



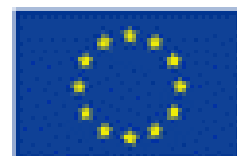
The Country of Return Information Project functions as a network of NGO's for the collection and transfer of specific information on reintegration possibilities for potential returnees and their counsellors. All questions you may have on reintegration possibilities and on which you don't find the answer in this country sheet, can be directed to the helpdesk "Country of Return Information".
E-mail: return@vluchtelingenwerk.be

COUNTRY SHEET

GEORGIA

**August
2007**

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Further information can be obtained at return@vluchtelingenwerk.be.

The Country Sheet Georgia is a product of the CRI project.

CRI-country sheets are prepared mainly on the basis of publicly available information, completed with data gathered by local partners in the specific countries, and will be updated periodically.

Our local partners in Georgia are:

- World Vision: A Tbilisi based organisation focusing on child deinstitutionalization and children with disabilities, ethnic minority youth integration, street youth protection, HIV/AIDS education, Georgian emigrant re-integration ; all community based.
- GYLA: a network organisation present in several communities with its main office in Tbilisi as well. They act as an in-between for governmental bodies and migrants, supporting the latter with legal advice and humanitarian aid, protecting human rights, intervening in lawmaking processes and in the working of state agencies on local and central level.

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1 Access to Territory

1.1 Documentation

1.1.1 Travel documents needed for returnees

- Returnee may be a person, who has maintained Georgian citizenship or has lost the citizenship. The fact whether the returnee is or is not a citizen of Georgia is of crucial importance to define what travel documents s/he will need for returning to Georgia. Neither living outside of Georgia, nor obtaining refugee status serves as legal basis for termination of citizenship status. Under article 32 of the Organic Act of Georgia "On Citizenship of Georgia"¹ the following circumstances cause termination of citizenship status:
 - Without permission from the competent authorities of Georgia a person entered military service, police forces, justice organs, administrative organs and other governmental organs in another state;
 - S/he is permanently living in another state and did not undergo registration in Georgian Consulate for two years, without stating a good reason thereto;
 - Georgian citizenship was acquired via presenting forged documents;
 - S/he acquired citizenship of another state.

Citizen of Georgia needs a Georgian passport which certifies one's identification and citizenship within the territory of Georgia and abroad². The passport of Georgian Citizen is issued for purpose of departure from Georgia, movement abroad and return to Georgia.

If a citizen of Georgia has lost his/her travel document, or this document is no more valid or severely damaged, s/he can apply to the Consulate of Georgia to acquire a "certificate to return to Georgia". Pursuant to article 2(b) of the "Statute on Certificate to Return to Georgia"³, this document is a temporary travel document from abroad to Georgia. It is granted to citizens of Georgia, if they present

- identification document,
- invalid passport,
- certificate of license of Georgia
- license of pilot or
- license of sailor. Certificate to return to Georgia may also be granted to a person who claims his/her Georgian citizenship in persuasive manner. A "persuasive manner" criterion is met if a person can present
 - military service certificate,
 - driver's license,
 - birth certificate,
 - copy of the identity card of the national of Georgia,

¹ Organic Act of Georgia #5 on citizenship of Georgia, March 25, 1993, article 32

² Act of Georgia N 323 - II s on the rule of registration of citizens of Georgia and foreigners and granting of certificate of identification (residence) and passport of Georgian citizen, June 17, 1996, article 20¹(1)

³ Presidential Decree # 1048 "On Approval of Statute on Certificate to Return to Georgia", December 14, 2005, article 2 (b)

- written confirmation of the leader of the tourist group about person's identity or f. copy of any of the aforementioned documents or copy of the identification certificate or passport of Georgian Citizen⁴.

As a general rule, a returnee will need a visa if s/he is not a citizen of Georgia. Pursuant to article 2(b) of the Act of Georgia "On Status of Foreigners"⁵, visa means "special note in a travel document, which certifies foreigner's right to enter and stay legally in Georgia or cross its territory in transit". Pursuant to article 2(f) of the law, "travel document" is defined to mean "passport, or its alternative travel document, or identification document, which is recognized under the Georgian Legislation or International Agreement and is eligible for travel purposes."

1.1.2 Documents needed in the country of return (e.g. residence permit, obligatory ID)

Pursuant to article 3 of the Act of Georgia "On the Rule of Registration of Citizens of Georgia and Foreigners and Granting of Certificate of Identification (Residence) and Passport of Georgian Citizen"⁶, Georgian citizen of age of 16 undergoes obligation to apply for registration and obtain identification certificate. Registration and granting of identification certificate is an integrated procedure⁷ and one needs to apply for registration each time when a citizen changes his/her domicile for a period longer than 6 months. Citizens of Georgia, living abroad should apply to diplomatic bodies or consulates of Georgia for registration and obtaining identification certificate.

A foreigner may apply to a Georgian consulate or diplomatic body abroad for ordinary visa or residence visa. The former authorizes no more than 90 days' stay on the territory of Georgia⁸. When application is made for ordinary visa, a foreigner needs to obtain no additional document to reside in Georgia during the validity period of the visa. However, to enter Georgia and stay here for a period of up to 90 days, visa is not required for citizens of the following countries:

- Member states of the European Union;
- The United States of America;
- Canada;
- Japan;
- The Swiss Confederation;
- Lichtenstein;
- Norway;
- The State of Israel;
- The Holy See.

⁴ Ministry of Foreign Affairs of Georgia, Travel Documents to Return to Georgia, available at: http://www.mfa.gov.ge/index.php?sec_id=69&lang_id=ENGH accessed at August, 3, 2007

⁵ Act of Georgia # 2325 - rs on status of foreigners, December, 27, 2005, article 2 (b)

⁶ Act of Georgia N 323 - II s "On the Rule of Registration of Citizens of Georgia and Foreigners and Granting of Certificate of Identification (Residence) and Passport of Georgian Citizen", *supra* note 2, article 3

⁷ Order N1398 of Minister of Justice of Georgia "On Approval of the Instruction on the Rule of Certification of Identification of Georgian Citizens and Foreigners living in Georgia and Granting Passport of Georgian Citizen (Travel Passport of Person without Citizenship)"

⁸ Act of Georgia "On Status of Foreigners", *supra* note 25, article 9. Ordinary visa may be issued for 6 months or one-year period though it never authorizes person to stay longer than 3 months on each entry on the territory of Georgia

If a foreigner is applying for residence visa, the latter will be granted if a person concerned is already granted or may be granted residence permit by the Department on Citizenship and Migration of Justice Ministry of Georgia. If the application for residence permit is made abroad, diplomatic body or consulates of Georgia will transfer the application with attached documents to the aforementioned department in 3 days. Only adults above 18 may apply for a residence permit. The issue of granting residence permit to people under 18 is decided together with parents or other legal representatives.

Residence permit may be temporary or permanent⁹. Temporary residence permit is granted if conditions, exhaustively defined in article 19 of the Law "On Status of Foreigners" are present. These conditions are as follows:

- If a foreigner conducts labour relationships on the territory of Georgia;
- If a foreigner visits Georgia for medical treatment or educational purposes;
- If a foreigner is invited by the Governmental bodies and because of his/her high qualifications or outstanding practices in art his invitation is related to state interests;
- A foreigner is a guardian of a Georgian citizen;
- A foreigner is under custody of Georgian citizen;
- A foreigner is a spouse, son/ daughter, parent, adopted parent, adopted child, sister, brother, grandmother, grandfather of a Georgian citizen.

Permanent residence permit is granted to a foreigner:

- If he/she has legally lived on Georgian territory for the last 6 years;
- If he is a spouse, parent, child, adopted parent, adopted child, sister, brother, grandmother or grandfather of Georgian citizen;
- To highly qualified specialists - technicians, sportsmen and outstanding persons in art, if their arrival is conducive to interests of Georgia.

The Law "On Status of Foreigners" contains certain exclusions from the general rule of granting residence permits, which might appear particularly relevant for returnees. The following categories of foreigners need not to comply with aforementioned conditions: a. Persons, who have permanently been living in Georgia by March 27, 1993 and were not granted citizenship and were not removed from registration in Georgia since March 12, 1993; b. People, whose status of citizenship of Georgia was terminated (because of voluntary resignation or loss of citizenship) if they intend to reside permanently in Georgia.

Clause 2 of article 21 states that once these people are granted permanent residence permits on one of these special grounds and they renounce their residence certificates (granted on the ground of residence permit), they will not be granted residence permits any other time.

When a foreigner is granted a residence permit s/he should apply to the territorial organ of Civil Register Office of Ministry of Justice within a month from his/her entry of Georgia or from the moment of acquiring residence permit. Relevant territorial organ (one, operating in administrative-territorial unit to which his domicile belongs) will register him/her and grant residence certificate.

Application for residence permit should be presented with following documents:

- Copy of passport or other travel documents of a foreigner;

⁹ Act of Georgia on status of foreigners, supra note 25, article 16(2)

- Copy of the document certifying his legal stay in Georgia (Georgian visa, date-mark certifying that he/she legally crossed the state border.)
- Document which certifies one of those conditions (enlisted above), which are necessary to obtain residence permit;
- Two photos (3/4);
- Document certifying that a person paid state levy or Consulate fee¹⁰.

The documents necessary for obtaining the residence certificate are as follows:

- Document certifying that a foreigner is a citizen of another state or is a person without citizenship;
- Two photos (3.5 X 4.5);
- Document certifying his legal stay in Georgia;
- Document of ownership or consent of the owner of the place of residence which a foreigner chooses to be his/her domicile¹¹.

1.1.3 Cost (Price) of obtaining necessary documents?)

**Note: all prices were the most recent prices in the first months of 2007. All new and exact prices can be asked for at 'return@vluchtelingenwerk.be'*

- **Passport of Georgian Citizen** is issued or its validity is extended by Consulates or Diplomatic Missions of Georgia abroad. Application for the passport should contain the following documents:
 - ID card of citizen of Georgia,
 - 2 photos 3.5X4.5 cm (current photos in colour);
 - Official fee cheque from bank for passport issue¹². If the applicant is under 18¹³, or is incapable, the following documents shall be submitted:
 - the notary document of his or her guardian is obligatory;
 - original birth certificate if the person is under 16 or identification certificate if the person is 16 already;
 - 2 colour photos 3.5X4.5;
 - official fee cheque from the bank for passport issue. The term for passport issue or validity extension abroad is 1 month. Official consular fee for passport issue is 60 USD and for validity extension is 15 USD.
- **Certificate to return to Georgia** is granted by Consulates or Diplomatic Missions of Georgia abroad. Person seeking to attain the return certificate to Georgia should submit an application to these bodies and present all the documents named in 2.11. If competent authority in consulate is not persuaded about a person's being citizen of Georgia, s/he may be interviewed. The return certificate is valid for a month, though its validity may be prolonged for another month only once. The certificate

¹⁰ Decree of the President of Georgia # 400 on approval of statute on the rule of decision-making on the issue of granting residence permit in Georgia", June 28, 2006, article 3

¹¹ Order # 1398 of Minister of Justice of Georgia on approval of the instruction on the rule of identification certification of citizens of Georgia and foreigners living in Georgia and on issuance of passport of Georgian citizen, November 12, 2004, article 8(7)

¹² Act of Georgia "On the Rule of Registration of Citizens of Georgia and Foreigners and Granting of Certificate of Identification (Residence) and Passport of Georgian Citizen", *supra* note 2, article 20²(1)

¹³If the applicant under 18 is in official marriage and such a document is not necessary

should be issued as soon as possible, but within 45 days from submitting the application. The consulate fee is 35 USD (58.60 GEL (Lari)).

- **Visa** is granted by Georgian consulates or diplomatic bodies. Residence visa is a type of visa which is issued in agreement with the Ministry of Justice. Residence visa is valid for a year, though it authorizes 180 days' stay in Georgia. To obtain a residence visa, the applicant fills in special application-form. The following documents should be attached to the competent visa-issuing authority:
 - Purpose and tentative conditions of visit;
 - Proof of financial resources sufficient for and during visit;
 - Insurance of health and against accident of the person;
 - Labour permit to conduct labour relationships in Georgia (necessary only in certain circumstances)¹⁴;
 - Permanent or temporary residence permit. In case of necessity, competent authority may interview the person to check veracity of the presented documents. Validity period of identification document, used for travel purposes should be at least three months longer than the validity period of the granted visa. Decision to grant residence visa should be taken within a month from the day when application is made. Consulate fee for residence visa is 50 USD (84 GEL (Lari)).
- Granting of **temporary residence permit** should be decided within 30 days from presenting all the necessary documents to the Department on Citizenship and Migration in Ministry of Justice and within 3 months if the application is made for **permanent residence permit**. State levy for permanent residence permit is 60 GEL (Lari) and state levy for temporary residence permit is 180 GEL (Lari).
- **Residence certificate** is granted by the territorial organ of Civil Register Office of the Justice Ministry of Georgia within 10 days from the day when application is submitted. The Act of Georgia on "State Levy"¹⁵ does not mention levy for residence certificate, therefore it may be presumed to be free.

Identification certificate is granted to Georgian citizens living abroad via application to diplomatic bodies or consulates of Georgia. The document gives information on his/her citizenship, personality, and domicile and is granted within a month from lodging an application. To obtain identification certificate a person should present to the competent authority his/her birth certificate, or any other document which certifies his/her person, and photos. If these documents do not give information on the person's citizenship, one should also present a document certifying his/her Georgian citizenship or certifying his/her legal stay in Georgia for a defined period. Consulate fee for registration and granting identification certificate of Georgian citizen is 20 USD (34 GEL (Lari)).

1.2 Travel to country of origin

1.2.1 By air

¹⁴ e.g., if a person is granted residence permit, on the ground of his labor relationships conducted on the territory of Georgia

¹⁵ Act of Georgia "On State Levy", April 29, 1996, N1363 - II s

"Georgian Airways" Direct Flights¹⁶

Please note:

- *Prices are approximate*
- *Updated exchange rates can be found at the official website of the Bank of Georgia : www.nbg.gov.ge*

from	To Tbilisi	Duration	Price
Paris		7:40	EUR 470
Moscow	through	5:05	USD 260 (435 GEL(Lari))
Kiev		5.30	EUR 390
Frankfurt		4:30	USD 239 (400 GEL(Lari))
Minsk			
Amsterdam		8:10	EUR 390
Kiev		4:55	USD 229 (383 GEL(Lari))
Dubai		4:10	USD 320 (536 GEL(Lari))
Athens		4:45	EUR 340
Tel-Aviv		8:05	USD 325 (545 GEL(Lari))
Vienna		5:40	EUR 390

Airline tickets are valid for one year from the date of commencement of travel unless you bought a special fare with a shorter validity. Your individual ticket will show the exact dates of validity. For partly or completely unused "Georgian Airways" ticket you can be refunded only at the agency where the ticket was purchased. Business and Economy class yearly tickets can be refunded entirely. The reimbursement of cheapest fair tickets is strictly limited. The reimbursement of the cheapest fair ticket can amount to half of the ticket price.

Infants and Children

A) Infants under 2 years

Infants can, in principle, travel at a 90% discount provided they are accompanied by an adult in the same flight class. However, they are not entitled to their own seats.

B) Children between 2-11 years

They can, in principle, travel at a discount of 50 % of the fare: Children under 5 years must be accompanied by an adult (preferably relatives); Children over 5 years can travel

¹⁶ All the information listed below was obtained from the office of Georgian Airways
[Hhttp://www.georgian-airways.com/main.php?page=departuresH](http://www.georgian-airways.com/main.php?page=departuresH)
[Hhttp://www.georgian-airways.com/en/map.htmH](http://www.georgian-airways.com/en/map.htmH)
[Hhttp://www.georgian-airways.com/main.php?page=passengerinfo#passport#resultsH](http://www.georgian-airways.com/main.php?page=passengerinfo#passport#resultsH)

unaccompanied as they will receive the special attention of "Georgian Airways"-staff involved on ground and on board.

