

# Law of the Republic of Georgia Concerning Internally Displaced People

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The Law of the Republic of Georgia concerning internally displaced people, based on the Constitution of the Republic of Georgia, recognized principles of International Law and Georgian legislation, determines the legal status of internally displaced people in Georgia, defines the legal, economic and social guarantees for them, provides the protection and implementation of their rights and legal interests.

## Article 1. Displaced persons

1. Displaced persons are citizens of the Republic of Georgia or the stateless persons permanently living in the Republic of Georgia, who were forced to live their places of permanent residence and were displaced (within the borders of the Republic of Georgia), because their or their family members lives, health or freedom were in danger at the places of their permanent residence, caused by the aggression of a foreign county, by internal conflicts or by mass scale violation of human rights.
2. A person, who has committed a crime and is serving the sentence in a jail cannot be considered a displaced person.

## Article 2. Application for recognition as displaced person

1. A person, who leaves his place of permanent residence because of the reasons mentioned above, has to apply to the local service of the Ministry for Refugees and Accomodation, where he is going to live temporarily or permanently, or diplomatic representation for registration, if he has to leave the borders of the Republic of Georgia.
2. The local service of the Ministry for Refugees and Resettlement will make the decision for recognition of a person as displaced within the period of ten days after the registration of his appeal and will apply the Ministry for Refugees and Accommodation for the status of an internally displaced person.

3. In case of scale and emergency displacement of population the temporary status of internally displaced person will be granted immediately according to the existing law.

### **Article 3. Rights and duties of persons who have applied for recognition as displaced persons**

1. Persons who apply for recognition as displaced according to Article 2 of this law will be given a certificate mentioning his place of temporary residence. They also may choose a place for temporary residence with their relatives or friends in any region of Georgia.

2. A person who has just left the zone and has received the mentioned certificate enjoys the right to one-way travel to the place of his temporary residence and carry his assets in public transport free of charge.

3. A person who will leave his place of permanent residence for the reasons mentioned above, enjoy the following rights before his recognition as a displaced person: to use public utilities free of charge at the place of his temporary residence;

to receive an amount of food established for displaced persons;

to receive free public medical aid;

to receive pecuniary and other aid.

4. A person, who applied for registration as displaced is responsible for:

providing the relevant state organs with due information for determination of his/her status of a displaced person;

to go through medical examination at the first request of health organs.

5. In case of negative decision of the Ministry for Refugees and Accommodation on the registration as a displaced person, he can apply to the court within one month from the date of refusal.

### **Article 4. The procedure for recognition a person as displaced**

1. The decision on recognition of a person as displaced is made by the Ministry for Refugees and Accommodation within the period of one month.

2. A person who is recognized as displaced, will be given a certificate, the model of which is established by the Ministry of refugees and Accommodation.

3. The data on the minor family members of displaced persons will be given in the passport of one of the parents.

4. Refusal of the Ministry of Refugees and Accommodation on the status of a displaced person may be referred to the court according to the legislation of the Republic of Georgia.

5. Until the trial, a person who applied for the status of a displaced person, will enjoy the rights and have obligations mentioned in Article 3 of this law.

### **Article 5. Guarantees of the rights of displaced persons at their places of**

## **temporary residence.**

1. The rules governing the rationing and the distribution of monthly pecuniary, food and other assistance are established by the organs of executive bodies.
2. The rights of displaced persons at the places of their temporary residence are supervised by the Ministry of Refugees and Accommodation together with relevant local organs of administration, who:
  - assist the displaced persons in temporary job placement according to their profession and qualification;
  - provide them with lump sum and monthly allowances according to the law established by the executive organs of the government;
  - provide medical aid free of charge. Pay the charges for treatment at public medical institutions according to the established standards and tariffs;
  - provide disabled, old people, children and the families, who lost their supporters with medicines free of charge
  - provide constitutional right of displaced people on education;
  - deal with the provision of pensions;
  - assist the displaced people to deal with social and communal issues;
  - provide temporary residences and food within the limits established in the Republic of Georgia;
  - will allot spots of land for them for temporary use;
  - will participate in activities for seeking the graves of dead and the lost people for the reasons of mass violations of human rights in the region;
  - will assist the displaced people to return to their places of permanent residence after the elimination of the reasons mentioned in Article 1 of this Law.

## **Article 6.Cessation. Loss and withdrawal of the status of displaced person**

1. Cessation of the status of a displaced person will happen if:
  - he is serving his sentence in a prison;
  - he is registered as a displaced person in several regions;
2. A person will lose the status of internally displaced person if:
  - he obtains nationality of some other country;
  - he moves from Georgia to another country to reside there permanently;
  - he permanently settles and registers in one of the regions of Georgia, where there are no reasons mentioned in Article 1 of this Law;

there are no reasons mentioned in Article 1 of this Law.

3. A person will be withdrawn the status of a displaced person if it appears that he obtained the status of a displaced person with false documents and testimonies;

4. The cases of cessation, loss and withdrawal of the status of displaced person will be discussed by the Ministry of Refugees and Accommodation.

5. Any differences relating to the loss, secession or withdrawal of the status of a displaced person shall be referred to the court.

### **Article 7.State guarantees for rehabilitation of displaced persons at their places of permanent residence.**

If a displaced person after the elimination of the reasons mentioned in Article 1 of this law returns to his place of permanent residence:

a)the relevant organs of executive bodies and local administration, among them the Ministry of Refugees and Accommodation will provide the implementation of their constitutional rights, will take measures to create necessary social-economic living conditions for the safety at their places of permanent residence; to return to displaced persons, their legal heritage, the personal assets, among them house and the land in the present condition; the compensation of the damage, after estimation of its amount, will be made by the local administrative bodies according to the established by the government law, also to give the guarantee to a person for the return to the damaged house after the reparation.

b)The National Bank of Georgia will determine the law for giving out the loans.

### **Article 8.Organization of the assistance to displaced persons**

1. The questions of receiving, granting of the status, providing the accommodation, job placement and other social questions will be decided by the Ministry of Refugees and Accommodation of Georgia together with other relevant executive and local governmental organs.

2. The Ministry for Refugees and Accommodation will coordinate the activities of other ministries and departments in the sphere of implementation of the rights of displaced persons.

### **Article 9.Guarantees of the rights of displaced persons**

1. The rights of the displaced persons will be supervised by the State.

2. Any illegal action of the authorities may be appealed to higher authorities or to the court.

### **Article 10.Displaced persons emergency fund.**

1. An emergency fund for the displaced persons will be financed from the state budget.

2. Additional sources of funding are budget reserve funds, contributions by physical and juridical persons, financial aids given by foreign states and international organizations.

### **Article 11.Responsibilities for the violation of the law.**

The violation of the Law of the Displaced Persons is punishable according to the legislation of the Republic of Georgia.

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