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E-mail: [helpdesk@cri-project.eu](mailto:helpdesk@cri-project.eu)

## COUNTRY SHEET

### GEORGIA

**November  
2008**

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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"<sup>1</sup> 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 abroad<sup>2</sup>. 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"<sup>3</sup>, 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 if the prolongation of its validity is not possible,

certificate of residence in 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(or the copy of it),

driver's license(or the copy of it),

birth certificate(or the copy of it),

copy of the identity card of the national of Georgia,

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<sup>1</sup> Organic Act of Georgia #5 on citizenship of Georgia, March 25, 1993, article 32

<sup>2</sup> 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, 27 June 1996, article 20<sup>1</sup> (1)

<sup>3</sup> Presidential Decree # 1048 "On Approval of Statute on Certificate to Return to Georgia", 14 December 2005, article 8 (1)

- written confirmation of the leader of the tourist group about person's identity

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"<sup>4</sup>, 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"<sup>5</sup>, Georgian citizen or a foreigner of age of 14 undergoes obligation to apply for registration and obtain identification certificate. Registration and granting of identification certificate is an integrated procedure<sup>6</sup> 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 (residence) certificate.

A foreigner may apply to a Georgian consulate or diplomatic body abroad for visa or residence permit. There are several types of visas: diplomatic, service, ordinary, study and residence.

**Diplomatic and service visas** shall be issued for the period of stay of 90 days; term of validity of visa shall not exceed 180 days.

As an exception diplomatic or service visa may be issued for one year period of stay.

Foreign staff of diplomatic missions and consular posts, as well as similar representations accredited to Georgia need visas for their first entry to the territory of Georgia. During their accreditation period they stay in the country and cross the border on the basis of accreditation card issued according to the determined rule of the Ministry of Foreign Affairs of Georgia, if other is not provided by international obligation.

**Ordinary visa** shall be issued for determined period of time which shall not exceed 1 year.

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<sup>4</sup> Act of Georgia # 2325 - rs on status of foreigners, 27 December, 2005, 2005, article 2 (b)

<sup>5</sup> 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

<sup>6</sup> 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)"

Duration of stay in Georgia determined by ordinary visa is 90 days, if it is issued for the period of 6 months, but 180 days - if it is issued for the period of one year. Furthermore, during each entry duration of stay shall not exceed max. 90 days.

**Residence visa** shall be issued to an alien for entry to Georgia, who has or may have residence permit of Georgia and meantime is abroad while obtaining the permit.

Residence visa is issued for the period of 1 year (duration of stay is 180 days). Decision on issuing residence visa shall be made by the Ministry of Justice of Georgia.

In cases determined by the Georgian legislation visa/entry permit for three months can be issued by the Border Police of Georgia (sub-divisional institution of the Ministry of Internal Affairs) at border crossing points situated at the Georgian State Border.

**When issuing a Georgian visa, the term of validity of the travel document of an alien should exceed the term of validity of visa at least for three months.**

It is possible to extend the term of validity of **diplomatic and service categories of visas** on the territory of Georgia that is carried out by the Ministry of Foreign Affairs of Georgia.

Also it should be taken into account that persons who possess ordinary visas, in case of staying on the territory of Georgia longer than the period determined by the visa, should apply to the Ministry of Justice to receive temporary or permanent residence before the expiration of their visas<sup>7</sup>.

When application is made for 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

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<sup>7</sup> Act of Georgia "On Status of Foreigners", supra note 4, articles 5-10; Ministry of foreign affairs of Georgia, [http://www.mfa.gov.ge/?sec\\_id=467&lang\\_id=ENG](http://www.mfa.gov.ge/?sec_id=467&lang_id=ENG), accessed at 5 November 2008.



- Andorra;
- San Marino;
- Iceland;
- United Arab Emirates;
- Kuwait;
- South Korea;
- State of Qatar;
- Kingdom of Bahrain;
- Sultanate of Oman.

List of the countries who have visa free movement agreements with Georgia for holders of certain types of passports<sup>8</sup>

Republic of Azerbaijan - visa free movement for all kinds of passports

- **Republic of Armenia** - visa free movement for all kinds of passports
- **Republic of Belarus** - visa free movement for all kinds of passports
- **Republic of Bulgaria** - visa free movement for diplomatic passports for 90 days stay
- **Republic of Kazakhstan** - visa free movement for all kinds of passports
- **Republic of Kyrgyzstan** - visa free movement for all kinds of passports
- **Republic of Moldova** - visa free movement for all kinds of passports
- **Republic of Tajikistan** - visa free movement for all kinds of passports
- **Ukraine** - visa free movement for all kinds of passports
- **Republic of Uzbekistan** - visa free movement for all kinds of passports
- **Peoples Republic of China** - visa free movement for diplomatic and service passports and tourist groups
- **Islamic Republic of Iran** - visa free movement for diplomatic and service passports up to 30 days stay
- **Romania** - visa free movement for diplomatic and service passports up to 90 days stay
- **Republic of Turkey** - visa free movement for all kind of passports up to 90 days stay
- **Republic of Hungary** - visa free movement for diplomatic and service passports for 30 days stay
- **Turkmenistan** - visa free movement for diplomatic and service passports up to 30 days stay
- **Arab Republic of Egypt** - visa free movement for diplomatic and service passports up to 30 days stay

To obtain diplomatic or service visa the application of diplomatic body or consulate of the relevant state is necessary. Diplomatic, business, regular and study visas must be issued within 7 days after application. This time limit may be extended for no more than a month.

