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Access of Refugees, Asylum Seekers and IDPs to Socio-Economic Rights: The Case of Georgia

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Access of internally displaced persons to socio-economic rights

The principal goal declared by the government policies for internally displaced persons (IDPs) is to promote the socio-economic integration and improve the living conditions of the same.¹

*The Law on Internally Displaced Persons from the Occupied Territories of Georgia*² is the main legal act regulating relations with regard to IDPs. The Law determines, *inter alia*, legal, economic and social guarantees for IDPs.³ Furthermore, the law designates the Ministry of Internally Displaced Persons from the Occupied Territories, Refugees and Accommodation as responsible for organizing the IDP assistance.⁴ According to the law, IDPs are entitled to the following social benefits: temporary accommodation and essential first aid,⁵ assistance in finding temporary employment in accordance with their profession and qualifications,⁶ free secondary education in public schools⁷ and health coverage under existing state programs and insurance.⁸

The law on Internally Displaced Persons from the Occupied Territories of Georgia also emphasizes that, prior to the restoration of Georgia's jurisdiction over the respective part of the territory of Georgia, IDPs may not be evicted from their temporary residences. The only exceptions are when: a written agreement is signed with the IDP; a new place of residence is allocated which will not represent a worsening of the IDP's current housing situation, in case of *force majeure* or catastrophes; appropriate compensation is provided for in accordance with the general rules; or space is occupied illegally in violation of the law.⁹ In case of the return of IDPs to their permanent places of residence, the state shall create, *inter alia*, necessary social-economic living conditions for safety at their places of permanent residence. The state is also obliged to return private property to displaced people, including houses and the land with compensations for any damage.¹⁰

*The Law on Property Restitution and Compensation for the Victims of Conflict in the Former South Ossetian Autonomous District in the Territory of Georgia*¹¹ establishes the legal procedures for the restitution of property and the compensation of property damage of natural persons who were victims of the conflict in South Ossetian Autonomous District in the territory of Georgia. In particular, the law establishes legal guarantees for these persons to receive real property. Alternatively, in cases where the restitution of housing and other immovable property is impossible, they will receive adequate (alternative) accommodation of identical value, or in cases where the acquisition of adequate (alternative) accommodation is impossible, they will receive compensation for damage to their property.

¹The State Strategy for Internally Displaced Persons. The State Strategy was approved by the Edict No 47 of 2 February 2007 of the Government of Georgia on Approving of the State Strategy for Internally Displaced Persons, www.mra.gov.ge.

²Adopted on 28 June, 1996 (Last amended on 11 June 2013). „Parlamentis Utskebani“, 18-20, 28/06/1996.

³Articles 5, 5¹, 5², 5³, 5⁴ of the Law on Internally Displaced Persons from the Occupied Territories of Georgia.

⁴Article 8 of the Law on Internally Displaced Persons from the Occupied Territories of Georgia.

⁵Articles 3.3 and 5⁴.1 h) of the Law on Internally Displaced Persons from the Occupied Territories of Georgia.

⁶Article 5⁴.1 a) of the Law on Internally Displaced Persons from the Occupied Territories of Georgia.

⁷Article 5⁴.1 c) of the Law on Internally Displaced Persons from the Occupied Territories of Georgia.

⁸Article 5⁴.1 c) of the Law on Internally Displaced Persons from the Occupied Territories of Georgia.

⁹Article 5³.2 of the Law on Internally Displaced Persons from the Occupied Territories of Georgia.

¹⁰Article 7.1 of the Law on Internally Displaced Persons from the Occupied Territories of Georgia.

¹¹Adopted on 29 December, 2006. „Sakartvelos Sakanonmdeblo Matsne“, 51, 31/12/2006.