C) Youth and student fares

There are discounts on many routes for youth from 12-24 years of age and students between the ages of 18 and 25. Please ask for details.

Free baggage allowance

For travel on "Georgian Airways" sectors the free baggage allowance in Economy class is 20 kg and 30 kg in Business class.

One piece of hand baggage (5 kg) per passenger is allowed on board. Two pieces are permitted if you travel Business class.

Additional Free Baggage Items

On all international flights the following objects may be free of charge as additional hand baggage: 1 umbrella or walking stick, 1 coat or wrap, 1 handbag, 1 small camera, 1 pair of binoculars, a reasonable amount of reading material, baby food for the flight and a baby`s carryout. Disabled passengers are allowed wheel-chair in addition to their free baggage allowance, but it must be checked in.

Excess Baggage

Baggage exceeding the free baggage allowance may be transported as excess baggage. The baggage charge for flights is calculated from one-way Economy class fare per kg. The fares on the "Georgian Airways" flights are different.

Special Baggage

Special baggage charges apply for the following items: **skis, bicycles, surfboards.**

Unaccompanied Baggage

It is also possible to transport baggage which exceeds the free baggage allowance at reduced rates, either as unaccompanied baggage or as air freight. In such cases the baggage should be presented at the airport freight office a few days before your departure. The baggage is then subject to the conditions for freight transportation, i.e. the customs and import regulation may differ from those applicable for normal checked baggage transported with the passenger.

Baggage and Your Safety

Special regulation apply to the transportation of animals, weapons, knives and dangerous goods (explosives, ammunition, fireworks, lighter fuel, butane lighter fuel refills, butane gas, bleach, peroxides, batteries, mercury, acids and other corrosive liquids, poison or

other dangerous goods such as magnetized material etc.). Matches and lighters must not be transported in baggage. Please keep these items in your pocket while in flight. (Pocket)Knives are not allowed in your hand luggage on board - they must be checked-in with your luggage.

Cargo

Air company Georgian Airways operates cargo transportation, so the cargo dimensions must satisfy the following requirements:

Boeing 737 - 500

Dimensions of cargo compartment doors – 1.20m X 0.89m – Front 7m³ - 1 570kg, Back 15m³ - 2 889kg

Total dimension affront and back compartment - 22 m³, 4461 kg

Boeing 737 - 400

Dimensions of cargo compartment doors – 1.20m X 0.89m
– Front 17.2m³ - 3304kg, Back 21.9m³ - 4187kg

Total dimension of front and back compartment - 39.1 m³, 7491 kg

Carrying of domestic animals and birds permitted are only in special cages placed with aircraft baggage.

Electronic Devices

Electronics can interfere with the safe operation of the aircraft. This applies in particular with signal transmitting and receiving equipment, remote-controlled toys, and laptops with printer or cordless mouse. As a result, utilization of such devices is prohibited on board. In addition, mobile telephones must be turned off throughout the entire duration of the flight.

You may use other equipments such as video cameras, Walkman and play computer games on laptops without the accessories mentioned while the “Fasten Seat Belts” sign above your seat is switched off. Please follow the cabin crews’ instructions at all times. Further details are available through your IATA travel agency or Georgian Airways office.

Carriage of Live Animals

Live animals must be carried only in special, sturdy containers for live animals-with sufficient ventilation openings and with a sturdy, impermeable bottom. Georgian Airways has the right to request consent to transport from the veterinary service, or approval for the container used, if this is deemed necessary. A passenger must always make reservation for the carriage of live animals.

Non-Smoking Flights

All Georgian Airways flights are non-smoking. In case of non-compliance Georgian Airways reserves the right to impose sanction and to claim compensation for consequential damages.

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Fax: + 99532 999 660

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Rotterdam - Reservations
Tel.: + 31(0) 10 20836 3866
Fax +31 (0) 10 2083 699
"Carlson Wagonlit" Direct Flights¹⁷



ARMENIA

22, parpetsi str. Erevan
Tel: (37491) 418644: (995 99)
576749

¹⁷ Contact details: 44/II Leselidze Str., 0105, Tbilisi, Georgia; Tel.: +995 32 999 33, Fax. +995 32 998 009,

Cell: +995 77 750 355; Independently Owned and Operated by CTS LLC, Tbilisi Georgia; E-mail: Hketi@carlsonwagonlit.com.ge, Hreservations@carlsonwagonlit.com, web-address: Hwww.carlsonwagonlit.com

With offices in more than 151 countries, Carlson Wagonlit Travel deploys the right people, processes, skills and technologies to consistently deliver bottom line results to our corporate clients.

Please find below one way fares from Europe to Tbilisi on direct flights. These fares do not include the airport taxes, which approximately equal 120 USD.

From	To	Price	Company/Source
Vienna	Tbilisi	EUR 370	Georgian Airways
Frankfurt	Tbilisi	EUR 370	Georgian Airways
Amsterdam	Tbilisi	EUR 370	Georgian Airways
Athens	Tbilisi	EUR 305	Georgian Airways
Paris-	Tbilisi	EUR 444	Georgian Airways
London	Tbilisi	USD1585 (2.654 GEL(Lari))	British Airways
Vienna	Tbilisi	USD995 (1.667 GEL(Lari))	Austrian Airlines
Munich	Tbilisi	USD1930 (3.232 GEL(Lari))	Lufthanza
Istanbul	Tbilisi	USD330 (553 GEL(Lari))	Turkish Airlines

1.2.2 By land¹⁸

By Bus¹⁹

From	To	Time	Price
Batumi	Tbilisi	6.30 hours	16 GEL(Lari)
Poti	Tbilisi	6 hours	13 GEL(Lari)
Qobuleti	Tbilisi	6 hours	15 GEL(Lari)

1.2.3 By Sea²⁰

Port "Burgas" (Bulgaria) Eurasia shipping Ltd.

From	To	Duration	When	Price
Burgas	Poti	48 hours	Every Wednesday	150 Evro

¹⁸ Contact details: *Railway statioTbilisi, Georgia.Directory service.Phone :(995 32) 56-47-60, (995 32) 56-62*

¹⁹ Contact details: *Bus Station, Tbilisi, Georgia. Directory service Phone :(995 32) 75-34-13; (995 32) 75-25-16*

²⁰ *Contact details: Port Poti,Georgia- Eurasia shipping Ltd. 21 Gegedze st. Tel: (8 293)7 03 70; Contact person-Lena Sidnikova; (995 77) 401 2 01 IrakliTtsekvashvili -Travel Agent; (995 77) 411 1 71 Rosenivanov - Travel Agen; E-mail: Hbrokerburgas2@intershipping-bg.comH Port Burgas, Bulguaria ,(359) 56 844 279; fax: 56 840 255; web-address: www.intershipping.net*

Instra Ltd.²¹

From	To	Duration	When	Price
Ilichovski, Ukrain	Poti	40 hours	Every Tuesday	140 USD (235 GEL(Lari)) -C class 160 USD (268 GEL(Lari)) -B class, 240 USD (402 GEL(Lari)) - A class

1.3 Entry Procedure (proceeding authority, interrogation, control, detention, bribes, etc)

A person can legally cross the state border of Georgia at border checkpoints²². Act of Georgia "On State Border of Georgia"²³ states that border checkpoint is the part of international travel highway or road, railway station, port, harbour, airport territory on which border control or other control envisaged by Georgian legislation and related to crossing of the state border is exercised. Persons, vehicles, baggage and other property when crossing state border, undergo border and customs control. Immigration, sanitary-quarantine, veterinary, phytosanitary control and control related to transfer of cultural and art exponents are not exercised routinely; they are applied only in cases when the Border Police of Georgia and Customs Services decide that there is a need to conduct these types of control.

Border police of Georgia permits people to cross the border if they can present identification certificates and documents certifying their rights on vehicles, animals, baggage and other property people take with them. At border checkpoints, date stamps with mark "arrival" or "departure" are left in travel documents (passport and Georgian visa for adults and birth certificate and registration in adults' travel documents for persons under 18).²⁴

1.3.1 By air

Border control of aircrafts performing international flights takes place at checkpoints in international airports, or airports entitled to host international flights.²⁵ Foreigners without travel documents and Georgian visa are not allowed to cross the border. They are detained by border police and delivered to the carrier company to take them back to the country from which the aircraft came from. Documents of the person to fly back to the departure country are filled-in according to the annex of the 9th Chicago Convention.

²¹ Contact details: Port Poti, Georgia- Instra Ltd. 20 Ggedze st. Tel: (8 293) 2 19 98;

²² Decree of the President of Georgia N 676 on approval of state border regime and rule of its protection", December 20, 1999, article 2(1)

²³ Act of Georgia N 1536-rs on state border of Georgia", July, 17, 1998, article 2(i)

²⁴ Decree of the President of Georgia N 676 on approval of state border regime and rule of its protection", supra note 42, article 2(10)

²⁵ Id, article 4(2)

1.3.2 By Land

At car travel checkpoints, passengers who travel by bus undergo control in saloons of the bus or in case of necessity on the line of traffic in the booth of passport control. In order to prevent crossing of border by the persons who are not entitled thereto, border police checks secret compartments in buses and mini-buses.²⁶ Border forces may also use dogs and special devices for checking trucks and motor-cars. Checking of sealed baggage is conducted in the presence of the driver and customs services representatives. Checking procedure is followed by the issuing of administrative act on its results. If, during the overall examination of the motor-car, persons illegally crossing the border, drugs or firearms are revealed, border police will carry out a thorough search of the motor-car.

Railway vehicles crossing state border undergo border control at special places arranged by the railway administration in agreement with the State Department for Protection of State Border and Customs Services. All railway trains undergo internal and external control. Places which may be used by illegal entrants or for smuggled goods undergo heightened control. Documents of passengers are checked while the train moves from the state border to the border railway station.²⁷

1.3.3 By Sea

Foreign and Georgian ships undergo border control at docks or in case of necessity during search.²⁸ Passenger ship may undergo control before they enter territorial sea of Georgia. When a ship arrives in port, sanitary conditions on the ship are checked by a doctor of State Sanitary-Quarantine Department of Health Protection Ministry of Georgia with border police officials. The doctor will check maritime declaration and certification on deratization. He/she may also take samples for laboratory research. Medical personnel, who conducts sanitary control, is entitled to freely enter and check any accommodation, where crew members and passengers may be.²⁹ If a ship in the port refuses to comply with requirements of the Sanitary-Quarantine Department, it will be allowed to go back in the sea. As for the passengers and baggage of the ship, they will be allowed to disembark from the ship only in case they undergo sanitary control before disembarkation. If sanitary-epidemic conditions on the ship raise serious doubts, a doctor may decide to subject the ship to search. Sanitary-Quarantine Department checks whether crew members and passengers have undergone all the necessary vaccination and compulsory medical examination.

Foreigners or persons without citizenships, who arrive on the foreign ship and have invalid travel documents or have no documents at all, will not be permitted to disembark from the ship.³⁰ When passengers start disembarkation, their documents are checked at ship's ladder or in passport control booth. Control of disembarkation of passengers is carried out via lists of passengers and through checking national passports.

1.4 *Impacts of former acts and statuses upon entry*

²⁶ Id., article 3 (2)

²⁷ Id., article 6(1)

²⁸ Id., article 8(1)

²⁹ Id., article 9(2)

³⁰ Id., article 15(1)

1.4.1 Impacts of former refugee or subsidiary protection status and

1.4.2 Impacts of former unsuccessful asylum claim

Former refugee status or unsuccessful application for asylum will not cause any legal consequences for returnees, as Georgian legislation does not envisage them. No case of persecution against an unsuccessful asylum seeker has been put to our knowledge.

1.4.3 Impacts of former illegal exit from country of origin

Under Article 344 of Criminal Code of Georgia, crossing the border illegally is punished by a fine or imprisonment from 3 to 5 years³¹. Article 190² of the Code of Administrative Offences states that “violation of regime at border checkpoints will be fined with amount of 50-100 GEL (Lari)”.

“Crossing border illegally” is different from “violation of regime at border checkpoints”. The former presents as a worse offence than the latter. In the first case, the person tries to avoid the checkpoint completely, while in the second case s/he subjects himself/herself to the border control, violating the relevant regulations (for instance, trying to take with him a bottle of home-made wine, while under the relevant regulations only certified beverages are allowed).

That is why the former is a criminal offence while the latter is administrative offence with different respective punishments.

Impact of former illegal exit for returnee depends on the gravity of the offence which s/he committed. If a returnee has committed criminal offence, and his/her illegal crossing is found out, under article 344, s/he may be imprisoned and subsequently tried. However, pursuant to article 71 of the Criminal Code of Georgia, limitation for criminal responsibility for a minor crime (that is, crime maximum punishment for which does not exceed 5 years³²) expires after 6 years from the moment of its committal. Therefore if illegal exit from the country took place 6 years ago, it will not have legal consequences on a returnee.

1.4.4 Impacts of crime committed outside the country of origin (risk of double jeopardy)

Pursuant to article 5 of the Criminal Code of Georgia, Georgia exercises its criminal jurisdiction on crimes committed outside the territory of Georgia in the following cases:

1. If a citizen of Georgia or person without citizenship who permanently lives in Georgia commit an act which is crime under both the Georgian Criminal Code and legislation of the state where the crime was committed;

2. If a citizen of Georgia or person without citizenship who permanently lives in Georgia commit an act abroad which is not a crime under the legislation of the state where the crime was committed, but is a grave crime³³ under the Georgian legislation directed against the interests of Georgia, or is a crime envisaged by the international agreement to which Georgia is a member;

³¹ Criminal Code of Georgia, July 22, 1999, N 2287 rs, article 344(1)

³² Act of Georgia N 2287 rs on criminal code of Georgia, supra note 21, article 12(2)

³³ Criminal Code of Georgia (article 12) envisages maximum ten years of imprisonment for grave crimes and more than 10 years of imprisonment for particularly grave crimes.

3. If a foreigner or person without citizenship, who does not live permanently in Georgia commit an act abroad, which is particularly a grave crime under the Georgian legislation and is directed against the interests of Georgia, or is a crime envisaged by the international agreement to which Georgia is a member.

The legal principle, that no one may be punished twice for the same act, is a constitutional principle in Georgia, enshrined under article 42 of the Georgian Constitution. From this standpoint, no returnee will face the risk of double jeopardy in Georgia.

1.5 Customs Regulation (How the relevant regulation may be obtained)

Under Article 90 of the Customs Code of Georgia³⁴, a passenger (physical person) crossing the customs border of Georgia can import the following items free of duty and without customs declaration, if the import of these items is carried out within 24 hours³⁵:

- Food products with cost of 200 GEL with gross weight of 5 kg, namely vegetable, fruit, dried fruit, milk and dairy products, macaroni and other ready-made products, nuts, sugar, candy, confectionery, yeast, etc.
- Various items for personal use with cost of 300 GEL (1500 GEL if imported by air) with gross weight of about 50 kg;
- Import of only 2 litres of all kinds of alcohol and 200 sticks of cigarettes is permitted³⁶;
- Various items for personal use with cost of 7500 GEL, when an individual enters the country after each stay in a foreign country for over 6 months
- Import of goods for personal use, including furniture, household equipment, and a vehicle per family is duty-free when entering Georgia for permanent residence;
- Only for diplomatic officials, called from service mission into the diplomatic representations and consular offices according to rotation rules - import of items for personal use (1 vehicle, 1 refrigerator, 1 TV set, 1 personal computer per family).

If the overall cost of personal belongings exceeds the afore-mentioned duty-free weight and value, the passenger needs to fill out the customs declaration and pay

- Customs fees - 5 EURO (equivalent to his/her national currency) if the cost of the goods is under 3000 GEL (Lari), or 60 Euros if the cost of the goods exceeds 3000 GEL (Lari)³⁷;
- Customs duties -0% to 12% (different rates on various goods) of the value of the declared good;
- VAT - 18%.