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.

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<sup>8</sup> Ministry of foreign affairs of Georgia, [http://www.mfa.gov.ge/?sec\\_id=467&lang\\_id=ENG](http://www.mfa.gov.ge/?sec_id=467&lang_id=ENG), accessed at 5 November 2008.

Residence permit may be temporary or permanent<sup>9</sup>. 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.
- There is reasonable assumption that a foreigner is the victim of trafficking.

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 on those special grounds again.

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;
- 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 fee<sup>10</sup>.

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<sup>9</sup> Act of Georgia on status of foreigners, supra note 25, article 16(2).

- The notification to prove the legality of incomes.

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 domicile<sup>11</sup>.

### 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 passport issue should contain the following documents:

- a) ID card of citizen of Georgia, or residence permit certificate for stateless person
- b) 2 photos 3.5X4.5 sm (current photos in colour)
- c) Official fee cheque from bank for passport issue

If the applicant is under 18, or is incapable, the following documents shall be submitted:

The notary document of his or her guardian is obligatory. (If the applicant under 18 is in official marriage and such a document is not necessary).

- a) Birth certificate original if the person is under 16
- b) ID, if the person is or about 16
- c) 2 colour photos 3.5X4.5
- d) 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 70 USD
- **Travel Document 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 should be issued as soon as possible, but within 45 days from submitting the application. The consulate fee is 30 USD (50 GEL ((Lari))).

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<sup>10</sup> 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", 28 June 2006, 2006, article 3

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

Visa is granted by Georgian consulates or diplomatic bodies.

- List of the countries whose citizens **do not need a visa** to enter and stay on the territory of Georgia for 90 days as well as list of the countries that have **visa free movement agreements** with Georgia you can find in 1.1.2.
- **Residence visa** shall be issued to an alien for entry to Georgia, who has or may have residence permit of Georgia and meantime is abroad while obtaining the permit. Residence visa 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)<sup>12</sup>;
  - In case of necessity, competent authority may interview the person to check veracity of the presented documents.

#### Visa Fees

Single ordinary visa up to 90 days stay	-30 US dollars
Double entry visa up to 90 days stay	-45 US dollars
Multiple ordinary visa up to 90 days stay	-50 US dollars
Double entry visa up to 180 days stay	-60 US dollars
Multiple ordinary visa up to 180 days stay	-100 US dollars
Single ordinary transit visa	-5 US dollars
Double ordinary transit visa	-10 US dollars
Multiple ordinary transit visa	-30 US dollars
Residence visa	-50 US dollars
Visa transfer to valid passport	-5 US dollars <sup>13</sup>

- Persons, who plan to stay on the territory of Georgia for longer period than determined by their ordinary category of visa, must apply to regional services of the Civil Registration Agency of the Ministry of Justice of Georgia and receive **temporary or permanent residence permit**.
- 
- 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).

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<sup>12</sup> e.g., if a person is granted residence permit, on the ground of his labor relationships conducted on the territory of Georgia

<sup>13</sup> Ministry of foreign affairs of Georgia, [http://www.mfa.gov.ge/?sec\\_id=467&lang\\_id=ENG](http://www.mfa.gov.ge/?sec_id=467&lang_id=ENG) (accessed 20 November 2008)

- o **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"<sup>14</sup> 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 (33 GEL (Lari)).

## 1.2 Travel to country of origin

### 1.2.1 By air

#### "Georgian Airways" Direct Flights<sup>15</sup>

*Please note:*

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

from	To	Tbilisi	Duration	Price
Paris			7:40	EUR 505 (1061 GEL (Lari))
Moscow	through		5:05	EUR 250 (approximately) (525 GEL)
Kiev				
Frankfurt			5.30	EUR 420 (882 GEL)
Minsk			4:30	EUR 215 (452 GEL)
Amsterdam			8:10	EUR 470 (987 GEL)
Kiev			4:55	EUR 220 (462 GEL)
Dubai			4:10	EUR 255 (536 GEL)
Athens			4:45	EUR 420 (882 GEL)
Tel-Aviv			8:05	EUR 248 (521 GEL)
Vienna			5:40	EUR 415 (872 GEL)
St. Petersburg	through		–	EUR 300 (approximately)
through Kiev				

<sup>14</sup> Act of Georgia "On State Levy", 29 April 1996, N1363 - II s

<sup>15</sup> All the information listed below was obtained from the office of Georgian Airways  
<http://www.georgian-airways.com/main.php?page=departures>  
<http://www.georgian-airways.com/en/map.htm>  
<http://www.georgian-airways.com/main.php?page=passengerinfo#passport#results>

(630 GEL)

For prices contact to ticketing office at Tbilisi Airport: (995 32) 48 55 77

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.

#### **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 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, knives and sharp objects 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 7m<sup>3</sup> - 1 570kg, Back 15m<sup>3</sup> - 2 889kg

Total dimension affront and back compartment - 22 m<sup>3</sup>, 4461 kg

#### **Boeing 737 - 400**

Dimensions of cargo compartment doors – 1.20m X 0.89m  
– Front 17.2m<sup>3</sup> - 3304kg, Back 21.9m<sup>3</sup> - 4187kg

Total dimension of front and back compartment - 39.1 m<sup>3</sup>, 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 computer games and 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.