“The Action Plan for the Implementation of the State Strategy for Internally Displaced Persons from the Occupied Regions of Georgia 2012-2014”¹² provides for various housing programs. Moreover, the Decree of the President of Georgia of 2 February 2009, No 62¹³ governs the transfer of ownership of living space in collective centers, empty buildings and new apartment blocks. In accordance with this decree, the immovable state property was transferred to IDPs for the symbolic price of GEL 1 (c. EUR 0.40). Furthermore, according to the Tax Code of Georgia,¹⁴ IDPs are exempt from paying taxes for state property transferred to them and also for compensation received by them within the framework of the privatization program.¹⁵

The *State Strategy for Internally Displaced Persons* stipulates the implementation of special vocational education and training programs for IDPs within state educational programs in order to enhance employment opportunities.

The Edict of the Government of Georgia of 9 December 2009, No 218¹⁶ designates IDPs living in compact settlements as one of the beneficiaries of State Health Insurance. Besides, due to their poor economic situation the majority of IDPs are qualified to enroll in the health insurance state program for the population below the poverty line.

The Law on State Budget of Georgia for 2013¹⁷ provides a set amount per IDPs settled in the collective centers for communal expenses, such as electricity and water consumption, waste disposal, etc. Whereas, the persons settled in Tbilisi receive monthly GEL 10.2 (c. EUR 4.5) and those settled in regions – GEL 5 (c. EUR 2.2).

In accordance with the Edict of the Government of Georgia of 28 July 2006, No 145,¹⁸ IDPs receive a status-based monthly allowance from the state: GEL 28 (ca. EUR 12) per person for IDPs living in private accommodation; and GEL 22 (ca. EUR 8) per person for IDPs living in collective centers.¹⁹ Furthermore, IDPs have the option of choosing to register with the Social Services Agency and of receiving targeted social assistance. Though, in this case, they retain their IDP status they have to forgo their IDP allowance. Currently, targeted social assistance is GEL 60 (c. EUR 25) for the head of a household and GEL 48 (c. EUR 20) for other household members.²⁰

The Edict of the Government of Georgia of 23 August 2013, No 218²¹ stipulates that social grants for financing their study can be awarded to students, who are – inter alia – from conflict regions and internally-displaced families.²²

¹² Approved by the Decree No 403 of 28 May 2009 of the Government of Georgia (Last amended on 3 November 2011), www.government.gov.ge.

¹³ Decree No 62 of 2 February 2009 of the President of Georgia on Privatization through Direct Sale of the State-Owned Property and of property of the Tbilisi Self-Governing Entity Government of Georgia, www.matsne.gov.ge, 02/02/2009.

¹⁴ Adopted on 17 September 2010 (Last amended on 30 July 2013). “SakartveloSakanonmdebloMatsne”, 54, 12/10/2010.

¹⁵ Article 82.1 m) of the Tax Code.

¹⁶ Edict No 218 of 9 December of the Government of Georgia on Measures for Insuring Health of Population within the Framework of State Programs and the Terms of an Insurance Voucher”. www.government.gov.ge.

¹⁷ Adopted on 20 December 2012. www.matsne.gov.ge, 29/12/2012.

¹⁸ Edict No 145 of 28 July 2006 of the Government of Georgia on Social Assistance (Last amended on 21 June 2013). “SakartveloSakanonmdebloMatsne”, 101, 01/08/2006.

¹⁹ Article 10⁵.1 of the Edict No 145 of 28 July 2006.

²⁰ Article 6 of the Edict No 145 of 28 July 2006.

²¹ Edict No 218 of 23 August 2013 of the Government of Georgia on Defining Conditions and Amount of Financing those Students with State Study Grants within the Social Program, which are Enrolled in Accredited Higher Educational Programs of Higher Educational Institutions Based on Results of the Unified National Exams. www.matsne.gov.ge, 23/08/2013.

²² Article 3.1 of the Edict No 218 of 23 August 2013.