Customs declaration should be completed if the personal belongings imported need special license or permission under the Georgian Legislation. These items are:

³⁴ Act of Georgia N3545 - rs on customs code of Georgia, July 25, 2006, article 90(1)

³⁵ Customs Department of Georgia, *Customs guidelines for individuals*, 2007, available at: [Hhttp://www.customs.gov.ge/_private/FIZIKURI%20PIREBISATVIS%20ENG.pdf](http://www.customs.gov.ge/_private/FIZIKURI%20PIREBISATVIS%20ENG.pdf), accessed at July 27, 2007

³⁶This norm does not include on alcohol and cigarettes, imported by an individual (physical person) under age of 18.

³⁷ Act of Georgia N 1226 - IIs on customs fees, February 18, 1998, article 5(a)

- Various kinds of jewellery such as precious metal, stones, antiques, and pieces of art-icons, paintings, sculptures. For their transportation special permission is required from the Ministry of Culture, Monuments Protection and Sport. However, jewellery determined for personal use falls under the second category of duty-free articles and if its cost together with other personal belongings does not exceed 300 GEL (Lari) (1500 GEL (Lari) if imported by air), they are also free of duty and only need oral declaration.
- All types of weaponry, bullets, ammunitions, inflammable substance, drugs, psychotropic, strong and poisonous substance, radioactive substance, high-frequency radio electronics, and communication devices as well as live animals and plants.

Customs department of Georgia carries out veterinarian control on animals and birds and phytosanitary control on plants imported to Georgia. Cash (securities) exceeding 30,000 GEL (Lari) or its equivalent in foreign currency also needs declaration.

1.6 Access to return area

1.6.1 Limitations on domestic travel

1.6.1.1 Administrative Restrictions

The Constitution of Georgia sets forward strong guarantees to ensure that every person legally present in Georgia enjoys freedom of movement on the territory of Georgia³⁸. Freedom of movement of foreigners is also guaranteed in Article 41 of the Law on Foreigners. However, this right is not absolute and may be derogated in times of public emergencies. Under state of emergency³⁹ or under martial law⁴⁰ special rule may be introduced regarding the entrance or exit of a territory. In case of necessity, freedom of movement of citizens, persons without citizenship, and foreigners may be restricted and they may be deprived of the right to leave their domicile without special permission. It is noteworthy that states of emergency are rarely proclaimed in Georgia. As a response to "Rose Revolution", Aslan Abashidze declared state of emergency on 23rd of November in order to prevent the new President Mikheil Saakashvili from controlling the processes ongoing in Adjara and the local government of Adjara headed by Aslan Abashidze⁴¹. As no support came from Russia, the state of emergency was soon terminated⁴².

Guaranteeing returnees' security and strengthening the rule of law in the region has proven difficult in the past. Georgian and Abkhaz armed groups have threatened, robbed, and killed returnees. But recently, there was significant improvement, which international and local observers attributed to better cooperation between Georgian and Abkhaz law enforcement agencies and improved police capability.⁴³

³⁸ Constitution of Georgia, August 24, 1995, article 22(1)

³⁹ Act of Georgia N 972 - Is on emergency, October 17, 1997, article 4 (g,d)

⁴⁰ Act of Georgia N 1032 - Is on military situations, October 31, 1997, article 4 (g,d)

⁴¹ Wikipedia, the free encyclopedia, Aslan Abashidze, available at:

[Hhttp://en.wikipedia.org/wiki/Aslan_Abashidze](http://en.wikipedia.org/wiki/Aslan_Abashidze) accessed at July 31, 2007

⁴² News and Analyses On-line Publication Pravda.Ru, *Aslan Abashidze Won't Lift State of Emergency in Adjara Soon*, March 22, 2004, available at:

[Hhttp://newsfromrussia.com/world/2004/03/22/52917.html](http://newsfromrussia.com/world/2004/03/22/52917.html) accessed at July 31, 2007

⁴³ International Crisis Group, *Abkhazia: Ways Forward*, 2007, available at:

[Hhttp://www.crisisgroup.org/library/documents/europe/caucasus/179_abkhazia_ways_forward.pdf](http://www.crisisgroup.org/library/documents/europe/caucasus/179_abkhazia_ways_forward.pdf) accessed at July 31, 2007 ICG report « Abkhazia, ways forward » Europe report n° 179

Contrary to the Georgian government claims, the de facto authorities state that nobody will be forced to take Abkhaz citizenship⁴⁴ and only the right to vote will be reserved for citizens.⁴⁵ But the rights and responsibilities of non-citizens (for instance, with respect to ownership of property, or entitlement to state benefits) must still be defined.⁴⁶

Any Abkhaz who has been living abroad has the right to obtain citizenship. The Abkhaz authorities do not permit free travel by Abkhaz to Georgian property.⁴⁷ Permission must be applied for, with an explanation of purpose, to the de facto ministries of foreign affairs and security. One or two-day trips tend to be approved but authorisation for longer stays is difficult to obtain. NGO representatives allege that the decisions seem arbitrary.

1.6.1.2 Practical Obstacles

The practical obstacles of domestic travel are manifested by the lack of domestic public transport infrastructure connecting the rural parts of the country. While there are buses and micro-vans from regional administrative centres to most villages and other towns, in most cases there are no direct transportation options connecting smaller villages—even those within the same district/region. As such, travellers must travel to administrative centres for transportation to the more rural villages. In addition, although there might be some transportation for these smaller rural areas, schedules are often inconvenient for commuters (for instance, bus leaves early in the morning and comes back late in the evening etc).

Furthermore, climatic changes may affect travel to and within some regions on a seasonal basis. Heavy snowfall and ice in mountainous areas (Svaneti, Tusheti, etc.) during winter periods highly restrict road travel to/from these areas. For rural locations in these areas, helicopter has traditionally been the only form of transportation during winter months. Additionally, occasional flooding and landslides during periods of heavy rainfall have created travel obstacles in the Imereti, Guria, and Adjara regions of Georgia recently during spring months.

1.6.2 Territories impossible or dangerous to approach (landmines, natural degradation, etc)

Natural disasters

Georgia is prone to large-scale landslides, debris, and mudflows, all quite normal for a mountainous country. There are 10,000 potential landslide centres, from which 3,000 are very active. Most of the landslide centres are located in Western Georgia characterized with its humid climate.⁴⁸

⁴⁴ Ibid.

⁴⁵ Ibid.

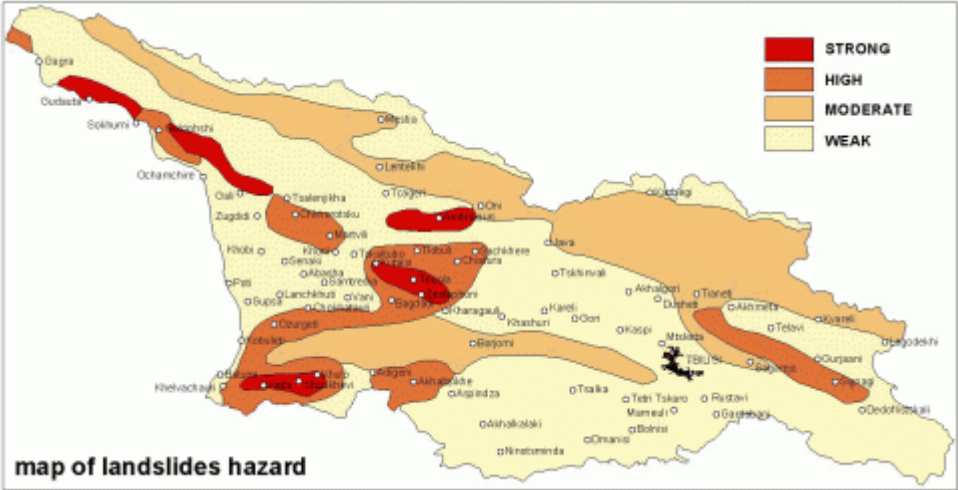
⁴⁶ Laws to regulate these questions do not yet exist. Crisis Group focus group discussion, local NGOs, Sukhumi, July 2006.

⁴⁷ Gali district residents can cross to Georgia more easily but must pay 50 roubles. Customs fees are also levied on any goods they are “importing” or “exporting” from Abkhazia into/out of Georgia proper. Crisis Group interviews, Gali town, June 2006.

⁴⁸ Georgian Geophysical Society, Natural hazards of Territory of Georgia, 2002, available at: [Hwww.ggs.org.ge/others-natural.htm](http://www.ggs.org.ge/others-natural.htm) accessed at 27 July 2007

Landslides and debris flows belong to the class of critical phenomena that are triggered at a certain level of saturation of potential sliding mass, specific temperature and at a definite angle of slope. For example, the landslide activity increases when precipitations exceed the mean annual value by 200-400 mm.

Four zones of various landslide activities can be delineated in Georgia. The most dangerous regions are upper Imereti (Upper Imereti is the mountainous area of Imereti region), Abkhazia, Racha - Lechkhumi and Adjara.



In April 1989 after intensive snow falls in Ajara region (snow cover reached 3 m) the unusually warm spring caused intensive snow melting and high water saturation in weathered loose rocks, which led to creation of landslides. The landslides cover large areas of Adjara region and lead to deaths and large damage to infrastructure. Part of the population has to migrate into other regions of Georgia.

There are more than 1,000 potential debris and mud-flow paths, which create potential danger to 300 km of railways and 400 km of highways, to hydro power stations and cities as Kvareli, Lagodekhi, Mestia etc.

Statistical analysis shows that 85% of debris originates after strong rain. Daily precipitation of 80-100 mm indicates that there is high probability of triggering debris flows.

There are several types of avalanche zones in Georgia

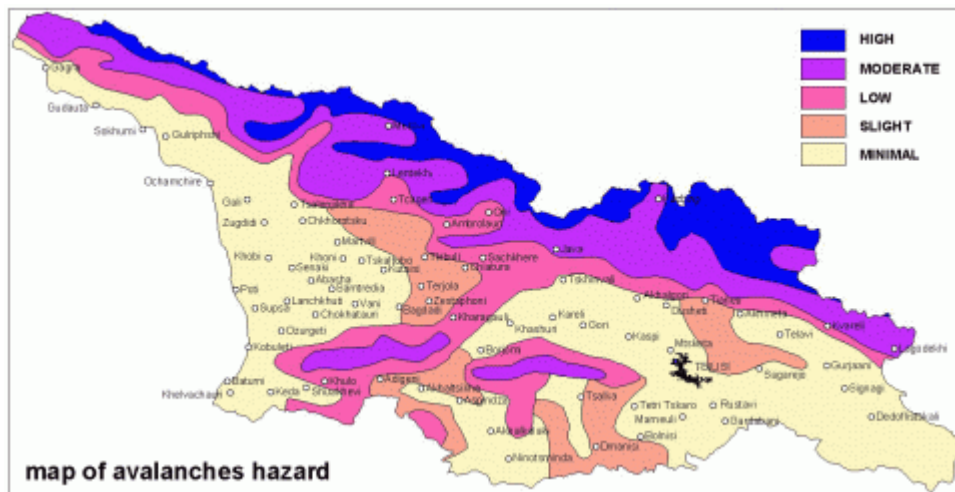
1. Insignificantly dangerous - the low mountains at Lesser Caucasus (LC) and southern slopes of Greater Caucasus (GC).
2. Moderately dangerous regions of high mountains.
3. Very dangerous - highest regions of GC; here, avalanche occurs regularly. The avalanche takes place mostly (70% of them) in the period between January and March; the probability is high if the snow cover thickness is 1 m or more. During the last few years, the danger of avalanche has been increasing due to uncontrolled cutting of forests in Caucasian Mountains.

In January 1987, the mountains in Western Georgia were covered by thick layer of snow (up to 3 - 5 m in Svanety region) due to a violent cyclone. This led to a generation of gigantic avalanche which destroyed hundreds of buildings, hindered communication, and took dozens of lives.

Many people from the districts of Svanety became homeless needing to migrate to lowlands.

A similar phenomenon took place in the winter of 1989, which left the Achara and Imereti regions devastated.

The picture shows the regions prone to avalanche. There are 1,100 potential avalanche centres in Georgian uplands; half of them are dangerous for settlements. Many regions prone to avalanche are closed for 2-3 months; the Military Road of Georgia is closed for a month or more due to this danger.⁴⁹



Source : www.ggs.org.ge/others-natural.htm

Landmines in Georgia⁵⁰

In Abkhazia the landmines were left from the 1992-93 secessionist war with Georgia which was characterised by front lines moving along the Black Sea coast from the Gumista River to the Inguri River further south.

Georgia is affected by landmines and Explosive Remnants of the War (ERW).-The majority of landmines in Georgia are located near the Ingur River that separates Abkhazia from the rest of Georgia. The other main mine threat to civilians comes from mines abandoned near former Russian military bases. For instance, in May 2006, two Russian-made anti-vehicle mines were reported to have been found in a garbage dump, near a Russian military base in Adjara. The mines were found by the drivers of a garbage truck. Following a report to the authorities, deminers are said to have destroyed the mines.⁵¹ In September 2004, the OSCE expressed concern "about the fact that Georgia and South Ossetia are mining the conflict area" in order to reinforce their defence facilities. During renewed fighting in South Ossetia in November 2004, several civilian landmine casualties were reported. In May 2005, OSCE officials told the ICBL that the Joint Peacekeeping Forces (Russian, Georgian and North Ossetian) had drawn up maps of mined territories.

A number of surveys and assessments have, however, concluded that overall, the mine problem in Georgia, outside of Abkhazia, is not large in scope and the impact is currently low.

⁴⁹ Georgian Geophysical Society. Natural hazards of Territory of Georgia, 2002. www.ggs.org.ge/others-natural.htm. Accessed on 26 July 2007.

⁵⁰ Landmine Monitor, *Georgia, Mine Ban Policy*, 2006 available at: <http://www.icbl.org/lm/country/georgia/H> accessed at 28 July 2007

⁵¹ Ibid.

HALO Trust states "As for Georgia, we have closed our operational office there and made the staff redundant as we feel there is not a humanitarian mine problem in the country." There are some mines around military bases and some border regions but it is not practical to demine these areas at the moment. Other surveys conducted by the Survey Action Center and DynCorp arrived at the same conclusion as HALO.

1.6.3 Means of domestic travel (contact and practical information, price list)

Bus, mini-bus, and train are means of transport each person can use for domestic travel in Georgia. It should be mentioned that it is quite easy for every person to travel in any region within the country. In Tbilisi there are several main bus stations and train stations from where you can easily get to different regions of Georgia:

Bus stations

1. Bus station "Okriba", 4 Karaletis Str., Tbilisi
Tel: 34 26 92 inquiry office
2. Bus station "Didubis avtosadguri", 4 Karaletis Str., Tbilisi
Tel: 34 49 24 inquiry office
3. Bus station "Ortachala", 1 Gulas Str., Tbilisi
Tel: 75 34 13, 75 45 35 inquiry office
4. Bus station "Dedaqalaqi" Vagzlis Moedani, Tbilisi
Tel: 56 61 13 inquiry office

Train station

1. Central train station, Vagzlis moedani, Tbilisi
Tel: 56 32 53, 56 47 60 inquiry office

Price list:	Bus Price	Mini Bus price	Train
Tbilisi- Batumi	14.00	18.00	18.00-23.00, 5.50-15.00
Tbilisi- Akhaltsikhe	-	9.00	4.50- 10.00
Tbilisi- Zugdidi	11.00	15.00	5.50- 11.00
Tbilisi- Kutaisi	8 .00	10.00	4.50- 10.00
Tbilisi- Ozurgeti	10.00	15.00	5.50- 11.00
Tbilisi- Mtskheta	0.7	1.30	N/A
Tbilisi- Rustavi	1.00	1.00	N/A
Tbilisi- Telavi	5.00	6.00	N/A
Tbilisi- Yazbegi	-	8.00	N/A
Tbilisi- Dusheti	0.8	1.00	N/A
Tbilisi- Gori			
Tbilisi- Marneuli	-	2.00	
Tbilisi-Tkibuli	8.00	8.00	
Tbilisi- Mestia	N/A	N/A	N/A
Tbilisi- Borjomi	6.00	7.00	

2 Physical security in return area

2.1 *On-going armed conflicts*

Abkhazia⁵² and South Ossetia⁵³ separatist regions are effectively out of control of Tbilisi. Information given thereafter about the situation in Georgia is not always relevant for Abkhazia and South Ossetia.