### **Baggage claims**

All baggage claims are covered by the Warsaw Convention and its amendments, which state the limit of liability for airlines regarding baggage claims. Baggage (and the items within it) is valued by its weight not its cost. A lost bag will thus be compensated based on the items on the inventory form up to a maximum of USD 20 per kilo. This also applies to damaged baggage and items contained in it. The last carrier assumes liability for all baggage claims.

Due to your baggage safety, please do not include in check-in baggage: fragile, valuable or perishable articles and precious metals, personal and business documents, conference materials and publications, money and securities, photo and video equipment, mobile phones and electric devices. (Air Company has no responsibility in case of loss of these articles)

### **Delayed Baggage:**

The Air Company "**Georgian Airways**" takes all possible measures to locate your baggage and return it to you. To shorten the tracing period to a minimum, the "Lost and Found" staff need to know as much information as possible concerning your delayed baggage. Air Company does not provide information about delayed baggage transported by other carries. In such cases, please, contact the respective airline.

In Case of delay, please contact the available representative of the Air Company or handling agent of airport, who will file the Property Irregularity Report.



Before receiving your baggage, please keep the following: Property Irregularity Report, baggage tag, air ticket, boarding pass, receipt for excess baggage. (Otherwise your baggage claim will not be accepted).

**Damaged Baggage:**

Air Company "Georgian Airways" and its partners are not liable for minor cuts, scuffs, dents and dirt. In case of other damages to your baggage passenger should notify about it the available representative of the air company immediately upon arrival, then demand to file Damage Report and apply in writing to Customer Claims Service of the air company within seven days after baggage arrival or within 21 days in case of baggage delay after receiving it.

*Contact details: Rutsaveli Ave 12, Tbilisi, Georgia*

*Tel.: + 99532 485560 / 485577  
+ 99532 999 130  
Fax: + 99532 999 660*

*E-mail:*

*[Info@georgian-airways.com](mailto:Info@georgian-airways.com)*  
*[booking@georgian-airways.com](mailto:booking@georgian-airways.com)*

**Country Office**



**AUSTRIA**

Elena Gaiashvili

Parking 12A  
2  
1010 Vienna  
Tel.: + 43 1 214 78 77  
Fax: + 43 1 218 30 80

E-mail: [airzenavie@aen.at](mailto:airzenavie@aen.at)



**FRANCE**

Merab Khorguani

12, boulevard Bonne Nouvelle  
750140 Paris, France  
Tel.: + 33 14 801 67 24  
Fax: + 33 14 801 67 58

E-mail : [khorguani@georgian-airways.com](mailto:khorguani@georgian-airways.com)



**GERMANY**

Gia Okujava - Frankfurt

Pfälzer Weg 11  
D-65474 Bischofsheim  
Tel : +49 ( 0 ) 6144-402 408  
Fax : +49 ( 0 ) 6144-402 9958

mail: [gia@georgian-airways.com](mailto:gia@georgian-airways.com)



**RUSSIA**

Moscow: Gela Gventsadze  
58.Plyushikha street. Moscow  
Te\Faxl.: +495 937 65 26  
Airport Domodedovo  
Tel: + 7 495 540-86-64  
Fax: + 7 495 258-93-07  
Email: [gela@georgian-airways.com](mailto:gela@georgian-airways.com)

St. Petersburg: Sandro

Zaldastanishvili

Tel: 7 962 684 68 42

E-mail: zam200707@rambler.ru



**NETHERLANDS**

Amsterdam -Lia Kevkhisvili

Add:Westelijke Randweg 59

118CR Luchthaven Schipol

P.O. Box 75569

Fax: 31 204 53 77 07

Tel: 31 203 41 11 29

Tel: 31 621 43 56 01

E-mail: Amsterdam@georgian-airways.com



**ARMENIA**

Yerevan

Ruben Bagdasarov

Tel: 37 491418644

Fax: 37410538796

E-mail: bagdasarov@yahoo.com

**BELARUS**

MINSK - ALEKO BAIDOSHVILI

Tel: (+37529)168768

PLANETA GRIO

Add: 33 KARL MARKS STR., OFFICE  
3

Tel: (+37517)3286266, 2272640

ALATAN TOUR

Add: 21 YANKY KUPALA STR.

Tel: (+37517)2272858

E-mail: minsk@georgian-airways.com

**UKRAINE**

Kiev

IEV/Borispol

Tamaz Metreveli

Add:Rustaveli str. 22-a.01001.kiev.

Tel/Fax: 38 04 42 87 23 56

Tel/Fax: 38 04 42 87 44 37

(Travel agency)

**GREECE**

Athens

Nika Lomtadze

Add: Sygrou ave. 7,  
11743, Athen.

