competent body shall ensure distribution of IDP allowances based on the information provided by the Ministry.

## **Chapter IV**

### **Protection of Rights of IDPs During Displacement**

#### **Article 12. Rights and Obligations of IDPs**

1. IDP has the right to:
  - a) receive IDP allowance 45 GEL;
  - b) receive social and other types of assistances in accordance with the rules and conditions established by the Georgian legislation;
  - c) receive adequate housing in Georgia until return to the place of permanent residence, except for those cases when durable housing has already been provided to him/her.
2. IDP is obliged to
  - a) notify the Ministry about changing the place of residence within one month;
  - b) participate in IDPs registration within the timeframe announced by the Ministry in advance;
  - c) notify the Ministry in advance if he/she is leaving Georgia for more than two months.

#### **Article 13. The Right to Respect the Family Unity and the Right to Adequate Housing**

1. All IDPs have the right to respect the family unity. Family shall not be artificially disintegrated or united against the will of family members.
2. The Ministry together with other relevant state agencies shall provide adequate housing to those IDPs who have been left homeless during displacement. When providing adequate housing, the Ministry shall register IDP on the place of accommodation.
3. The Ministry together with state and local self-government bodies shall ensure the realization of IDP rights envisaged by this law and shall take measures to create socio-economic conditions for IDPs' safe and dignified life.
4. If an IDP family has been provided with durable housing, the Government shall not bear responsibility to provide them or their descending offsprings with housing based on their IDP status.

#### **Article 14. Protection of IDP Rights related to Living Space**

1. Disputes on living space/housing issues shall be settled pursuant to Georgian legislation.
2. Before elimination of circumstances as referred to in paragraph 1, Article 6 of this Law or before providing durable housing to IDPs, eviction of IDPs from lawfully possessed living space shall not take place unless:
  - a) a written agreement is signed with an IDP on provision of adequate monetary or other type of assistance instead of the living space they occupy;

- b) an IDP is provided with adequate housing not deteriorating his/her living conditions;
  - c) a natural disaster or other event occurs, envisaging certain compensation being regulated by a common rule.
3. A living space is considered in lawful possession by an IDP/IDP family, except paragraph “O” of the Article 4 of this law, where before entering into force of this law an IDP has been resettled by the government and which was considered by the MRA database as the collective (organized) centre; where the Ministry in accordance of the annual state budget reimbursed administrative and communal expenses (among them for consumed electricity) and which was the state or private property.
  4. In cases foreseen by the Article 3 of this law the owner is authorized to apply to the Ministry and relevant body with the request to evict an IDP registered or/and factually residing in his/her property.
  5. If the owner exercises the right defined by the paragraph 4 of this article, he/she must consider the requirements of the paragraph 2 of this article.
  6. In cases envisaged by paragraph 2 of this Article while resettling IDPs to another part of the country in order to safeguard IDPs’ dignity, freedom and safety, the Ministry shall ensure that:
    - a) an IDP/an IDP family is fully informed on reasons and procedures of resettlement and on relevant alternatives in order to ensure IDPs’ free and voluntary decision;
    - b) each IDP is provided with adequate housing;
    - c) IDPs shall be accommodated to places where safety, health and sanitary conditions are satisfactory and the right to respect of the family unity of an IDP shall be protected.
  7. Paragraphs 2 and 6 of this Article shall not cover those IDPs who were not accommodated by the government, who managed to find housing themselves (they are registered and/or live in rented, borrowed or their own houses, live together with host family, etc.) and the Ministry did not pay for their administrative, accommodation and utility (including, electricity) costs annually from the state budget.
  8. Eviction of an IDP/IDP family may be possible only if the owner applies to the Ministry for termination of the IDP registration in his/her property. In this case, eviction of an IDP/IDP family shall take place in accordance with the rules established by the Georgian legislation.
  9. In cases where there are grounds foreseen by the paragraph 2 of this article, the Ministry gives consent in the timelines established by the General Administrative Code of Georgia on the implementation of measures to prevent an IDP from infringement of the immovable objects in other persons’ ownership or other type of interference.

**Article 15. Protection of IDP Property Rights in the Places of their Permanent Residence**

1. The State recognizes the IDPs’ right to restitution, which is hereditary, on the real estate they left in the places of permanent residence.
2. The State shall take all possible measures to protect the property owned and/or possessed by an IDP in the places of permanent residence which he/she had to leave due to reasons as referred to in paragraph 1, Article 6 of this Law, from robbery, destruction, arbitrary and unlawful use and appropriation.

3. After elimination of circumstances as referred to in paragraph 1 of Article 6 in case when IDP returns to his/her place of permanent residence, the State shall take all possible measures to ensure that the real estate which an IDP had lawfully owned and/or possessed before displacement and were forced to leave, is returned to a lawful owner and possessor.
4. The right envisaged by paragraph 1 of this Article shall be maintained in the cases when durable housing is provided to IDPs.