Tbilisi has exercised no political, military or economic control over Abkhazia for the past thirteen years, while Abkhazia has been developing its own state institutions. Georgia is intent on restoring its territorial integrity. Since coming to office in January 2004, President Saakashvili has made it clear that Georgia's territorial integrity is "the goal of my life" and pledged his vow to reintegrate Abkhazia by 2009.

According to the International Crisis Group "The sharp deterioration in Russian-Georgian relations and the Georgian military adventure in the Kodori valley have contributed to a freeze in diplomacy over Abkhazia since mid-2006. In the absence of a new initiative, new violence is a real possibility"⁵⁴.

The current de facto authorities - elected in 2005 despite Moscow's opposition - are particularly wary of Russia's attempts to intervene in Abkhazia's internal affairs.

Sporadic fights between Georgian and Abkhaz armed forces occur on the cease-fire line, particularly in the Gali Valley.

Soon after becoming president, Saakashvili reined in the armed militias formed during his predecessor's time to pressure the Abkhaz. These, as noted above, were funded by the Defence Ministry but operated outside its command structure. Until 2004, two paramilitary groups - the White Legion and the Forest Brothers - were active in the Zugdidi-Gali zone. Besides conducting low-intensity guerrilla warfare, they were involved in criminal activities, including smuggling. In February 2004, the Ministry of Interior detained 35 partisans and confiscated many weapons ostensibly belonging to the groups in Zugdidi.⁵⁵

In South Ossetia relations remain tense, and exchanges of small fire-arms are frequent. No progress has been made in implementing the demilitarisation agreements following the clashes of August 2004⁵⁶.

2.2 *Regions with high security risk (political inter-ethnic or inter-religious tensions)*

Georgia is characterized by its multi-ethnic heritage with many different ethnic and religious groups residing in the country. For example, Armenians live mostly in Javakheti

⁵² International Crisis Group, *Abkhazia Today*, 15 September 2006, available at:

[Hhttp://www.crisisgroup.org/home/index.cfm?id=4377&l=2H](http://www.crisisgroup.org/home/index.cfm?id=4377&l=2H) accessed at 26 July 2007

⁵³ International Crisis Group, *South Ossetia, Refugee Return the Path to Peace*, 19 April 2005, available at: [Hhttp://www.crisisgroup.org/home/index.cfm?id=3380&l=2H](http://www.crisisgroup.org/home/index.cfm?id=3380&l=2H) accessed at 31 July 2007

⁵⁴ International Crisis Group, *Abkhazia: Ways Forward*, 2007, available at:

[Hhttp://www.crisisgroup.org/library/documents/europe/caucasus/179_abkhazia_ways_forward.pdf](http://www.crisisgroup.org/library/documents/europe/caucasus/179_abkhazia_ways_forward.pdf) accessed at 31 July 2007

⁵⁵ International Crisis Group, *supra* note 52

⁵⁶ International Crisis Group, *supra* note 53

region, Azeris in Kvemo Kartli and so on. There has been little progress towards integrating Armenian and Azeri minorities, who constitute over 12 per cent of the population. There is persisting tension between these minorities and the Georgian majority in the regions of Samtskhe Javakheti and Kvemo-Kartli, where the two predominantly live and where demonstrations, alleged police brutality, and killings during the past two years have taken place.⁵⁷ The International Crisis Group states that Tbilisi needs to do more to encourage minorities to address their problems through state structures rather than in the street, which they publish 22 recommendations for⁵⁸. An influential NGO activist reports about the Armenian population: "The situation is very tense now. Only 5-10 per cent goodwill is left before a war starts. The attempt to change the demographic situation is a bomb, by means of which Georgians will explode themselves".⁵⁹

During the research process we have talked to several organizations which work directly on these issues. The Regional Security Advisor of the UN Department of Safety and Security has provided us with the following information about security situation in Georgian regions. The United Nations utilizes a world-wide five-phase security management system. The five Phases are:

- a) Phase I - Precautionary
- b) Phase II - Restricted Movement
- c) Phase III - Relocation
- d) Phase IV - Emergency Operations
- e) Phase V - Evacuation

There is also the "No Phase" meaning no restrictions, normal movement of staff⁶⁰.

There are several phases in Georgia. Phase I is in effect for the entire country for areas not mentioned under Phase III and Phase IV. Phase III is in effect for Pankisi Valley, the Upper Svaneti region, and South Ossetia. Phase IV is in effect for Abkhazia and in restricted weapons zone of the Inguri River (Zugdidi). As regards to inter-religious and inter-ethnic conflicts, Mr. Bogdan Kantorsky declared that there is no threat of serious conflict in any Georgian region. Minor tensions are not recognized as sufficient evidence for activating any of the UN phases.

Nevertheless the Gali region and the Kodori valley in upper Abkhazia are zones of high tensions between Abkhazia and "Proper Georgia". The life conditions of IDP's and returnees are harsh, and would be worsened by a full-scale conflict between Georgia, Abkhazia, and Russia.

When taking a look in the 2006 UN report of the situation in Abkhazia, it remains clear that tensions did not cease in the region of Abkhazia.⁶¹ On 22 September 2006, President Saakashvili presented Georgia's proposals on the resolution of the conflicts in Abkhazia and South Ossetia. They included the demilitarization of Abkhazia and South Ossetia, direct dialogue between the parties, the establishment of an international police presence followed by the signing of a comprehensive pledge on the non-use of force, and economic rehabilitation.

⁵⁷ Georgia's Armenian and Azeri Minorities, Europ Report n°178, 22 November 2006, *i*.

⁵⁸ *Id*, at 4

⁵⁹ *Id*, at 4

⁶⁰ United nations department of safety and security, Bogdan Kantorski, Regional Security Advisor

⁶¹ United Nations, Security Council. "Report of the Secretary General on the Situation in Abkhazia", 2006 [Hhttp://www.unomig.org/data/file/858/060928_SG_Report_eng.pdf](http://www.unomig.org/data/file/858/060928_SG_Report_eng.pdf). Last accessed July 27H, 2007

At the time of the writing of the present report, United Nations Observer Mission in Georgia (UNOMIG) had issued 13 violation reports of the 1994 Moscow Agreement to the Georgian side relating to the introduction of troops, military vehicles, and aircraft into the security zone.

The developments during the reporting period have highlighted once again that the presence of UNOMIG remains essential for maintaining stability in the zone of conflict, promoting practical cooperation between the conflicting parties, and facilitating negotiation processes towards a peaceful settlement of the conflict.⁶²

2.3 Crime

2.3.1 Regions with an extremely high level of crime (threat to physical security)

To identify levels of crime and victimization in Georgia, United Nations Observer Mission in Georgia (UNOMIG) organized a public survey through the financial support of Swiss Agency of Development and Cooperation.⁶³ In Samegrelo, region in western Georgia that borders Abkhazia, separate survey was undertaken in order to illustrate the specificities existing there. The interviews were taken in January and February of 2006. The questionnaire used was based on a standard form of the International Crime Victims Survey (ICVS) and the results obtained were compared to those of similar survey conducted in Switzerland in 2005. It is noteworthy that homicides could not be studied through this survey.

The major finding of the survey was that victimization rate in Georgia depends on the urbanization rate. Consequently, the highest level of violent crimes (assault/ threat and robbery), theft from cars and simple thefts were registered in Tbilisi. Cities ranging from 10,000 to 200,000 inhabitants have highest level of vehicle theft. Results of survey show that rural areas "distinctively suffer from less crime". However, this is not true in respect to burglary, which has similar rates throughout the country and presents the most widespread crime in Georgia, followed by vehicle theft. Violent crimes are much lower. 24.3 % of respondents deemed themselves to be victims of a commercial transaction they considered as fraud, which indicates that the rate of fraud is considerably high in Georgia, particularly in comparison with European countries; Switzerland shows a rate of 7.3% and the fraud rate is more tangible than other crimes. In Zugdidi, the main city of Samegrelo, 45.7% of respondents think they were victims of fraud in 2005, which is even higher in comparison with the rest of the country.

However, the survey helped to identify that 82.2% feel very safe (outside at night, in their neighbourhood); 16.2% answered to feel a bit or very unsafe; and 1.6 % did not know. In Samegrelo the insecurity feeling is even lower with only 9.8% of the population expressing to feel a bit or very unsafe. Generally it is assumed that because of its proximity to the conflict region (Abkhazia) it is more criminogenic. However, even statistical data retrieved from Ministry of Internal Affairs do not attest of such peculiarities.⁶⁴

⁶² United Nations, Security Council. "Report of the Secretary General on the Situation in Abkhazia", 2006 [Hhttp://www.unomig.org/data/file/858/060928_SG_Report_eng.pdf](http://www.unomig.org/data/file/858/060928_SG_Report_eng.pdf). Last accessed July 27H, 2007

⁶³ United Nations Observer Mission in Georgia (UNOMIG), Public Security in Georgia: Crime Victimization, Fear of Crime, Fraud, Corruption and Policing, March, 2006, available at: [Hhttp://www.police.ge/en/Survey/PublicSecurityinGeorgia_final.pdf](http://www.police.ge/en/Survey/PublicSecurityinGeorgia_final.pdf) accessed at July, 31, 2007

⁶⁴ See *Id.*, at 13

2.3.2 Risk of becoming a victim of human trafficking and risk of becoming a victim of forced prostitution

Under Article 143¹ of the Criminal Code of Georgia, trafficking of human beings is considered as a particularly grave crime and is punished with imprisonment from 7 to 12 years. Georgian parliament has ratified a protocol to prevent, suppress, and punish trafficking of persons, especially women and children of the UN Convention against Transnational Organized Crime on 7th of June, 2006.

Statistical data related to the crime of trafficking of human beings, obtained from the Trafficking Unit of the Department of Special Operations of the Ministry of Internal Affairs are as follows:

Department of Special Operations of the Ministry of Internal Affairs, Trafficking Unit
September 2005 - October 2006

	#	man	woman	minor
1. number of Criminal Cases	21			
2. Number of people accused	6	1	4	1
3. Number of people convicted	2		2	
4. Number of victims	25	6	19	
5. Number of people wanted	2	2		
6. number of victims engaged in sexual exploitation	19		19	
7. number of people engaged in labour exploitation	6	6		

They explained that because of the grave social and economic situations large numbers of Georgians strive to go abroad in search for jobs. They accept any possibility to get abroad, and because of their illiteracy and unawareness on trafficking issues they do not pay any attention to the risks the contract they sign may entail. From this perspective there is a high risk of becoming victims of human trafficking or sexual exploitation for Georgians outside Georgia. Hence, it is stated on the International Organization for Migration (IOM) website in respect of Georgia, "Economic emigration, irregular transit migration, trafficking in persons and smuggling of migrants continue to challenge the capacity of the government."⁶⁵

However, the risk of becoming a victim of human trafficking within Georgia is unquestionably low. There are only two victims identified thus far: The first one was a woman from Uzbekistan. The trial, however, is over and the criminals are convicted for the crime. The other case is of a woman from Kyrgyzstan who still lives in a state-run

⁶⁵ International Organization for Immigration, *Georgia: Overview*, 2007, available at: [Hhttp://www.iom.int/jahia/Jahia/cache/offonce/pid/781H](http://www.iom.int/jahia/Jahia/cache/offonce/pid/781H) accessed at 31, July, 2007

asylum. According to the Gori District Court Judgment of April, 22, 2007 two persons were found guilty in trafficking crime and were imposed 12 year deprivation of liberty.⁶⁶

2.3.3 Effectiveness of protection (capacities, proficiency, corruption)

2.3.3.1 Police Forces

There has been a crackdown on organised crime since the Roses Revolution in 2004. However, Georgian citizens seem not to trust the police forces, and sometimes prefer protection by the Mafia⁶⁷.

Numerous abuses have been signalled in the penitentiary system, denounced by human rights associations: In many facilities, prisoners live in severely overcrowded, filthy and poorly-ventilated cells. In the last two years, the prison population has nearly doubled due to the routine use of pre-trial detention, even for non-violent offences. Nearly two-thirds of the country's prisoners are still awaiting trial. In many facilities, conditions of detention constitute degrading treatment in violation of Georgia's own laws and its international human rights obligations⁶⁸.

2.3.3.2 Judiciary

Under Article 42 of the Georgian Constitution, "Everyone has the right to apply to a court for the protection of his/her rights and freedoms."⁶⁹ Common courts adjudicate upon criminal, civil and administrative cases⁷⁰ and decisions of the first instance court (regional or city courts) may be challenged before the appellate court and the Supreme Court of Georgia.

When the constitutional rights of a person are violated by a normative act enacted by the public body (acts of ordinary Courts are not challengeable in the constitutional court), a person can apply to the Constitutional Court of Georgia. If the Constitutional court finds out that damage to the constitutional right is caused by the challenged normative act it will invalidate the act. However, invalidation of the normative act by the Constitutional court will not have retroactive effect. In other words judgement of the constitutional court will not touch upon the outcomes of regulation by the normative act which took place before its invalidation⁷¹.

Formally, Georgian legislation on judiciary includes all the relevant guarantees to ensure the independence of the judges. The Council of Justice, which organizes qualification exams for judges, manages issues related to judicial appointments and disciplinary actions

⁶⁶ Information was provided by the criminal attorney Ketevan Kachlishvili at GYLA Free Legal Aid Center.

⁶⁷ Institute for War and Peace Reporting, Georgian Resilient Mafia, January 19, 2006, available at: http://www.iwpr.net/?s=f&o=259045&p=crs&l=EN&pc_state=henacrsthieves%20of%20law_3_crs___publish_date_1_10_compactH accessed at 31, July, 2007

⁶⁸ Human Rights Watch, Undue Punishment, Abuses against prisoners in Georgia, September 14 2006 available at: <http://hrw.org/reports/2006/georgia0906/H> accessed at 3, August, 2007

⁶⁹ Constitution of Georgia, August 24, 1995, article 42(1)

⁷⁰ Organic Act of Georgia N 767 - IIs on common courts, June 13, 1997, article 1(2)

⁷¹ Organic Act of Georgia N 95-rs on constitutional court of Georgia, January 31, 1996, article 19 (1(e))

consists of representatives from the executive and legislative branches, as well as representatives from the Conference of Judges, a self-government body of judges. Judges are appointed by the President of Georgia upon nominations from the Council of Justice for 10-year term. No judge may hold the position for a second term. Judges may be removed from their positions if they commit disciplinary offence. Whether a judge has committed a disciplinary offence is decided by the Disciplinary Board of Common Court Justices, which consists of 6 members of the Council of Justice, 3 holding judge status. During the term of office, salary of judges' may not be diminished.

Despite these normative guarantees courts in Georgia lack true justice. Before the Rose Revolution the main problem was the easily corruptible character of the judges. Nowadays the corruption issue has moved to the backstage, and the most acute issue is the pressure exerted on the judges from the executive branch, particularly the Prosecutor's Office of Georgia. In criminal cases, judges routinely take for truth what the Prosecutor asserts, and consequently the right to a fair trial of the accused suffers. As a result, the society does not perceive the judiciary as an impartial and independent entity.

Recently constitutional amendments were adopted by the parliament, which deprives the President the power to appoint judges. The constitutional amendment will enter into force after relevant amendments are incorporated into the Organic Act of Georgia On Common Courts This change will entail certain modifications in powers of Counsel of Justice and administration of justice. However, implications of these changes on judicial independence are unpredictable so far.