Fax: 30 21 09 21 33 85

Tel: 30 21 09 21 34 00

E-mail: nick@amphitrion.gr

**UNITED ARAB EMIRATES**

Dubai

Zviad Mukbaniani

Add: DNATA travel center

Sheikh Zayd Road, Dubai. U.A.E

Tel: 97143166981

Tel: 97143166666

Fax: 97142273027

E-mail: zviad@georgian-airways.com

**ISRAEL**

TEL-AVIV

Giorgi Shengelia

Add: 124, Ben Yehuda Str. TEL-  
AVIV 63401 israel

Fax: 9 72 35 29 13 49

Tel: 9 72 35 29 13 48

E-mail: georgian@zahav.net.il

**USA**

Washington, DC - Special Fares

Tel: 1 800 220 31 06

Fax: 1301 315 23 86

E-  
mail: michael@specialfares.webmail.com

NY - Panorama Travel, Suite 1019

New York 10010, U.S.A

Tel: 1 212 741 0033

Fax: 1 212 645 6276

E-mail: vera@panoramatravel.com

## "Carlson Wagonlit" Direct Flights<sup>16</sup>

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 416	Georgian Airways
Frankfurt	Tbilisi	EUR 420	Georgian Airways
Amsterdam	Tbilisi	EUR 471	Georgian Airways
Athens	Tbilisi	EUR 422	Georgian Airways
Paris-	Tbilisi	EUR 505	Georgian Airways
London	Tbilisi	EUR 1319	BMI
Vienna	Tbilisi	EUR 870	Austrian Airlines
Munich	Tbilisi	EUR 1549	Lufthanza
Istanbul	Tbilisi	EUR 304	Turkish Airlines
Prague	Tbilisi	EUR 566	Czech Airlines
Dubai	Tbilisi	EUR 254	Georgian Airways
Riga	Tbilisi	EUR 250 (appr.)	Air Baltic
Tel-aviv	Tbilisi	EUR 248	Georgian Airways
Minsk	Tbilisi	EUR 215	Belavia
Kiev	Tbilisi	EUR 210	Sky Georgia
Baku	Tbilisi	EUR 110	Azerbaijan Airlines

## 1.2.2 By land<sup>17</sup>

### By Bus<sup>18</sup>

Batumi	Tbilisi	6.30 hours	22GEL(Lari)
Poti	Tbilisi	6 hours	20GEL (Lari)
Kobuleti	Tbilisi	6 hours	20GEL (Lari)
Batumi	Tbilisi	6.30 hours	22GEL(Lari)

<sup>16</sup> 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: [keti@carlsonwagonlit.com.ge](mailto:keti@carlsonwagonlit.com.ge), [reservations@carlsonwagonlit.com](mailto:reservations@carlsonwagonlit.com), web-address: [www.carlsonwagonlit.com](http://www.carlsonwagonlit.com)

<sup>17</sup> Contact details: *Railway statioTbilisi, Georgia. Directory service. Phone : ( 995 32) 56-47-60, (995 32) 56-35-66*

<sup>18</sup> Contact details: *Bus Station, Tbilisi, Georgia. Directory service Phone :( 995 32) 75-34-33*

### 1.2.3 By Sea<sup>19</sup>

Port "Burgas" (Bulgaria) Eurasia shipping Ltd.

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

Instra Ltd.<sup>20</sup>

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 checkpoints<sup>21</sup>. Act of Georgia "On State Border of Georgia"<sup>22</sup> 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

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<sup>19</sup> Contact details: Port Poti, Georgia- Eurasia shipping Ltd. 21 Ggedze st. Tel: (8 293)7 03 70;  
Contact person-Lena Sidnikova;  
( 995 77) 401 2 01 IrakliTsekvashvili -Travel Agent; (995 77) 411 1 71 Rosenivanov - Travel Agen;  
E-mail: [brokerburgas2@intershipping-bq.com](mailto:brokerburgas2@intershipping-bq.com)  
Port Burgas, Bulguaria ,( 359) 56 844 279; fax: 56 840 255; web-address: [www.intershipping.net](http://www.intershipping.net)

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

<sup>21</sup> Decree of the President of Georgia N 676 on approval of state border regime and rule of its protection", 20 December 1999,article 2(1)

<sup>22</sup> Act of Georgia N 1536-rs on state border of Georgia", 17 July 1998, article 2(i)

visa for adults and birth certificate and registration in adults' travel documents for persons under 18).<sup>23</sup>

### 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.<sup>24</sup> 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 9<sup>th</sup> Chicago Convention.

### 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.<sup>25</sup> 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.<sup>26</sup>

### 1.3.3 By Sea

Foreign and Georgian ships undergo border control at docks or in case of necessity during search.<sup>27</sup> 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.<sup>28</sup> 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

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<sup>23</sup> 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)

<sup>24</sup> Id, article 4(2)

<sup>25</sup> Id., article 3 (2)

<sup>26</sup> Id, article 6(1)

<sup>27</sup> Id., article 8(1)

<sup>28</sup> Id, article 9(2)

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.<sup>29</sup> 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*

##### **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 years. But this provision is not used regarding: a) foreigners/stateless persons who have asked asylum to the Georgian government, if some other crime is not committed; b) a person who has crossed the border illegally because of actually being the victim of trafficking before legally obtaining such status<sup>30</sup>. Article 190<sup>2</sup> 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

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<sup>29</sup> Id., article 15(1)

<sup>30</sup> Criminal Code of Georgia, 22 July 1999, N 2287 rs, article 344(1)

years<sup>31</sup>) 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 crime<sup>32</sup> 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;

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 Georgia<sup>33</sup>, 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 hours<sup>34</sup>:

- Food products with cost of 500 GEL with gross weight of 30 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 1000 GEL (3000 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 permitted<sup>35</sup>;
- 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

<sup>31</sup> Act of Georgia N 2287 rs on criminal code of Georgia, supra note 32, article 12(2)

<sup>32</sup> 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.

<sup>33</sup> Act of Georgia N3545 - rs on customs code of Georgia, 25 July 2006, article 90(1)

<sup>34</sup> Tax code of Georgia, Law No. 692, 22 December 2004, article 270<sup>5</sup>.

<sup>35</sup> This norm does not include on alcohol and cigarettes, imported by an individual (physical person) under age of 18.