Access of refugees and asylum seekers to socio-economic rights

*The Constitution of Georgia*²³ stipulates, as a general rule, that foreign citizens and stateless persons residing in Georgia shall have the same rights and obligations as Georgian citizens with exceptions envisaged by the Constitution and law.²⁴ The main legal act containing specific provisions on the rights of refugees and asylum seekers is *the Law on Refugee and Humanitarian Status*.²⁵ It provides asylum seekers, *inter alia*, with the following rights: to receive the application for temporary accommodation and to live free of charge at the accommodation centers, and, in special cases, at the place of temporary residence identified by the Ministry of Internally Displaced Persons from the Occupied Territories, Refugees and Accommodation; to receive other types of assistance at the accommodation centers or at a place identified by the Ministry of Internally Displaced Persons from the Occupied Territories, Refugees and Accommodation; to enjoy the right to education equal to the citizen of Georgia; to receive medical and social assistance as provided for by the legislation of Georgia; to enjoy the right to employment pursuant to the Georgian legislation; and to enjoy the rights granted to foreign citizens by the Georgian legislation, if not otherwise envisaged by the Law on Refugee and Humanitarian Status.²⁶

As to refugees and persons with humanitarian status, they have, *inter alia*, the following rights: to live up to three months after receiving the refugee/humanitarian status at the accommodation centers, and in special cases, at the place of temporary residence identified by the Ministry of Internally Displaced Persons from the Occupied Territories, Refugees and Accommodation; to choose within three months of receiving the refugee/humanitarian status a residential area offered by the Ministry of Internally Displaced Persons from the Occupied Territories, Refugees and Accommodation or to find accommodation at another place at their own expenses; to enjoy the right to education equal to the citizen of Georgia; to receive medical and social assistance as provided for by the legislation of Georgia; and to enjoy the rights granted to foreign citizens by the Georgian legislation, if not otherwise envisaged by the Law on Refugee and Humanitarian Status.²⁷ Furthermore, the Law on Refugee and Humanitarian Status designates the Ministry of Internally Displaced Persons from the Occupied Territories, Refugees and Accommodation as the responsible body as regards the issues related to social and economic guarantees for refugees and persons with a special humanitarian status.²⁸

According to *the Tax Code of Georgia*, refugees and persons with humanitarian status are exempt from paying taxes for compensation received by them for their temporary residence places within the framework of the privatization program.²⁹ As in the case of IDPs, *the Law on State Budget of Georgia for 2013* provides for a monthly fixed amount per refugee and person with humanitarian status settled in the collective centers for communal expenses. Persons settled in Tbilisi receive GEL 10.2 (c. EUR 4.5) and those settled in regions – GEL 5 (c. EUR 2.2) every month.

Based on *the Edict of the Government of Georgia of 28 July 2006, No 145*, refugees and persons with humanitarian status, like IDPs, receive a status-based monthly allowance. This is allowance is for GEL 28 (c. EUR 12) for refugees and persons with humanitarian status living in private accommodation and GEL 22 (c. EUR 8) for persons living in collective centers.³⁰

²³ Adopted on 24 August 1995 (Last amended on 25 March 2013). „Sakartvelos Parlamentis Utskebebi“, 31-33, 24/08/1995.

²⁴ Article 47 of the Constitution.

²⁵ Adopted on 6 December, 2011 (Last amended on 25 May, 2012). „Sakartvelos Sakanonmdeblo Matsne“, 111220009, 20/12/2011.

²⁶ Article 18.1 of the Law on Refugee and Humanitarian Status.

²⁷ Article 19.1 of the Law on Refugee and Humanitarian Status.

²⁸ Article 22.1 of the Law on Refugee and Humanitarian Status.

²⁹ Article 82.1 m) of the Tax Code.

³⁰ Article 10⁵.1 of the Edict No 145 of 28 July 2006.

Conclusion

The problem of internally displaced persons has been one of the main concerns of the Georgian state since the early nineties. While taking into account its relevance for the country, Georgia has adopted a lot of legal acts aimed at regulating issues related to the legal status of IDPs. Nevertheless, due to limited financial resources, the assistance provided to IDPs is rather modest given their needs.

As to asylum seekers, refugees and persons with humanitarian status, their legal situation is determined by several legal regimes. In general, they have the same rights as other foreigners. However, with regard to the right to education they enjoy the same rights as Georgian citizens. In terms of financial and social assistance they receive from the state, in most cases, similar amounts to the assistance received by the IDPs.