The right to a fair trial is not always ensured in Georgia, and the judiciary system has been recently criticized by the Human Rights Watch⁷².

3 Social Security and reintegration

3.1 Regions with no reintegration and return opportunities

Abkhazia and South Ossetia are not controlled by the Georgian Government. However, the Abkhaz de facto authorities are willing to let ethnic Abkhazs come back to the region, in order to increase their demographic strength.⁷³ They are however strongly opposed to the return of ethnic Georgians to other parts of Abkhazia.

As stated before, return of Georgians to the Gali Region (ethnic Georgians in Abkhazia) is wished by the Georgian government, but is highly dangerous.

3.2 Housing and accommodation

3.2.1 Property compensation (in former zones of conflict or disaster)

According to the Act of Georgia on Environmental Protection, the citizens of Georgia have the right to receive compensation for the damage resulting from the violation of Georgia's laws on environmental protection.

⁷² Human Rights Watch, Human Right Watch's Open Letter to the Tbilisi City Court Chair, 3 April 2007, available at: [Hhttp://hrw.org/english/docs/2007/04/03/georgi15650.htm](http://hrw.org/english/docs/2007/04/03/georgi15650.htm)H accessed at 7 August, 2007

⁷³ International Crisis Group, *supra* note 54

There were cases of resettlement of people from the disaster zones of Svaneti. The migrants were provided with premises at the Government's expenses.

However, the Georgian legislation does not cover any property restitution for IDPs from the two conflict zones South Ossetia and Abkhazia in the country. They only receive monthly allowance (www.parliament.ge - database of the laws) as well as temporary accommodation (mainly in the hotels).

The sum is much less than the subsistence minimum and it is paid to all IDPs even if they work and receive a salary meeting the subsistence minimum. Apart from state allowances, IDPs are entitled to certain benefits funded by the central government, such as discounts on community utilities, electricity, water supply, telephone communication and transportation. In addition, IDPs of old age and those who fought for the territorial integrity of Georgia receive pensions. Local authorities hosting IDPs also provide the so-called 'civil service' to displaced persons, as well as other benefits envisaged by the local budget for local residents. Since the aid depends on the extent of the regional budget, assistance provided varies from place to place⁷⁴.

2006 marked a major change in the allowance system of disbursement of social allowances. The allowance programme which until now had been administered by the Ministry of Refugees and Accommodation has now been transferred to the Ministry of Labour, Health and Social Affairs and State Agency of Employment and Social Assistance. First stage of the programme will provide free healthcare and the second stage will provide cash assistance to the destitute households. The former allowance system to IDPs will however continue until the end of 2006, since as of May 2006, only 50,000 IDPs had submitted their applications to the new programme (UNCT in Georgia, 31 May 2006).

3.2.2 Housing programmes by return areas

There is no legislative act, which outlines provision of temporary living space to returnees from abroad (ex-asylum seekers). We were told that the Ministry of Refugees and Settlement of Georgia can provide minimal assistance to returnees only if they have IDP (internally displaced person) status. The Ministry of Refugees and Settlement of Georgia does not own any kind of housing resources and it is difficult to satisfy each citizen's claim. Currently the Ministry of Refugees and Settlement negotiates with other Ministries on handing over buildings to Ministry of Refugees to be used as temporary accommodation for the IDPs. After this process, the solving of accommodation problem will be more effective.

For detailed information on property issues for IDPs, see [Internal Displacement profile for Georgia](#)⁷⁵.

⁷⁴ (UN OCHA June 2003, pp. 17-20).

⁷⁵ Internal Displacement Monitoring Center - IDPs' living conditions remain miserable, as national strategy is being developed 2006, [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/F62BE07C33DE4D19802570A7004C84A3?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/F62BE07C33DE4D19802570A7004C84A3?OpenDocument). Accessed on July 27, 2007

3.2.3 Opportunities of building a house

3.2.3.1 Conditions of obtaining land property

Under the Georgian Civil Code⁷⁶, property rights and right to ground rent entitles a person to build a house on his/her land. As land presents immovable property or real estate, the legal conditions of obtaining ownership on the land will be addressed in section 4.2.4.1 (Legal conditions [of buying real estate]). Legal conditions of obtaining the right to ground rent will be discussed here.

Pursuant to Article 233 of the Georgian Civil Code, ground rent means “transfer of the land to the use of another person for a fixed period of time in order to grant him hereditary and transferable right to erect on or beneath this tract some construction.” The maximum duration of the agreement of right to build may not exceed 59 years.⁷⁷ The agreement granting right to build may oblige the possessor of the right to pay compensation to the owner of the land during validity of contract. Upon the termination of the contract, the possessor of the land shall pay adequate compensation for the building erected on the land or offer the holder of the right to prolong the agreement for the presumed period of additional existence of the structure. The right to build grants its owner the possibility to build and live in the house for at least 59 years, after which s/he either receives compensation for the building s/he constructed or stays in the building for the period of its existence.

Right to build is related to immovable property, therefore it needs registration⁷⁸. Concerned person needs an act from the local authority and the Ministry of Economic Development, cadastral plan of the relevant land, and official registration fee cheque. Application of registration, together with the above-mentioned documents, should be made to the territorial organ of the National Agency of Public Registry. The application should be determined after the location of the land on which the person has right to build has been confirmed. Registration should take place in 1-3 days.

3.2.3.2 Relevant approximate prices

See Figure 1

3.2.3.3 Available credits, subsidies, and other forms of help for buying a house

Credits are available for building and repairing the house, and buying the real estate. The maximum loan amount is 250,000 USD (418.625 GEL (Lari)). The minimum loan amount is 2,000 USD (3348 GEL (Lari))* . Minimum loan term is 6 months while maximum loan term is 20 years**. Annual percentage rate is 14.5-19.5%***.

*100,000 USD for house repairing, 25,000 USD (418.625 GEL (Lari)) for furniture acquisition (available with home purchase/ repairing financing only);

** 10-year-loan if the type of income is rent;

*** Interest shall be applied on a diminishing basis, i.e. reduced along with decrease of the principal.

Interest shall be calculated according to the ratio based on the loan amount, value of loan security, total income, etc.

⁷⁶ Law on Georgia N 786 - IIs on civil code of Georgia, June 26, 1997, article 170(1),233 (1)

⁷⁷ Id., article 233(1)

⁷⁸ Act of Georgia N2635 - on registration of rights on real estate, December 28, 2005, article 13(1)

The average time from submission of documents to the granting decision is 3 days.⁷⁹

Mortgage Requirement

Income requirements: The minimal amount of income varies by its type.

Salary	400 USD (670 GEL(Lari))
Dividend	1,000 USD (1675 GEL(Lari))
Rent	400 USD (670 GEL(Lari))
Co-signer*	500 USD (838 GEL(Lari))

* (family member)

Mentioned requirements apply to 10 years mortgage loans.
Income requirements are higher for the 10-20 years loans.

Mortgage loans are available to individuals with the documented stable income obtained in the form of:

- Salary;
- Rental Income;
- Dividends.

Loan Requirements differ by the type of income as shown in the table below:

Salary	Dividends	Rental Income
1.Length of current employment, (probationary period must be completed)	1. Minimum 20% involvement in business for the proceeding one year	1. Length of rental agreement (not less than 6 months)
2. Employment history (not less than 2 years)	2. Recommendations from business partners	2. Recommended by a real estate specialist and tenants who live on site
3. Supporting recommendations	3. Dividend issuing company must follow established criteria set by bank	
	4. Stable dividend income(monthly, quarterly) ⁸⁰	

For available explanations on subsidies see section (4.3.5.4).

3.2.4 Opportunities of buying real estate

3.2.4.1 Legal conditions

⁷⁹ TBC Bank H<http://www.tbc.ge/en/private/loans/mortgages/H> Accessed on July 27, 2007
⁸⁰TBC Bank H<http://www.tbc.ge/en/private/loans/mortgages/requirements/H> Accessed on July 27, 2007

Immovable property⁸¹ is defined under Georgian legislation as a tract of the land with its subsoil minerals, the plants growing on the land, and buildings and other structures firmly attached to the land⁸². The differentiation between immovable and movable property has practical meaning as to the rule of obtaining property rights. To get property right on immovable property one needs written agreement on transfer of property rights to be certified by notary public and registered in the National Agency of Public Registry. For registration of the property rights in the public registry one needs to present the same documents to the territorial organ of the National Agency of Public Registry as when registering for right to build (See 4.2.3.1).

It is noteworthy that Parliament of Georgia adopted an amendment to the Civil Code of Georgia, which is to enter into force on 15th of March, 2007. Pursuant to this amendment, agreements resulting in transfer of property rights on immovable property (these are agreements of sale, exchange or gift) need to be written and the new owner should register his right of ownership in the Public Registry without requirement of certification by notary public.

3.2.4.2 Obstacles for certain groups

No information is available about such difficulties.⁸³

3.2.4.3 Relevant approximate prices

See Figure 1.

3.2.4.4 Available credits and subsidies

See information above (4.2.3.3).

3.2.5 Opportunities of renting a house or an apartment.

3.2.5.1 Obstacles for certain groups

There are no official or other statistics provided on this issue. It can be assumed that there are no known obstacles identified for single mothers and minorities. However, the owner might decide on his/her sole discretion, and based on prejudice, who to rent his/her house. It is also worth noting that such deals are not generally subject to appropriate legal or lawyer-approved contract, and therefore the two parties are not legally responsible to each other. However, this is not the case with foreigners renting a house or an apartment in Georgia. They usually request that the deal be contract-based.

3.2.5.2 Relevant approximate prices

The prices vary not only based on the regions, but also within the Capital Tbilisi. The difference can be as large as 200 USD (335 GEL(Lari)) between houses/apartments located in different parts of the city. For example, it is possible to rent a two-bedroom apartment

⁸¹ Synonymic legal term for REAL ESTATE in civil law jurisdictions

⁸² Law on Georgia N 786 - IIs on civil code of Georgia, supra note 92, article 149

⁸³ Confirmed by both the International Center for Conflict and Negotiation and the Tolerance Institute at the Public Defender's office.

at the price of 80-100 USD (134-168 GEL(Lari)) in the remote district of Gldani, while apartments and houses with identical features can cost 300-350 USD (503-587 GEL(Lari)) in the more prestigious districts of Vake, Vera, and Saburtalo.

Apartments and houses are comparatively cheaper in the rural regions of Georgia. However, administrative centres of these regions are still more expensive. For example, monthly rent of an apartment/house in Gori—the administrative centre of the Shida Kartli Region—varies from 60 USD to 200 USD, whereas the price might vary from 30 USD to 80 USD in Kareli, another town in the Shida Kartli Region.

Figure 1

	Batumi	Gori	Kutaisi	Ozurgeti	Rustavi	Telavi
1. Relevant approximate prices <i>a)flats,</i> <i>b)lands,</i> <i>c)construction materials</i>	The average price of flats, lands and construction materials is high, since Batumi is a seaside territory. The average price of a house is USD 15,000 (25.118 GEL(Lari)), the price of land 1m ² - USD 100 (168 GEL(Lari)).	a)One room apartment- USD 8,000 (13.397 GEL(Lari)) (in the centre); USD 5,000 (8.373 GEL(Lari)) (in the suburb); b)agricultural land -1 hectare GEL 50-80 non-agricultural land -1 hectare GEL(Lari) 5-7; c) construction materials- the average price of constructing one flour apartment equals USD 20,000 (33.490 GEL(Lari))	Central area: the first zone -1 room apartment USD 8,000-12,000 (13.397 - 20.095 GEL(Lari)); The second zone: 1 room apartment 7- USD 10,000 (11.722 - 16.745 GEL(Lari)); The third zone: USD 5-8,000 (3.373 - 13.397 GEL(Lari)); The fourth zone: USD 4-6,000 (6.699 - 10,047 GEL(Lari)) The new constructions- USD 350-500 (587-838 GEL(Lari)) 1m ² .	The average price of a flat -USD 6,000 Agricultural land with a middle size house -USD 5,000	Price of flats varies from USD 800-up to USD 50,000, (13.397-83.725 GEL(Lari)) as for private houses the price varies from USD 40,000 up to USD 100,000; (66.980-167.440 GEL(Lari)) The new buildings in the process of construction : 1m ² USD 400 (670 GEL(Lari)); Land: 1m ² from GEL 6-up to GEL 12 Cement -GEL 220 1 tone	One room apartment -GEL 8,000-10,000; Two room apartment- GEL 14,000-16,000; Three room apartment -GEL 26,000-30,000 Land 1m ² - GEL(Lari) 40-50; Cement one sack - GEL(Lari) 10, block one unit - GEL(Lari) 0.90 break one unit- GEL(Lari) 0.20
2. Relevant approximate prices for renting a house or an apartment	USD 150-200 (102-335 GEL(Lari))	- One room apartment in the center of the city GEL 100; - The private house USD 500	USD 200-500 (335 - 838 GEL(Lari))	GEL(Lari) 80	GEL(Lari) 100-150	GEL(Lari) 70-150
3. Other middle-term	Some NGOs have	No opportunity	No opportunity	No opportunity	-There aren't numerous	No opportunity

<i>accommodation opportunities (Shelter, NGOs, churches)</i>	projects which offer shelters to the vulnerable. Churches also take maintain and take care of orphanages.				NGOs in the region, as for churches, they supply the socially vulnerable population with food. -The pension housing for elderly people has been functioning in Gori, it shelters 34 persons. It is on self-funding and foreign organization "White Cross" supplies it with cloths. -NGO "Child and Environment" funded by USAID, Save the Children. -There is also an orphanage on state funding	
4. <i>Temporary shelters available until being able to ensure long term accommodation</i>	Unavailable	Unavailable	No opportunity	No information	Unavailable	The only possibility is to rent a house.

3.2.5.3 Available subsidies

See (4.3.5.4).

3.3 Livelihood - basic "survival"

3.3.1 Employment

3.3.1.1 Unemployment (formal and informal, in specific sectors and social groups)

Department of Statistics of Georgia conducted a survey to identify the rate of unemployment in Georgia for the first six months of 2006. The survey was conducted on the basis of the criteria elaborated by the International Labour Organization, and the data

obtained was compared to the unemployment rate registered in 2005. Unemployment rate for the first 6 months of 2006 was 13.80% and the survey asserts that in comparison with the previous year the number of unemployed declined by 16,100 people.

Labour market tendencies in respect to unemployment may be observed in Table 1 and Table 2 below:

Table 1⁸⁴

	1 st Half-year 2005	1 st Half-year 2006
Population of age over 15, thousand person	3158.6	3154.2
Active population (labour force), thousand person	2017.4	1938.7
Employed, thousand person	1734.1	1671.5
Hired, thousand person	599.8	576.6
Self-employed, thousand person	1133.3	1092.9
Unemployed	283.3	267.2
Unemployment rate in percentage	14.0	13.8

Distribution of Population above 15 by Economic Status by Quarters in 2006

Table 2⁸⁵

Distribution of Population above 15 by Economic Status by Quarters in 2006			
		thousand	
	I	II	III
Economically active (labor force)	1925,1	1952,3	1960,5
Employed	1643,1	1699,9	1691,5
Wage employed	586,2	566,9	574,8
Self-employed	1055,5	1130,4	1116,2
Undefined	1,4	2,7	0,5
Unemployed	282,0	252,4	269,0
Population outside labor force	1244,6	1186,4	1152,5
Unemployment rate (percent)	14,6	12,9	13,7
Activity rate (percent)	60,7	62,2	63,0
Employment rate (percent)	51,8	54,2	54,3

⁸⁴ Press-release of Statistics Department of Georgia, *Number of Unemployed People in Georgia Was Reduced by 20 000 people in the First Quarter of 2006*, available at: [Hhttp://www.statistics.ge/_files/georgian/press/Press%20release%20IIQ_2006.doc](http://www.statistics.ge/_files/georgian/press/Press%20release%20IIQ_2006.doc) accessed at 7 August 2007

⁸⁵ Statistics Department of Georgia, *Table on Distribution of Population above 15 by Economic Status, 2006*, available at: [Hhttp://www.statistics.ge/_files/english/labour/labour.xls](http://www.statistics.ge/_files/english/labour/labour.xls) accessed at 7 August, 2007

3.3.1.2 Labour market programs and access

For information on labour market programs, Georgian Young Lawyers' Association inquired to the Social Assistance and Employment State Agency. Article 2 of the Charter of the Social Assistance and Employment State Agency⁸⁶ presents direct responsibilities of this entity: a. to collect statistical data on labour market condition in Georgia; b. and to lead mediatory activities between people seeking employment and employers. The State Agency responded that the only government-run program available to unemployed persons was launched in September 2006 following the government regulation "On Approval of State Program on Professional Training on Working Places"⁸⁷. The program envisaged professional training of 50,000 unemployed people during three months. Under Article 2(b) of the Resolution, unemployed persons between the ages of 18-64 looking for jobs and willing to work may be recipients of the program. Each participant of the program was granted stipend of 150 GEL (Lari) per month. The Program was terminated on January 1st of 2007. Despite statements of the high-ranking officials that this or analogous employment programs will operate in 2007, no legal act has been adopted neither on central, nor on local government levels to grant assistance to unemployed people's search for jobs.