- 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)<sup>36</sup>;
- 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:

- Various kinds of jewellery such as precious metal, stones, antiques, and pieces of art-works, 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 1000 GEL (Lari) (3000 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 Georgia<sup>37</sup>. 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 emergency<sup>38</sup> or under martial law<sup>39</sup> special rule may be introduced regarding the entrance or exit of a territory. In case of necessity, freedom of

<sup>36</sup> Act of Georgia N 1226 - Is on customs fees, 18 February 1998, article 5(a)

<sup>37</sup> Constitution of Georgia, 24 August 1995, article 22(1)

<sup>38</sup> Act of Georgia N 972 - Is on emergency, 17 October 1997, article 4 (g,d)

<sup>39</sup> Act of Georgia N 1032 - Is on military situations, 31 October 1997, article 4 (g,d)

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 23<sup>rd</sup> 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 Abashidze<sup>40</sup>. As no support came from Russia, the state of emergency was soon terminated<sup>41</sup>.

The state of emergency for 15 days was declared by the Presidential decree<sup>42</sup> in whole Georgia on late evening November 7 after violent dispersal<sup>43</sup> of demonstrations in Tbilisi. Parliament affirmed the decree within 2 days. The state of emergency was cancelled on November 16<sup>44</sup>, a couple of days earlier than scheduled as it was decided that the situation was already under control. The decree stated that there has been an attempt of destabilization and overturning of the government<sup>45</sup>. According to the opinion of Georgian Young Lawyers Association - GYLA the raids against peaceful demonstrators was the gross violation of the constitutionally guaranteed right to assembly.<sup>46</sup>

The problem of conflict region Abkhazia seems to be the greatest concern of the Georgian State. There are about 240,000 internally displaced persons from Abkhazia. The humanitarian situation in Georgia is usually described as an "extended emergency". After 15 years of displacement, IDPs are still in dire socio-economic conditions. Approximately 43-45% of them reside in collective centres in sub-standard living conditions, while the remaining 55-57% - in crowded conditions with host families or in rented apartments. Both quality education and access to basic public services remain to be prominent needs for the majority of IDPs and refugees<sup>47</sup>.

There were 133,000 displaced people registered as a result of the August war 2008. 78, 000 of them have returned to their homes. According to Russian authorities in North Ossetia, fewer than 2,000 people remain there out of some 30,000 who fled from South Ossetia in August<sup>48</sup>. (According to the Norwegian Refugee Council, an estimated 1500 people have

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<sup>40</sup> Wikipedia, the free encyclopedia, Aslan Abashidze, available at:

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

<sup>41</sup> News and Analyses On-line Publication Pravda.Ru, *Aslan Abashidze Won't Lift State of Emergency in Adjara Soon*, March 22, 2004, available at:

<http://newsfromrussia.com/world/2004/03/22/52917.html> accessed at July 31, 2007

<sup>42</sup> Official web-site of the President of Georgia -<http://www.president.gov.ge/PDF/decree.pdf> accessed at 21 November 2007

<sup>43</sup> Rustavi 2 -Broadcasting Company -

[http://rustavi2.com/news/news\\_text.php?id\\_news=23397&ct=25&im=main&ddd=&ddd2=&month=12&year=2007&srch\\_w=&srch=&wth=&rec\\_start=&rec\\_start\\_nav=&ddd2=23-11-07&month=12&year=07](http://rustavi2.com/news/news_text.php?id_news=23397&ct=25&im=main&ddd=&ddd2=&month=12&year=2007&srch_w=&srch=&wth=&rec_start=&rec_start_nav=&ddd2=23-11-07&month=12&year=07)

, accessed at 21 November 2007

<sup>5</sup> Rustavi 2 -Broadcasting Company -

[http://rustavi2.com/news/news\\_text.php?id\\_news=23397&ct=25&im=main&ddd=&ddd2=&month=12&year=2007&srch\\_w=&srch=&wth=&rec\\_start=&rec\\_start\\_nav=&ddd2=23-11-07&month=12&year=07](http://rustavi2.com/news/news_text.php?id_news=23397&ct=25&im=main&ddd=&ddd2=&month=12&year=2007&srch_w=&srch=&wth=&rec_start=&rec_start_nav=&ddd2=23-11-07&month=12&year=07)

, accessed at 21 November 2007

<sup>45</sup> Official web-site of the President of Georgia -<http://www.president.gov.ge/PDF/decree.pdf> accessed at 21 November 2007.

<sup>46</sup>Georgian Young Lawyers Association - <http://www.gyla.ge/?display=news&view=604> accessed at 21 November 2007.

<sup>47</sup>Norwegian Refugee Council - <http://www.nrc.no/?aid=9168163> accessed at 14 November 2007

<sup>48</sup> The UN High Commissioner on Refugees, <http://www.unhcr.org/news/NEWS/48f862c52.html>, accessed at 28 November 2008.

fled from Upper Kodori, the Georgian controlled part of Abkhazia. Most of the displaced were ethnic Georgians)<sup>49</sup>.

During the past few years, an estimated number of 45,000-55,000 people have spontaneously returned to the Gali District of Abkhazia<sup>50</sup>. 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.

Contrary to the Georgian government claims, the de facto authorities state that nobody will be forced to take Abkhaz citizenship<sup>51</sup> and only the right to vote will be reserved for citizens.<sup>52</sup> 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.<sup>53</sup>

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.<sup>54</sup> 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.