#### **Article 16. Social Protection of an IDP**

1. The Ministry, within its mandate, together with other state bodies shall support an IDP to exercise his/her rights. In particular, they shall
  - a) help IDPs to find jobs according to their professions and qualifications;
  - b) issue allowances and other types of assistance within their mandate pursuant to Georgian legislation;
  - c) ensure enjoyment of the constitutional right to education and state-funded general education as established by the legislation of Georgia;
  - d) make decision on pension-related issues of IDPs;
  - e) help IDPs to resolve social and everyday issues;
  - f) be involved in the process of finding graves of the missing people as well as those who disappeared as a result of massive human rights violations;
  - g) help IDPs to return to their places of permanent residence after elimination of circumstances as referred to in paragraph 1 of Article 6;
  - h) provide IDPs with first aid during displacement on the territory of Georgia;
  - i) where possible, reimburse funeral expenses of IDP's from the budget as established by the rules,.
2. Medical expenses of an IDP/IDP families registered in the database of socially vulnerable families are covered by state-funded healthcare programs or insurance according to relevant rules.
3. If termination of IDP's working activities is related to displacement, IDP shall maintain the length of service during the period of displacement despite his/her occupation.
4. The Ministry co-ordinates the activities of other ministries and agencies in the realization of IDP rights.

### **Chapter V**

#### **State Guarantees for Integration of IDPs into Another Part of the Country before Returning to Their Places of Permanent Residence and Reintegration of IDPs into Their Places of Permanent Residence**

#### **Article 17. State Guarantees for Accommodation and Integration of IDPs in Another Part of the Country before Returning to their Places of Permanent Residence**



The Ministry and other state agencies in the frames of the competencies granted to them shall provide:

- a) creation of relevant conditions in another part of the country voluntarily, safely and in dignified manner until return of IDPs to their places of permanent residence,
- b) elaboration of relevant mechanisms providing which ensure integration of IDPs into another part of the country before return of IDPs to their places of permanent residence, so that socio-economic conditions necessary for safe and dignified life are created, IDPs participate equally and without any limitations in socio-economic relations and they receive social and public services;
- c) engagement of IDPs in implementation of the activities envisaged by paragraph “b” of this article.

#### **Article 18. State Guarantees for Reintegration after IDPs’ Return to Their Places of Permanent Residence**

1. The state shall ensure development of relevant mechanisms supporting reintegration of IDPs on places of permanent residence when they return.
2. If IDPs, after elimination of circumstances as referred to in paragraph 1 of Article 6, return to their places of permanent residence, the Ministry and other state bodies within the competencies granted to them shall:
  - a) ensure realization of IDP rights envisaged by this law and the Constitution of Georgia;
  - b) take measures to create necessary socio-economic and legal conditions for the safe living at their places of permanent residence;
  - c) implement all the necessary activities to ensure that private property, including house and attributed land plot, are returned to an IDP or his/her lawful heir in the condition they exist at the time of return. Also when possible, rebuild the destroyed house and ensure its return to IDPs;
  - d) co-ordinate organization of the issuance of compensation for damage after determination of its limits.
3. Authorized government bodies shall determine rules for determining the amount of damage and granting compensation.
4. The Ministry, together with other relevant state bodies shall co-ordinate return, resettlement and reintegration activities while guaranteeing safe and dignified return.
5. The state takes all measures to ensure participation of IDPs in planning and managing process of return, resettlement and reintegration to the places of permanent residence.

### **Chapter VI**

## **Guarantees for Realization of IDP Rights**

### **Article 19. Organization of IDP Assistance**

1. The Ministry together with other state authorities shall organize resolution of the accommodation, reintegration, social and other issues of IDPs.
2. By this law the Minister is authorized to issue legal acts under the competence of the Ministry as established by the legislation of Georgia. .

### **Article 20. Guarantee for the Protection of IDP Rights**

1. The Ministry, other state authorities and local self-government bodies protect IDP rights within their competency.
2. The illegal actions of state officials can be appealed in higher state officials or in the administrative bodies or/and in the courts pursuant to the legislation.

### **Article 21. Sources of Financial Assistance for IDPs**

1. Expenses for IDPs envisaged by this Law shall be reimbursed from the state budget.
2. The additional sources of funding include donations from persons and legal entities and financial assistance provided by foreign governments and international organizations.

### **Article 22. Liability for Violation of the Law**

Liability for violation of this law shall be in accordance with the rules set forth by laws of Georgia.

## **Chapter VII**

### **Transitional Provisions**

### **Article 23. Obligation of an IDP to Present Personal Number**

Within 3 months after this law enters into force, an IDP which did not present personal number to the Ministry, shall present the document envisaged by Georgian legislation containing the first name, last name and personal number of a Georgian citizen or of a stateless person with a status residing in Georgia.

### **Article 24. Activities to undertake in regards to entering this law into force**

1. Within 6 months after entering into force of this Law the Government of Georgia shall ensure compliance of relevant by-laws with this Law.

2. Within 3 months after this law enters into force the Ministry shall develop and approve:
  - a) rules for granting, terminating, cancelling and restoring of IDP status, rules for IDP registration and maintainanace of the IDP database;
  - b) rules for provision of IDPs with housing.
3. The bylaws adopted on the basis of the Law of Georgia as of 28 June 1996 on Internally Displaced Persons – Persecuted from the Occupied Territories of Georgia will be valid until issuance of the bylaws foreseen by paragraphs 1 and 2 of this article.

## **Chapter VIII**

### **Concluding Provisions**

#### **Article 25. Abrogated Normative Acts**

The Law of Georgia on Displaced Persons – Persecuted from the Occupied Territories of Georgia as of June 28, 1996 shall be considered abrogated upon entering of this Law into force (Parlamentis Utskebani, No19-20, 30.07.96, p.39).

#### **Article 26. Date of Entering into Force of the Law**

1. This law shall enter into force from 1 March 2014.

President of Georgia

Giorgi Margvelashvili

Kutaisi city,  
6 february 2014.  
No 1982-IIS