Georgian Employers' Organization, an NGO, runs "Training and Employment Project for Job Seekers",⁸⁸ through studying employers' demands for specialists in the first place. In order to select specialists, information about the program was published in the press and on the website of the Association. The information based of the service centre was used in the selection process. Among 176 unemployed persons only 38 were selected, who underwent relevant training and 28 people were hired by the employers. This program also grants training possibilities to those people who are willing to run their own business.

3.3.1.3 Labour Conditions (minimum/average salary, working hours, security)

Under the Georgian Labour Code⁸⁹, the employer is obliged to ensure a secure environment for employees' life and health through: a. informing them about the circumstances which might have malignant effect on their life or health; b. installing preventive systems to avoid accidents; c. and providing employees with personal protective armaments. The employer is obliged to pay damages and costs related to the medical treatment, when the condition of the employees' health worsens due to the job performed. Moreover, the employer shall prevent pregnant women from performing tasks, which may endanger the well-being of the fetus, or pose as a risk to the physical and mental health of the pregnant women.

Weekly working hours shall not exceed 41 hours. Extra work may be demanded from an employer when it is necessary to prevent natural disasters, liquidate its results (without extra compensation), or prevent industrial accidents (with relevant compensation). Pregnant women and physically disabled people shall not be involved in extra work or night

⁸⁶ Order of the Minister of Labor, Health and Social Affairs of Georgia, N 12/n, "On Approval of the Charter of the Social Assistance and Employment State Agency", January 17, 2005

⁸⁷ Resolution N148 of the Government of Georgia "On Approval of State Program on Professional Training on Working Places", August 2, 2006

⁸⁸ Georgian Employers' Association, Training and Employment Project for Job-Seekers, 2006, available at: [Hhttp://www.employer.ge/site/336/default.aspx](http://www.employer.ge/site/336/default.aspx)H accessed at 8 August, 2007

⁸⁹ Act of Georgia N 3132 - Is on labor code of Georgia, May 25, 2006, article 35

work (from 10 p.m. to 6 a.m.). Under N 351 Decree of President of Georgia "On Quantity of Minimal Wages," employers are required to pay a minimum wage of 20 GEL⁹⁰ per month to the employees.

3.3.1.4 Accessibility of short-term/ occasional jobs

Saakashvili announced the intention to launch a new government-sponsored program involving three-month internships in private businesses for at least 50,000 citizens which will cost about 22.5 million GEL (Lari) (roughly 12.7 million USD). The government will pay 450 GEL (roughly 254 USD) to each participant of the program during the three months. He said that the government will fund internships for an additional 100,000 citizens for next year "and if there is more interest we will allocate even more funds for this program."⁹¹

President Saakashvili said on December 8 that the Economy Ministry will be in charge of the state-funded internship programs from 2007 in order to further increase the effectiveness of the initiative, which officials say has already helped 10,000 citizens find jobs.

The program, which was launched in September 2006 under the supervision of the Social and Healthcare Ministry, provided 450 GEL (Lari) to each participant during their internships in various businesses. Over 35,000 citizens participated in the program and at least 10,000 people have already received permanent jobs after the internship program.⁹²

The problem is that this program was terminated in December 1 of 2006 and was not prolonged any more. However any unemployed person could have access to the program via filing an application for participation in the program. No special requirements were in place for participants, other than proof of the applicants' unemployed status at the launch of the program.

Please also see the website www.jobs.ge for jobs and internship opportunities as well as educational and retraining programs available.

3.3.1.5 Lack (high demand) in specific professions

Saakashvili said that although there is unemployment, the country lacks qualified cadre in various sectors, especially in the fields of construction and services.

"This is a very serious issue, because we had an absolutely dismantled education system... The Education Ministry is now working on the creation of new re-training centres. Seven centres of this kind will be opened in September, including a centre in Kobuleti [Adjara] to train tourism service staff; in Tbilisi we are going to open [a training centre] for the construction business."⁹³

⁹⁰ For Georgian Lari exchange rates, see T B C Bank, Official Exchange Rates, available at: [Hhttp://www.tbcbank.com.ge/en/private/H](http://www.tbcbank.com.ge/en/private/H), August 2007.

⁹¹ Civil Georgia Online Magazine, Saakashvili Unveils New Economic Initiatives, 2006, available at: [Hhttp://www.civil.ge/eng/article.php?id=13256H](http://www.civil.ge/eng/article.php?id=13256H) accessed at 7 August, 2007

⁹² Civil Georgia Online Magazine, Saakashvili Hails State-funded Program to Tackle Unemployment, 2006, available at: [Hhttp://www.civil.ge/eng/article.php?id=14264H](http://www.civil.ge/eng/article.php?id=14264H) accessed at 7 August, 2007

⁹³ Civil Georgia Online Magazine, *supra* note 90

3.3.2 Contact information relevant to recognition of education obtained elsewhere.

Statute of the Ministry of Science and Education⁹⁴ states that the Minister of Science and Education has the power to approve a rule on granting educational qualification to education certificates obtained abroad. The Unit of Academic Recognition and Mobility in the Ministry of Science and Education grants educational qualification to education certificates pursuant to the Act of Georgia "On Higher Education"⁹⁵ and Lisbon Recognition Convention for the Europe Area 1997.

Contact Information:

Administrative Authority	Address	Telephone	Contact Person
Unit of Academic Recognition and Mobility (Ministry of Science and Education of Georgia)	Uznadze St. 52, Tbilisi, Georgia	(995 32) 96 98 42	Natela Paichadze

3.3.3 Access to and cost of education and retraining programmes

3.3.3.1 By government

Under the Article 35 of the Georgian Constitution, "everyone shall have the right to receive education... Primary education is compulsory. Citizens shall have the right to receive free secondary, professional and higher education at state educational institutions in accordance with the procedure and within the framework established by law."

According to Georgian law "On General Education", general education consists of three stages: 1. primary education (1-6 forms of schools); 2. basic education (6-9 forms of schools); 3. secondary education (9-12 forms of schools). Compulsory education encompasses 1-6 forms. However, full general education may be obtained through accomplishment of all 12 forms of general educational organization/school. General education, including its third stage, is free and is fully financed from the state budget. Secondary education certificate grants right to its holder to receive higher education.

Higher education is one form of professional education. The forms of professional education are: a. preparation for craftsmanship; b. initial professional education; c. secondary professional education; and d. higher education. To engage in preparation for craftsmanship having primary general education is sufficient. One needs to have accomplished basic general education to receive initial or secondary professional education. Before the "Rose Revolution" only higher education programs were available and institutions where initial and professional education could be received were destroyed. However, Minister of Georgia of Science and Education approved the program "Rehabilitation of Professional Institutions". Under this program logistical support was provided for 11 professional educational institutions; professional educational programs were revised and trainings were held for tutors and instructors.

⁹⁴ Statute of the Ministry of Science and Education approved by the Resolution N 37 of Government of Georgia, May 21, 2004, article 2 (2)(n)

⁹⁵ Act of Georgia N 1330-Is on general education, April 8, 2005, article 6 (1)

Higher education is available to people who have certificates of general secondary education and have passed the national examination, which tests the individual's preparedness for study in higher educational establishments. Applicants list the names of faculties and educational establishments where they intend to receive higher education in the application for participation in the national examination. The score received by the applicant in the examination undergoes ranging after absolute quantity of scores is obtained and ranging after ratio of faculties is determined. Ranging after determination of faculty ratio designates to which faculties the applicants are accepted to from those previously listed in the application. Ranging after absolute quantity of scores determines which applicants will receive from the state educational grants to cover tuition fee. Therefore, definite amount of students receive free higher education in Georgia.

The only government program on employment was launched recently. On May 30, 2007 the Georgian government approved a new program for employment and development of tourism in many regions. The expected beneficiaries of the program are small and medium enterprises which already run tourism business or are willing to start tourism-related business, and ensure creation of new jobs that may reduce unemployment in Georgia. The program is launched with the transfer of 5,000,000 GEL (Lari) to the partner bank, which will allocate this sum among beneficiaries as purposive credit. In contrast to the bank loan, purposive credit for development of tourist industry is granted preferential regime, that is, low percentage rate and preferential terms of repayment. Beneficiaries will be selected after consideration of the business plan presented by the prospective beneficiary and through submitting the credit application. Reports on expected economic benefit and new jobs created through the development of tourism industry are presented monthly by the partner bank to the Ministry of Georgia for Economic Development.

3.3.3.2 By other organizations

There is a list of training programs available on www.jobs.ge which are permanently released on this website. Some of them include:

1) **The American Chamber of Commerce in Georgia (AmCham) -Training courses in new customs legislation of Georgia**-One two-day course costs \$180. Contact Kate Sidamonidze at kate@amcham.ge.

2) **Forex Association for Development of Exchange Activities** is a non governmental organization. Main goal of the organization is the enhancement and promotion of exchange activities in the country. **Training courses prepare traders and dealers** to work at world financial markets like Forex on stocks and bonds. Duration of the courses is 4 weeks; meets three times a week for 2 hours. Training fee: 150 GEL (Lari).

Contact person: Karlo Machabeli. Tel: (995 32)999 001, 855 27157; E-mail:

machabeli@forex.org.ge.

3) **Synergy School for Leaders-Training course in Fundamentals of Competitive Strategy**. The cost of the program is 200 GEL(Lari) per participant. For more information contact welcome@synergy.ge.

4) **Maxima Foundation provides training course in Georgian Tax Code**. Course duration is 5 days, 2.5 hours per day. Course fee: 50 GEL. Contact victoria@mxm.ge; Office phone: 205-705; Address: 70, I. Chavchavadze Av., Tbilisi.

5. The International Centre for Social Research and Policy Analysis (ICSRPA) provides training course in Strategic Management- www.icsrpa.org.ge.

The course will be conducted by Mr. George Ivaniashvili-Orbeliani, ICSRPA Chairman and leading expert in Strategic Management. Upon completion of the course participants will be provided with the certificates. The course is intended to both Georgian and English speaking audiences.

Training format: Lectures, case studies, practical exercises, tests, quizzes

Dates: 30 January - 10 February 2007

Duration: 2, 5 hours. Seminar fee: 310 GEL(Lari).

Applicants should send a CV to giicsrpa@yahoo.co.uk

Address: 45 Vaja-Pshavela Ave., 11th floor, Tbilisi

Tel: 450633, 204620, 8-93 320134

6) Georgian Foundation for Strategic and International Studies (GFSIS)-offers training program in European integration issues as part of the project "Raising Public Awareness about European Union in Georgia." This project is developed by GFSIS under the call of the European Commission's DG (director general) for Education and Culture program: Jean Monnet Action⁹⁶: Support for European Integration Activities in the Field of Higher Education. Training program is aimed at spreading academic knowledge in Georgia about EU integration.

The course lasts for 2 months. It includes 12 intensive lectures conducted by local experts in European integration issues. It meets 1-2 times weekly at 7 pm.

Eligibility:

Civil servants, graduate students (MA, PHD), NGO and mass media representatives interested in EU integration issues are eligible to apply. Participants will be selected by the college of professors based on their merit and demonstrated academic interest in European integration issues.

Courses are free of charge. Certificate of attendance is issued at the conclusion of the course.

3.3.4 Starting a new business

3.3.4.1 Legal Conditions (registration, corporate forms, minimum capital, etc.)

Act of Georgia "On Entrepreneurs"⁹⁷ determines six legal forms for entrepreneurship: a. individual entrepreneur; b. solidary liable society; c. commandite society; d. limited liability society; e. joint stock society; f. cooperative. The mostly used forms are the individual entrepreneur, limited liability society, and joint stock society.

Individual Entrepreneur is not a legal person. Entrepreneur is a physical person who owns an enterprise and is personally liable for business-related obligations, with all of his/her property. Individual Entrepreneur is registered by the taxing authority in the region, where entrepreneurship takes place. The application for registration shall contain the following

⁹⁶ European Commission, Jean Monnet Programme, 2007, http://ec.europa.eu/education/programmes/ajm/index_en.html, accessed August 2007.

⁹⁷Act of Georgia N 557- Is on entrepreneurs, October 28, 1994, article 2.1

information: a. name of the individual entrepreneur; b. full name, citizenship, domicile, identification certificate number and personal number of the person founding the entrepreneur; c. domicile of the entrepreneur; e. signature of a person founding entrepreneur. Two copies of the application, certified by notary public shall be submitted to relevant taxing authority, who undergoes obligation to register the individual entrepreneur in a day. It is noteworthy that registration of individual entrepreneur is not levied by any fee or tax. As Individual Entrepreneur is a physical person, the business he practices is levied income tax (12% of income) and social tax (20% of income).

Solidary Liable Society is a profit-making legal person. It has partners. Partners shall be at least two physical persons. Partners are liable for obligations of the society directly and personally, with their complete property. Legal firms mostly use this form of entrepreneurship.

Commandite Society has two types of partners: complementary partners and commandite partners. Complementary partner shall be a physical person, who will be personally and directly liable for debts of the society with his/ her entire property. Commandite partner may be a physical or legal person, who transfers to the society certain property and is not personally liable for debts of society. The property transferred to the society makes guarantee capital of the solidary liable society.

Limited Liability Society is a legal person, which may be founded by one person, physical or legal. Partner or partners of the society are not personally liable for its debts. They transfer property to the limited liability society, and debt of the society is paid from property of the society. This property constitutes guarantee capital of the society and it should be at least 200 GEL (Lari) under Georgian legislation. Partners may transfer different amount of property to the society, however, the value of the property should be divided by 10 without remainder.

Joint Stock Society has also guarantee capital, which is divided into stocks of equal nominal value. A stock is a financial instrument, which certifies that joint stock society has obligations toward the partner (holder of stock) and stockholder has rights in the society. Joint stock society is liable to the creditors with its property. Stockholder is free of any monetary obligations from society's debts. Guarantee capital of joint stock society should be at least 15,000 GEL (Lari). One person may found it. Georgian legislation states that entrepreneurs with more than 50 partners should register as joint stock society.

Cooperative is an entrepreneur with the goal to contribute to economic activities of its members and improve their economic condition. For example, cooperative may be founded to obtain raw materials for consumption of its members or to sell agricultural products that members of the cooperative produce. Cooperative is liable to its creditors with its property. Property of the cooperative consists of investments of the members of cooperative, which is called "pai" (share). Each share (pai) should be divided by 50 without remainder. One member of the cooperative may hold several shares (pai).