On 23 October 2008 the Georgian Parliament<sup>55</sup> declared the following Georgian territories to be under Russian occupation: a) the Autonomous Republic of Abkhazia; b) the Tskhinvali region (former "South Ossetian Autonomous District"); c) the maritime territories of Georgia in the Black Sea bordering the land between the rivers Fso and Enguri; d) the air space above all these territories.

The state of emergency is declared on the occupied territories. In addition, the movement, economic activities, transactions related to the real estate are restricted there.

A foreigner or a stateless person can enter the occupied territories only from the territories under control of Gori and Zugdidi municipalities. Using other ways of entry is prohibited and such behaviour will be punished<sup>56</sup>. In the exclusive cases the permit may be issued for foreigners whose entry serves the state interests of Georgia, peaceful settlement of the conflict, de-occupation or humanitarian purposes.

The responsibility for the violations of Human Rights on occupied territories is shifted to Russia.

### 1.6.1.2 Practical Obstacles

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<sup>49</sup> <http://www.nrc.no/?did=9315034>, accessed at 28 November 2008.

<sup>50</sup> Norwegian Refugee Council - <http://www.nrc.no/?aid=9168163> accessed at 14 November 2007

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>53</sup> Laws to regulate these questions do not yet exist. Crisis Group focus group discussion, local NGOs, Sukhumi, July 2006.

<sup>54</sup> 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.

<sup>55</sup> Law on Occupied Territories, N 431, 23 October 2008.

<sup>56</sup> The illegal crossing of border is punished from three to five years of imprisonment (Georgian Criminal Code, No. 2287, 22 July 1999, art. 344, ).

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 during spring months of the last years.

As a result of the August war, it is impossible to move safely into the occupied territories. Thomas Hammarberg, the Council of Europe's human rights commissioner, said he was "not satisfied" with the refusal of the proxy authorities in Tskhinvali/South Ossetia region to allow IDPs to return home<sup>57</sup>.

In addition:

- "South Ossetian militias are running wild, attacking ethnic Georgians in Akhgori," Human Rights Watch said recently, calling on Russia to take immediate steps to stop the ethnic cleansing in Georgian-populated villages inside and outside the conflict zone. The group said it had documented attacks and harassment by militias against ethnic Georgians in Akhgori and surrounding villages<sup>58</sup>,"
- The EU Monitoring Mission members were shot on 16 November 2008 near the administrative border between the regions of Abkhazia and Samegrelo<sup>59</sup>;
- Another incident took place on 17 November 2008, when two Georgian police officers were killed when an unmanned Russian spy plane exploded after crashing on Georgian territory<sup>60</sup>.

### 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.<sup>61</sup>

<sup>57</sup> <http://www.civil.ge/eng/article.php?id=19966>, accessed at 24 November 2008.

<sup>58</sup> Human Rights Watch, <http://www.hrw.org/en/news/2008/11/25/russia-protect-civilians-occupied-georgia>, accessed at 27 November 2008.

<sup>59</sup> Associated Press, [http://news.yahoo.com/s/ap/20081116/ap\\_on\\_re\\_eu/eu\\_georgia\\_observers](http://news.yahoo.com/s/ap/20081116/ap_on_re_eu/eu_georgia_observers), accessed at 27 November 2008.

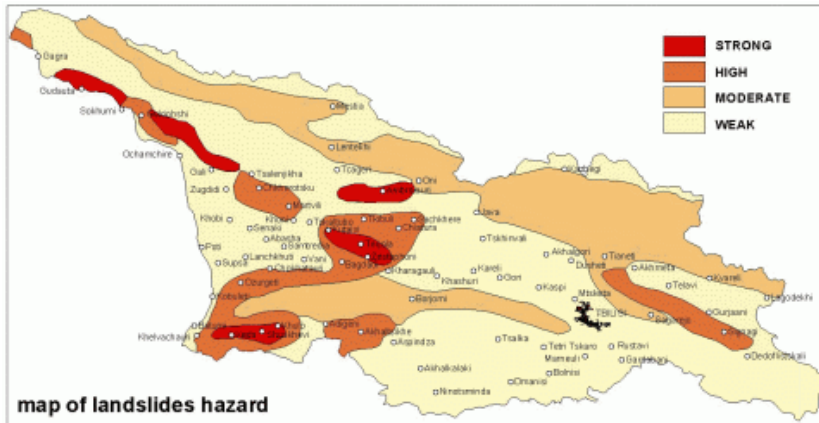
<sup>60</sup> [http://news.yahoo.com/s/afp/20081117/wl\\_afp/georgiarussiaconflict\\_0811172](http://news.yahoo.com/s/afp/20081117/wl_afp/georgiarussiaconflict_0811172)

04052, accessed at 27 November 2008.

<sup>61</sup> Georgian Geophysical Society, Natural hazards of Territory of Georgia, 2002 [www.ggs.org.ge/others-natural.htm](http://www.ggs.org.ge/others-natural.htm) (accessed 20 November 2008)