The taxing authority registers Solidary Liable Society, Commandite Society, Limited Liability Society, Joint Stock Society, and Cooperative. Application for registration should contain the following information:

1. name of the entrepreneur (firm name);
2. legal form of the entrepreneur;
3. domicile of the legal person;
4. Information about each founder: full name, domicile, type of identification document, number of identification document, personal number on identification document or in case

the founder is legal person - its name (name of the firm) and registration data (domicile, name of the authority that registered it, date of the registration and identification number, legal form and information on its representative.);

5. proxy to the person entitled to represent the society.

Founders of the Commandite Society also need to present to the taxing authority the amount of property each Commandite partner transferred to the society. Founders of the Limited Liability Society, Joint Stock Society and Cooperative need to define in the application the following: a. amount of the guarantee capital; b. information about director of the entrepreneur: full name, citizenship, and domicile, type of the Identification document, its number and personal number in the Identification document.

All the entrepreneur legal persons need for registration the following documents: a. two copies of charter; b. if the partners transferred property other than money to the entrepreneur, document of value evaluation of the property; c. for Limited Liability Society and Joint Stock Society - document on appointment of the director; d. cheque of registration fee.

Taxing authority should register the entrepreneur in three days. Cost of registration differs for different forms of entrepreneurships:

- Solidary Liable Society - 60 GEL (Lari);
- Commandite Society - 80 GEL (Lari);
- Limited Liability Society - 160 GEL (Lari)
- Joint Stock Society - 360 GEL (Lari)
- Cooperative - 120 GEL(Lari)

For all the forms of entrepreneurs, except the individual entrepreneur, levied taxes are apt for legal persons, which are profit tax and social tax. Both social and profit tax amount to 20% of the taxable profit of the entrepreneur. All the entrepreneurs may also be levied Value Added Tax, if the business activity they conduct is one of those businesses enlisted in the Tax Code of Georgia⁹⁸ as taxable with VAT. VAT amounts to 18% of the taxable transaction or import.

3.3.4.2 Credits and subsidies and access to them

Please find below the details about loans.

Unfortunately there is no availability for new businesses to receive credits. Only businesses existing at least 6 months can get credits for development. It's important to mention that the first step for getting a credit is to meet with the Credit Office who determines the risk, interest rates, and a list of documents needed.

Generally, banks or micro-finance institutions are not willing to provide loans for new businesses.

Some micro-finance organizations provide two types of loans—individual loans or group loans. These micro-finance organizations are **Constanta**, **Credo**, **Finca Georgia**, etc.

Constanta provides loans with the following conditions:

- Individual loans amount minimum GEL (Lari) 1,000 - maximum GEL (Lari) 50,000

⁹⁸ Act of Georgia N 692-rs on tax code of Georgia, December 22, 2004, articles 225(1) and 230(1)

- Group loans amount minimum GEL (Lari) 50 - maximum GEL (Lari) 5,000 per person
- Annual interest rate ranges between 20%-36%
- Business should exist no less than 6 months
- After the meeting with the applicant the Credit Officer decides what kind of documents will be needed to secure loan

Constanta has branch offices in the following locations: Tbilisi, Poti, Batumi, Kutaisi, Khashuri, Borjomi, Gurjaani, Lagodekhi.
Tel: 95 30 20 (Tbilisi)

Finca Georgia provides loans with the following conditions:

- Individual loans minimum USD 500 - maximum USD 20,000 (838-33.480 GEL (Lari))
- Group loans min GEL 100 – GEL 4,000 per person
- Annual interest rate ranges between 16%-24%
- Business should exist minimum 3 months

Necessary documents and procedures will be defined after the meeting with the Credit Officer.

Finca Georgia has branch offices in all regions.
Tel: 35 71 94/95 (Tbilisi)

Credo provides credits with the following conditions:

- Individual loans minimum USD 50- maximum USD 50,000
- Group loans minimum USD 100-maximum USD 1,000 per person
- Annual interest rate ranges between 17-38.4%
- Business should exist minimum 6 months

Necessary documents and procedures will be defined after the meeting with the Credit Officer.

Credo has branch offices in the following locations: Tbilisi, Batumi, Kobuleti, Gardabani, Patardzleuli, Akhaltsikhe, Borjomi, Bakuriani.
Tel: 21 39 37 (Tbilisi)

3.3.5 Social Security

3.3.5.1 Access to unemployment benefit

Under the Act of Georgia “on the 2007 State Budget of Georgia”⁹⁹, there is no set budget for the social protection of those people who are unemployed. Consequently, the Social Assistance and Employment State Agency responded to the question on unemployment benefit stating that nowadays there is no benefit granted to those people who are registered as unemployed in the Agency. It is also noteworthy that Georgian Labour Code¹⁰⁰ defines an unemployed person as “a person of at least 16 years, who is capable or partially capable to work, has no job and is looking for the job and is willing to work.”

⁹⁹ Act of Georgia N 4227-rs on state budget for the year 2007, December 29, 2006

¹⁰⁰ Act of Georgia N3132 - Is on labor code of Georgia, May 25, 2006, article 54(1(d))

Nowadays, there is no such thing as unemployment benefit available in Georgia.

3.3.5.2 Access to sickness benefits

“Rule of Assignment and Granting Benefit for Temporary Absence of Capacity for Work”¹⁰¹ regulates sickness benefits for employees in private sector and civil service. The sickness benefit may be appointed because of a disease or injury, which resulted in loss of capacity for work. The sickness benefit is granted from the day when certificate from medical institution is given to the person. Amount of sickness benefit depends on the salary of the person and the employer or relevant public authority (if a person is a civil officer) grants it. Total amount is determined by identifying the average salary per day multiplied by the amount of missed working days caused due to the temporary inability to work. Sickness benefit is not granted:

- a. if the injury resulted from committing a crime or from intentional self-injury;
- b. if a person did not meet prescriptions of a doctor;
- c. if injury or disease resulted from person’s being intoxicated with alcohol or drugs or other psychoactive substances;
- d. if a person is legally ousted from the job or if there is a court decision on compulsory medical treatment or forensic expertise.

3.3.5.3 Access to family allowances

On October 29, the Parliament of Georgia adopted the Law “On Social Assistance”¹⁰². The law established social assistance system through which the state will allocate due resources among people with special needs, indigent families, and homeless people. There are five types of monetary social benefits under the Law and one of them—subsistence benefit—is determined for indigent families. As for the other benefits, they will be addressed in section 4.3.5.4.

Under Article 4 of the Law, indigent family is determined as one or several persons living permanently in the isolated dwelling-place and managing domestic economy as a group, whose social-economic condition is lower than the level defined by the Georgian government. The government shall determine the amount of the subsistence benefit, and the Minister of Labor, Health and Social Assistance shall adopt the rule of granting or terminating the subsistence benefit. The mentioned executive authorities have not adopted relevant acts thus far.

However, the formation of the united database of socially insecure families has started in 2005¹⁰³. Each family considering itself to be socially insecure because of its social-economic conditions should register itself in the database. The Social Assistance and Employment State Agency stated that at the end of January 2007, there were 374,000

¹⁰¹ Order N 48 of the Minister of Georgia of Labor, Health, and Social Protection on approval of the rule of assignment and granting benefit for temporary absence of capacity for work”, February 15, 2007, article 6

¹⁰² Act of Georgia N 4289 - rs on social assistance, December 29, 2006, articles 6 and 7(2)

¹⁰³ Resolution N51 of the Government of Georgia on measures to reduce poverty level in country and to improve social protection of the population, March 17, 2005, article 4

registered families in the database. Registration in the database is only the first step toward obtaining subsistence benefits¹⁰⁴.

The next step is to send social agents to the registered families to evaluate the social - economic status of the registered family. The evaluation takes place on the basis of the interview with the family seeking benefit. Welfare index of domestic economy is determined after the special formula stated in the Resolution of the Georgian government.¹⁰⁵ The social agent completes a special questionnaire during the interview to collect the necessary information for the welfare index formula. The score determined via the formula defines the range the family takes in the united database and consequently the amount of benefit granted. However, only the first part of the program has been realized so far and evaluation by the social agents has not taken place.

3.3.5.4 Other benefits in the social welfare system

Under Article 6 of the Act of Georgia "On Social Assistance", there are six types of monetary social benefits: a. subsistence allowance; b. living subsidy; c. reintegration allowance; d. compensation for child adoption; e. compensation for family care for an adult.

For information on **subsistence allowance** see section 4.3.5.3.

Living Subsidy is a monetary benefit granted monthly to people belonging to legally defined social category and determined to cover costs of communal services (electricity expenses, for example) and other living expenses. The government of Georgia adopted Resolution N 4 "On Monetization of Social Privileges" to regulate rule of initiation and termination of the living subsidy and amount of subsidy beneficiaries were entitled to. Beneficiaries of the subsidy are:

- a. People disabled during World War II, military activities to maintain territorial integrity of Georgia, or during military activities abroad - 44 GEL(Lari)
- b. Participants of World War II who are over 70 - 44 GEL(Lari)
- c. Widows of the soldiers who died in World War II - 22 GEL(Lari)
- d. Children under 18, incapacitated parents, spouses or children of the person who died in military activities for territorial integrity or independence - 44GEL (Lari)
- e. People equated to participants of the World War II or participants in the military activities for territorial integrity and independence of Georgia - 22 GEL (Lari)
- f. Participants of World War II and participants of military activities to maintain territorial integrity or independence of Georgia or military activities abroad - 22 GEL (Lari)
- g. Veterans of military forces - 22 GEL (Lari)
- h. People incapacitated during the accident at atomic energy station in Chernobyl - 7 GEL (Lari)
- i. Participants of the liquidation of accident results at atomic energy station in Chernobyl - 7 GEL (Lari)
- j. People recognized to be victims of the political repressions and incapacitated members of their families - 7 GEL (Lari)

¹⁰⁴ Order N 142/n of the Labor, Health and Social Protection Minister of Georgia on approval of the program for identification of the families under the level of poverty, evaluation of their social-economic status and formation of the database, May, 27, 2005, article 3

¹⁰⁵ Resolution N 126 of Georgian Government, on approval of methodology to evaluate social-economic status of socially insecure families, August, 4, 2005, article 3

- k. Children of people deceased in World War II, who are disabled from birth - 22 GEL (Lari)
- l. Families of the physically disabled participants and other participants of World War II, families of the participants of military activities for territorial integrity and independence of Georgia who were lost or deceased during military activities, families of the veterans who deceased after the military activities - 22 GEL (Lari)
- m. Families who lost their supporter because of the accident at atomic station in Chernobyl - 7 GEL (Lari)
- n. People who were incapacitated as a result of suppression of the peaceful manifestation demanding independence of Georgia on April 9, 1989 - 44 GEL (Lari)
- o. Incapacitated parents, unmarried spouses or minor children of people who died during suppression of the peaceful manifestation demanding independence of Georgia on April 9, 1989 - 44 GEL (Lari)
- p. Persons who suffered as a result of suppression of the peaceful manifestation demanding independence of Georgia on April 9, 1989 - 44 GEL (Lari).

Reintegration allowance is given to the biological family or guardian of a person with special needs, if a family or guardian guarantees to take this person from the specialized establishment to help him/her live with a family and promises to take care of him/her. The amount of reintegration allowance and rule of appointment will be defined by the order issued by the Labour, Health and Social Assistance Minister of Georgia. The order has not been issued yet.

Compensation for child adoption is granted to the parents adopting a child for bringing him/her up and taking care of him/her. The amount of compensation for child adoption and rule of appointment will be defined by the order issued by the Labour, Health and Social Assistance Minister of Georgia. The order has not been issued yet.

Compensation for family care for an adult is given to the person who takes an adult with special needs from the specialized establishment and gives him/her the chance to live in a family and provides him with due care. The amount of the compensation will be determined by the Resolution of the government of Georgia and rule of its appointment will be regulated by an order of the Labour, Health and Social Assistance Minister.

3.3.5.5 Special benefits for returnees

There are no special benefits for returnees in Georgia.

3.3.6 General scope of charity organizations

http://www.ungeorgia.ge/cgi-bin/get_pinfo.pl?srv=cother

This is the electronic directory created by the UN which is updated twice a year and contains details of all humanitarian and developing organizations in Georgia. The following link provides information on sectoral programming of the mentioned organizations.

<http://www.ungeorgia.ge/files/upload/Contact/secprogr.pdf>

For example, Georgian Red Cross Society works with refugees and also provides food assistance.

Geographic areas of operation of all organizations are provided in the following directory.

www.ungeorgia.ge/files/upload/Contact/regareas.pdf

3.3.7 Useful data to calculate cost of living

Average retail market prices in Gel, December 2006 ¹⁰⁶

Beef	6.84 per kg
Pork	6.80 per kg
Poultry	7.00 per kg
Fish	4.56 per kg
Butter	5.24 per kg
Milk	1.37 per l
Cheese	5.87 per kg
Hen's eggs, 10	3.43 per 10
Sunflower oil, litre	2.44 per litre
Sugar	1.35 per kg
White bread	1.00 per kg
Salt	0.40 per kg
Rice	1.34 per kg
Potatoes	0.83 per kg
Apple	1.90 per kg
Grape red wine, per 0.7 litre	6.96 per 0.7 l
Running water monthly fee, per head	1.20 per person in family
Electricity, 1 kWh	0.14 per 1 KW
Natural gas, 1 m ³	0.342 per 1 m ³
Monthly telephone bill	3.36 per month
1 litre of gasoline	1.60 per kg
1 litre of diesel fuel	1.31 per kg

Information is provided by Lia Mdinradze, the head of Department of Price Statistics

3.4 Health

3.4.1 General health situation by regions

Statistical data provided by the Statistics Department of Georgia on morbidity of the population of Georgia with main groups of diseases are as follows:

Table 1¹⁰⁷:

¹⁰⁶ Department of Statistics of Georgia. web site: [Hwww.statistics.ge](http://www.statistics.ge)H

	2003	2004	2005
Number of registered cases diagnosed for the first time (thousands)	574.8	621.0	695.2
Infectious and parasitic diseases	43.4	55.5	54.0
Neoplasm	7.1	8.4	8.4
Diseases of endocrine system, digestion disorders, disorders of metabolism and immunity	28.9	30.0	31.4
Diseases of blood and blood forming organs	7.4	8.6	8.5
Psychic and behavioural disorders	6.1	7.7	7.0
Diseases of the nervous system and sense organs	45.2	51.5	54.9
Diseases of the circulatory system	64.1	70.6	82.5
Diseases of the respiratory system	236.1	235.4	249.1
Diseases of the digestive organs	39.8	42.0	84.9
Diseases of urogenital system	27.0	31.6	31.6
Complications of pregnancy, childbirth and postnatal period	4.0	6.0	8.2
Diseases of the skin and subcutaneous tissue	21.1	23.8	23.3
Diseases of musculoskeletal system and connective tissue	10.2	10.8	13.2
Congenital malformations	1.0	1.1	1.1
Certain conditions originated in the prenatal period	2.3	2.5	2.5
Symptoms, signs and inexactly identified states	2.4	3.2	2.5
Injuries and poisonings	28.7	32.3	32.0

3.4.2 Drinking Water

Although there is a lack of reliable data on surface water quality, various studies and expert estimates indicate that major rivers and tributaries in both the Kura and Black Sea Basins are polluted, predominantly by municipal wastewater discharges. The Kura River is polluted downstream from the cities of Borjomi, Gori, Tbilisi and Rustavi. One of the major concerns within the Kura River Basin is the pollution of river Mashavera, downstream from Madneluli, where there is a copper mining industry. In the Black Sea Basin, the Rioni River is considerably polluted downstream from Kutaisi, a major urban area in Western Georgia, and Poti near the Black Sea.