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

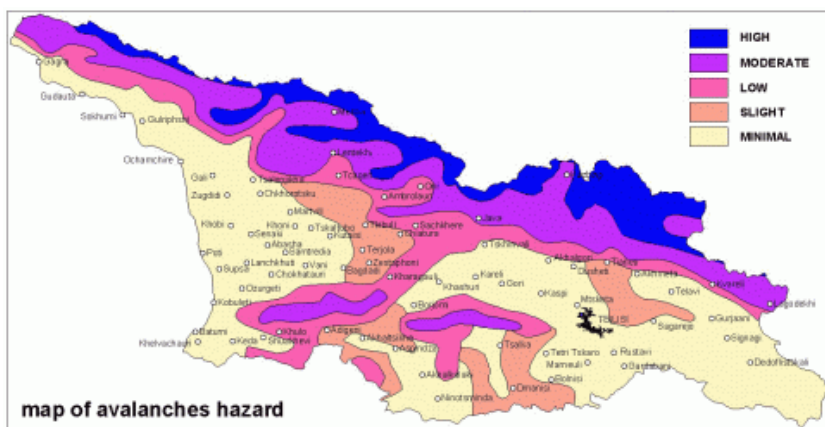
1. Insignificantly dangerous - the low mountains at Lesser Caucasus (LC) and southern slopes of Greater Caucasus (GC).
2. Moderately dangerous regions of high mountains.
3. Very dangerous - highest regions of GC; here, avalanche occurs regularly. The avalanche takes place mostly (70% of them) in the 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 Svaneti 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.<sup>62</sup>



Source : [www.ggs.org.ge/others-natural.htm](http://www.ggs.org.ge/others-natural.htm)

### Landmines in Georgia<sup>63</sup>

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 the landmines in Georgia are located near the Ingur river that divides Abkhazia from the rest of Georgia. The remaining threat comes mainly from mines laid around existing and former Russian military bases. At least five bases are considered mine-affected, but the total number may be higher since Georgia claims that it did not receive information from Russia on mined areas, including the types of mines laid or maps of their locations. At least five bases are considered mine-affected, but the total number may be higher since Georgia claims that it did not receive information from Russia on mined areas, including the types of mines laid or maps of their locations.

The invasion of Russian military troops on the territory of Georgia in August 2008 caused new wave of mine attacks, mainly in Gori-Tskhinvali corridor<sup>64</sup>. There is still NO EVIDENCE OF ANY ANTI-VEHICLE MINES BEING LAID IN ANY ROADS in the Gori-Tskhinvali corridor<sup>65</sup>. This area, where the actual conflict took place, has two obvious threats.

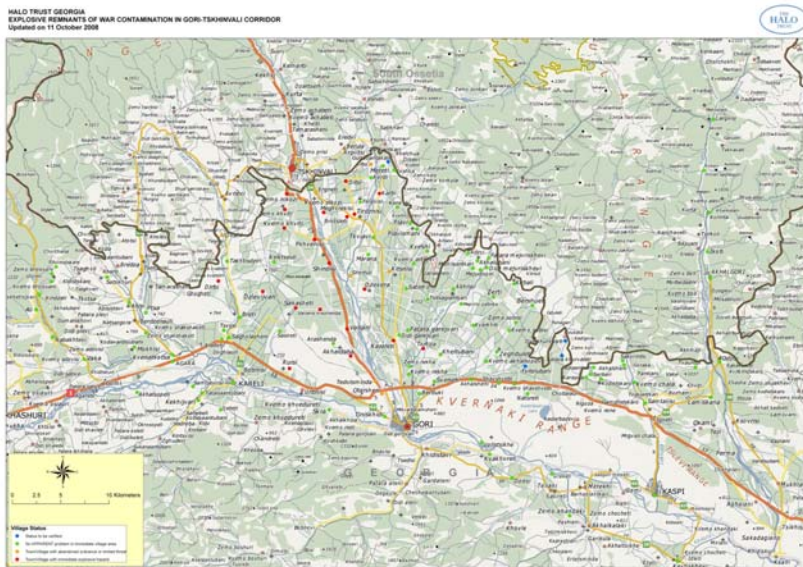
<sup>62</sup> Georgian Geophysical Society. Natural hazards of Territory of Georgia, 2002  
[www.ggs.org.ge/others-natural.htm](http://www.ggs.org.ge/others-natural.htm) (accessed 20 November 2008)

<sup>63</sup> Landmine Monitor, *Georgia, Mine Ban Policy* 2007  
<http://www.icbl.org/lm/country/georgia/> (accessed 20 November 2008)

<sup>64</sup> HALO (Hazardous Area Life-Support Organisation)Trust Georgia , mine situation assessment (23 August 2008)

<sup>65</sup> HALO (Hazardous Area Life-Support Organisation)Trust Georgia  
<http://www.halogeorgia.org/> (accessed 20 November 2008)

1. There is contamination from several types of cluster bomb sub-munition, which are geographically contained and which HALO has already started to mark. These areas are extremely dangerous and no agency should attempt to work close to them (within 300m of a strike area) as an accidental explosion caused by a third party is an ever-present possibility.
2. In contrast the second obvious threat is in those areas, which exist across the corridor, where ammunition has been abandoned. Although these areas are visibly more threatening (there are literally tonnes of abandoned ammunition piled up), in fact these are far safer as the possibility of them exploding accidentally is relatively remote unless tampered with by locals (who are collecting the wooden boxes for other use, or collecting scrap metal for the scrap trade, or explosives for fishing or set fire to).