¹⁰⁷ Statistics Department of Georgia, *Morbidity with Acute and Chronic Diseases by Main Disease Groups*, available at: http://www.statistics.ge/_files/english/health/5e.docH

The quality of drinking water is of particular concern in Georgia. In total, approximately 18% to 24% of samples collected from central water systems in the years 2000 and 2001 violated Georgian standard for chemical and microbiological constituents. Samples from 13 towns and cities exceeded microbiological norms by 50% or more¹⁰⁸

Due to insufficient and outdated drinking water systems, the drinking water in the regions and in some parts of Tbilisi is provided through schedule. In the rural part of the country and, especially in the high mountainous villages, the population has to cover long distances to fetch drinking water from springs or a common well. Though the issue has been addressed by different international organizations, the problem is still critical for the country.

3.4.3 Health care system

3.4.3.1 Health care infrastructure by regions

There are 12 administrative-territorial health units in Georgia, each with different number of regional centres where medical services are available. Tbilisi has the most developed health care infrastructure, with all types of medical establishments available: emergency services, ambulatory care centres and polyclinics, hospitals and gynaecological hospitals, medical-research institutions and centres, dentist's offices and pharmacies. All types of medical services are available in Batumi as well. Every town has at least one hospital and one ambulatory care centre. The problem with these towns and regional centres is that there is no choice of medical establishments and only state-owned medical care centres are available¹⁰⁹. As no reconstruction took place after the collapse of the Soviet Union, the state-owned medical establishments are mostly in poor conditions.

3.4.3.2 Eligibility criteria and access to health care services

Chapter II of Law on Health Care regulates Georgian citizens' rights to health care. Article 5 of the aforementioned law states, "citizens of Georgia have the rights to use the medical assistance provided by the state healthcare programs following the stated procedures" and Article 6 says that "under no circumstances shall the patients be discriminated based on their race, skin colour, language, sex, political affiliation or religion, ethnicity, origin, social status, place of residence, sickness, gender orientation or personal negative attitude". Therefore, all citizens of Georgia have equal rights to health care. The problem with the Georgian health care system is its poor quality, not discrimination. Under "poor quality" it is not meant the training of doctors, who are duly educated and trained, but facilities that are poor with outmoded technology. Since the same service is available for everyone applying for help, there are no reported cases of discrimination in the health care system.

3.4.3.3 Costs of health care

¹⁰⁸ UNDP, Georgia Overview of Water Resources, 2003, available at: [Hhttp://europeandcis.undp.org/WaterWiki/index.php?title=Georgia&redirect=noH](http://europeandcis.undp.org/WaterWiki/index.php?title=Georgia&redirect=noH) accessed at 7 August 2007

¹⁰⁹ Labour, Health and Social Affairs Ministry of Georgia, List of Medical Establishments Available in Different Regions of Georgia, 2005 available at: [Hhttp://www.moh.gov.ge/page.php?22H](http://www.moh.gov.ge/page.php?22H) accessed at 7 July, 2007

Cost of health care depends on the type of disease and its treatment as well as the patient's social-economic condition. The state program of hospital care assistance has several components and in each of these components, different amount of health care expenses are covered from the state budget.

Psychiatric care assistance implies that the state finances fully all the expenses related to in-hospital care, but non-psychiatric diseases (for example, neurosis, alcoholism, drug addiction, psychopathies) are not financed within this component. The state covers expenses related to medical examination, consultation, psychoactive drugs, and nutrition. Psychiatric care takes place in specialized psychiatric hospitals and in case of involuntary patients, in psychiatric hospitals with strict rules. There are ten state-owned psychiatric hospitals in Georgia.

Pulmonological care assistance implies state-financed diagnostic, therapeutic and preventive measures and has three levels of treatment. The first level treatment is provided in tuberculosis control units of hospitals and ambulatory departments of pulmonological hospitals. The second level care is provided to patients in pulmonology hospitals. Third level care is practiced by the National Center for Tuberculosis and Lung Diseases. State provides free medical examination, consulting with specialists, nutrition, and first-line medications for treatment. Free surgery is provided in case of necessity.

Gynaecological care assistance implies granting to each pregnant woman gynaecological cards, which covers childbirth expenses in hospitals, to participate in the program. The card can cover childbirth expenses of 200 GEL (Lari) in Tbilisi, 180 GEL (Lari) in Kutaisi, Batumi and Rustavi, and 150 GEL (Lari) in other towns and regions. If the expenses related to delivery of a child do not exceed the above-mentioned sum, the patient has no obligation to cover any costs related with gynaecological care. If the expenses exceed the above-mentioned sum, the patient will have to cover the excess expenses.

Medical care assistance for children below 3 years provides free medical care for children under the age of 1 year and 80% state financing for children of age 1-3. Hence, parents will have to cover 20% of treatment-related expenses for children between 1 and 3.

Infectious diseases treatment assistance provides diagnostic, therapeutic and preventive measures as part of treatment for patients with HIV/AIDS, and diagnostic and in-patient treatment for patients with other infectious diseases. The program does not cover the full expenses of treatment for certain infectious diseases (i.e. some forms of chronic hepatitis and parasitic diseases) and requests co-financing of 40-90 GEL (Lari).

Oncological diseases diagnostics and treatment assistance demands particularly great amounts of resources. Hence, full state financing is available for children with oncological diseases, including neuro-oncology. Adults with oncological diseases are divided into groups based on the type of disease, and different tariffs and different levels of co-financing apply for each group. However, in all cases state covers more than 50% of treatment-related expenses (without medicaments); cost of chemotherapy (without medicaments) is 150 GEL (Lari), of which the state pays 120 GEL (Lari). As for medicaments, 50% co-financing applies. However, the most the state can finance is 400 GEL (GEL (Lari)) for chemotherapy and 300 GEL (Lari) for oncohematology. The patient should cover the price of medicaments in excess of these sums. For inpatients, one day in a hospital costs 55 GEL (Lari) and he/she has to pay 20 % of this sum.

Referral Assistance is practiced merely in Gudushauri National Medical Center and provides assistance for victims of catastrophic and emergency situations, as well as

complicated childbirths, care for newborn babies, children in critical conditions under the age of 3, and persons who are referred from other medical establishments. The program also provides assistance to those that show extremely poor health conditions in need of adequate surgical and therapeutic assistance.

Urgent hospital assistance is practiced in 107 medical establishments across Georgia and it provides urgent hospital treatment of the population of the country for 3 years. The program envisages co-financing by patients of 50% of treatment expenses in case of patients above 15, and 20% of treatment expenses with patients under 15. This component of assistance also includes anti-rabic medical services providing surgical treatment of wounds and prophylactic vaccination.

Additional medical examination for conscripts is practiced when they are conscripted into military service.

On May 26, 2005 the president-supported program **Free Ambulance Service 03** was launched across Georgia and the program is widely used.

Medical care component of orphan children and those children who need constant replacement treatment provides in- and out-hospital treatment and medical examination for children who are deprived of family care and live in orphanages. The program also determines the list of diseases (i.e. Diabetes, Scleroderma, Malabsorbction, etc) which need constant replacement treatment and is fully financed by the state. For other diseases (i.e. Anemia, Chronic, Osteomyelitis), which also need constant replacement treatment, parents of the children patients need to finance 20 % of the costs of treatment.

Medical care component for injured people in conflict zones are recipients of a separate program and its budget is 20,000 GEL (Lari).

Organs and tissue transplantation, and kidney replacement therapy component offers free medical care for persons who have developed final-stage chronic renal failure and need renal replacement therapy. Provision with hemodialysis of patients with end-stage chronic renal function is practiced in Tbilisi, Batumi and Kutaisi. Until now, the program had 499 beneficiaries. Approximately 10 kidney transplantation operations take place annually.

Cardiac surgery state program covers the full cost of cardio surgery on congenital heart defect. Patients need to cover 25% of cost of the following cardiac surgeries: a. operation on acquired heart defects; b. angioplastic surgery; c. coronary artery bypass surgery.

Medical care component for people below the poverty line provides the so-called "basic package" for people identified in the united database of the population below the poverty line. The "basic package" will insure the indigent persons from paying expenses of medical service, which are not covered by the state through other health care programs. The project protects only indigent class of society from the health-related risks.

State Program of Citizens' Supply with Special Medications offers provision for patients suffering from chronic diseases and/or disability with vital medications and food additives. It also provides the same category of citizens with special medications in case of life-threatening conditions.

According to the survey "Public Security in Georgia"¹¹⁰, doctors and nurses are considered the most corrupted profession in Georgia.

¹¹⁰ United Nations Observer Mission in Georgia (UNOMIG), Public Security in Georgia: Crime Victimization, Fear of Crime, Fraud, Corruption and Policing, March, 2006,

3.4.3.4 Discrimination in Health Care System

World Vision Georgia and GYLA tried to find out any cases about discrimination, but unfortunately it was very difficult to obtain. The contact person in ICCN confirmed that there is no official information regarding any type of discrimination in Georgia, especially in the health care system.¹¹¹

3.4.3.5 Health care services of non-state agents

It is very difficult to draw a clear picture of the health status of Georgian population. Data collection is difficult because of various factors including the demographic movement and communication problems. In addition, the use of different definitions and methods of data collection and recording added to staffing problems and a lack of co-ordination result in inaccuracy in the field of reproductive health statistics. Due to the present economic situation in Georgia the data obtained is not sufficient, possibly due to underreporting. Georgia has one of the highest rates of producing doctors and nurses in the world. Midwives still play a central role in providing health care for pregnant women.

The government tries to reform the health care system but the economic situation and the threat of unemployment for medical staff make it very difficult. Although maternity hospitals are relatively easy to access, many of them are under-equipped. Sanitary conditions in hospitals are poor and health risks resulting from abortion are high, especially in rural areas.¹¹²

The United Methodist Committee on Relief (UMCOR) is the not-for-profit global humanitarian aid organization of the United Methodist Church) Georgia has distributed medicine and medical supplies to approximately 100 health institutions since 1993. The program, funded by the US Department of State, uses medicines donated primarily by American pharmaceutical companies to UMCOR partners. This distribution is complemented by training for Georgian health practitioners on the use of the donated medicines. In addition, non-medical commodities such as hygiene kits, school kits and layette kits from UMCOR Sager Brown, the United Methodist Relief Supply Depot, are distributed to over 200 orphanages, elderly homes, IDP communal centres, and other institutions with vulnerable Georgians. Between 2004 and 2005, medicines, supplies and other commodities worth USD \$4,660,246 (7.803.582 GEL (Lari)) were imported into Georgia by UMCOR for distribution. In total, about 300,000 persons in Tbilisi, Imereti Region in western Georgia, and Gali District benefited.

Since its inception, UMCOR Georgia has implemented myriad health programs that cover a broad spectrum of health needs. In two emergency pharmaceutical projects, UMCOR trained doctors provided women and children with medicines, ultimately serving over 500,000 beneficiaries. From 1994 through 1997, UMCOR was the only source for this medication for patients with Diabetes Insipidus. UMCOR distributed USDA-funded infant formula and dry whole milk in response to low rate of breastfeeding. During 1999-2003

available at: http://www.police.ge/en/Survey/PublicSecurityinGeorgia_final.pdf accessed at July, 31, 2007

¹¹¹ ICCN, Rusudan Gotsiridze

¹¹² Geneva Foundation for Medical Education and Research, Levan Baramidze, *Reproductive Health in Georgia*, available at: http://www.gfmer.ch/Endo/PGC_network/Georgia.htm#2H accessed at 7 August 2007

UMCOR has physically renovated health care facilities, promoted public education on health care concerns, trained medical practitioners, improved capacity of local health care providers, and facilitated improvements in pharmaceutical distribution and packaging.¹¹³

The Georgian government unveiled a plan on January 15 to invest GEL(Lari) 520 million (about USD 302 million) in the construction of about 100 new hospitals and outpatient clinics across the country in the next three years.

While speaking to a governmental commission in charge of healthcare reforms, Georgian Prime Minister Zurab Nogaideli said that new hospitals will be built in all regional centres, including 23 in the capital, Tbilisi.

“What we have now is a poor healthcare system and poor healthcare infrastructure, and the absence of proper economic principles in this sector. Doctors, patients and the government are all dissatisfied with the current situation; so there is a broad consensus in society to restructure the current system,” PM Zurab Nogaideli said.

“The relocation of current [public] hospitals to new buildings will take place by 2009, according to the plan,” Lado Chipashvili, the Minister for Healthcare and Social Issues, said.¹¹⁴

UNICEF will conduct in-depth health and nutrition assessments and apply appropriate interventions accordingly. UNICEF aims at providing medical kits, continuing exclusive breastfeeding and nutrition programmes in all affected areas. Additionally, UNICEF endeavours to support routine immunization activities, supply cold chain equipment and vaccines, and upgrade health professionals’ skills as well as distribute health supplies to children and women in need.¹¹⁵

3.4.3.6 Diseases unable to treat in the country

The Department of Public Health Care in the Ministry of Health, Labour, and Social Affairs of Georgia responded to the application, that there does not exist a list of diseases, which cannot be treated effectively in Georgia and therefore it could not provide the demanded information.

Georgia has one of the highest tuberculosis burdens in Eastern Europe. According to the *World Health Organization (WHO) Global TB Report 2006*, there were 3,717 new cases in 2004, 45 percent of which were sputum smear-positive (SS+). This is a decrease from 4,244 cases in 2003. Directly Observed Therapy, Short-Course (DOTS) detection increased from 58 percent in 2003 to 79 percent in 2004, reaching the international target set by WHO of 70 percent.

¹¹³ United Methodist Committee on Relief, Georgia Health, available at: [Hhttp://new.gbmg-umc.org/umcor/work/fieldoffices/work/georgia/?lid=7652&n=3003&ccid=419H](http://new.gbmg-umc.org/umcor/work/fieldoffices/work/georgia/?lid=7652&n=3003&ccid=419H) accessed at 7 August, 2007

¹¹⁴ Civil Georgia Online Magazine, Government Plans to Invest Gel 520 Mln in New Hospitals, 2007 available at [Hhttp://www.civil.ge/eng/article.php?id=14457H](http://www.civil.ge/eng/article.php?id=14457H) accessed at 7 August, 2007

¹¹⁵ Unicef, Unicef Humanitarian Action Georgia, 2005, available at: [Hhttp://www.unicef.org/emerg/files/georgia_summary2005.pdfH](http://www.unicef.org/emerg/files/georgia_summary2005.pdfH) accessed at 7 August 2007

Between 2001 and 2004, USAID funds for TB programming in Georgia averaged \$840,000 (1.406.580 GEL (Lari)) per year; in 2005, TB funding reached \$1.1 million (1.8 million GEL (Lari)).¹¹⁶

Population of the village Tchitatskari and Zugdidi region are most susceptible to the risk of infectious diseases because of a new garbage-dump left by Russian peacekeeping forces.

The local population protested against existence of garbage-dump that may cause pollution of drinking water. Almost 20 residents of the village already have retained virus that causes diarrhea. The population has requested specialists to arrive for research of drinking water.¹¹⁷

3.4.3.7 Supply with standard medicines

The Agency of Medicine in Ministry of Labour, Health and Social Affairs stated in response to the application regarding information on supply of medicine, that delivery of supply takes place on regular basis and there is no problem related with it. However, it is broadcasted periodically, that numerous hospitals have run out of anti-rabic vaccines and citizens have problems identifying the hospitals where the vaccine is available. It is noteworthy that usually the problem is solved rapidly and it has more to do with mismanagement of the state-owned hospitals, than the supply process itself.

¹¹⁶ USAID, Infectious Diseases Georgia, 2006 available at: [Hhttp://www.usaid.gov/our_work/global_health/id/tuberculosis/countries/eande/georgia_profile.html](http://www.usaid.gov/our_work/global_health/id/tuberculosis/countries/eande/georgia_profile.html) accessed at 7 August 2007

¹¹⁷ The Georgian Times, Infection Risk in Zugdidi Region, 2007, available at: [Hhttp://www.geotimes.ge/index.php?m=home&newsid=2841H](http://www.geotimes.ge/index.php?m=home&newsid=2841H) accessed at 7 August 2007