Source: <http://www.halogeorgia.org/Gori-Tskhinvali.jpg>

### 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: 35-60-17, 34 49 24, 34 72 39 inquiry office

3. Tbilisi central autostation (Bus station "Ortachala"), 1 Gulas Str., Tbilisi  
Tel: 75-04-20, 75 34 33, 75 45 35 inquiry office
4. Bus station "Dedaqalaqi" Vagzlis Moedani, Tbilisi  
Tel: 56 61 13 inquiry office
5. Bus station "Gldani" 10 L.Vekua Str., Tbilisi  
Tel: 75 04 20 inquiry office

#### Train station

1. Railway station, 2 Vagzali str., Tbilisi  
Tel: 56 64 20, 56 47 60, 56 35 66 inquiry office

Price list:	Bus Price	Mini Bus price	Train
Tbilisi- Batumi	19.00-20.00	20.00	23.00
Tbilisi- Akhaltsikhe	-	12.00	4.00
Tbilisi- Zugdidi	15.00	18.00	5.50- 15.00
Tbilisi- Kutaisi	12.00	15.00	5.00- 10.00
Tbilisi- Ozurgeti	15.00	15.00	6.00- 15.00
Tbilisi- Mtskheta	3.00	5.00	N/A
Tbilisi- Rustavi	3.00	3.00	N/A
Tbilisi- Telavi	7.00	8.00	N/A
Tbilisi- Yazbegi	-	10.00	N/A
Tbilisi- Dusheti	4.00	4.00	N/A
Tbilisi- Gori	5.00	7.00	N/A
Tbilisi- Marneuli	4.50	5.00	N/A
Tbilisi-Tkibuli	12.00	12.00-15.00	N/A
Tbilisi- Mestia	N/A	20.00	N/A
Tbilisi- Borjomi	7.00	7.00	N/A

## 2 Physical security in return area

### 2.1 On-going armed conflicts

Abkhazia<sup>66</sup> and South Ossetia<sup>67</sup> 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

<sup>66</sup> International Crisis Group, Abkhazia Today, 15 September 2006, available at: <http://www.crisisgroup.org/home/index.cfm?id=4377&l=2> accessed at 26 July 2007

<sup>67</sup> International Crisis Group, South Ossetia, Refugee Return the Path to Peace, 19 April 2005, available at: <http://www.crisisgroup.org/home/index.cfm?id=3380&l=2> accessed at 31 July 2007



freeze in diplomacy over Abkhazia since mid-2006. In the absence of a new initiative, new violence is a real possibility"<sup>68</sup>.

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.<sup>69</sup>

Russia publicly warned against Georgia's NATO bid early 2008. Tensions flared when Russia in April 2008 increased support for breakaway Abkhazia: after announcing its recognition of legal documents issued by de facto authorities, Moscow moved additional peacekeepers into Abkhazia, citing Georgian plans of invasion. Amid controversy over violations of Georgian airspace and continued bellicose rhetoric, Tbilisi July withdrew Moscow ambassador.<sup>70</sup>

Current leader of South Ossetia Eduard Kokoiti - elected in unrecognized presidential elections in 2001 and 2006 - aims for reunification with North Ossetia within the Russian Federation. New fighting broke out in South Ossetia in summer 2004, when Tbilisi attempted to resolve the conflict through anti-smuggling operations, leading to casualties on both sides. In 2007 Georgia proposed changes to peace negotiations to replace OSCE-led Joint Control Commission and established provisional administration in Georgian-controlled areas of the conflict zone. Russia and South Ossetia never accepted modifications and negotiations between sides remained suspended until early August 2008 when situation deteriorated significantly in conflict zone with Georgian attack on Tskhinvali (on 8 August 2008), followed by Russian counter-offensive.<sup>71</sup>

On 13 August, the Russian and the Georgian governments signed a provisional ceasefire mediated by France, but the same day Russia and Georgia traded accusations of ceasefire violations. On 16 August, the parties signed revised version of the ceasefire agreement, but Russian troops remained in several areas of Georgia (Reuters, 19 August 2008).

The European Union has sent more than 200 observers to Georgia, in line with a 12 August ceasefire deal brokered by French President Nicolas Sarkozy. Their operation began on 1 October and their mission's initial duration is one year. The unarmed observers, from 22 EU countries, are working in close co-ordination with the United Nations and the European security body, the OSCE.

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<sup>68</sup>International Crisis Group, *Abkhazia: Ways Forward*, 2007, available at: [http://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

<sup>69</sup> International Crisis Group, *supra* note 52

<sup>70</sup> International Crisis Group, *Conflict History*, updated in August 2008 [http://www.crisisgroup.org/home/index.cfm?action=conflict\\_search&l=1&t=1&c.country=42](http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c.country=42), (accessed 21 November 2008)

<sup>71</sup> International Crisis Group, *Conflict History*, updated in August 2008 [http://www.crisisgroup.org/home/index.cfm?action=conflict\\_search&l=1&t=1&c.country=42](http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c.country=42), (accessed 21 November 2008)

Russia has refused to let the monitors enter the two breakaway regions. The EU observers have the task of ensuring that the situation stabilises in the conflict zone, that human rights are not violated there and that internally displaced people can return home. Their liaison work is aimed at confidence-building and an easing of tensions.

In aftermath of August war, EU monitoring mission confirmed Russian withdrawal from territory adjacent to South Ossetia and Abkhazia by 10 Oct deadline - around 7.600 Russian troops to remain in breakaway regions. EU mission blocked from South Ossetia, amid separatist authorities' accusations that observers ignored "Georgian provocations"<sup>72</sup>

## *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 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.<sup>73</sup> 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 for. 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".

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 staff<sup>74</sup>.

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.

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<sup>72</sup> International Crisis Group, Conflict Watch, updated at 1 November 2008  
[http://www.crisisgroup.org/home/index.cfm?action=cw\\_search&l=1&t=1&cw\\_country=42&cw\\_date=](http://www.crisisgroup.org/home/index.cfm?action=cw_search&l=1&t=1&cw_country=42&cw_date=)  
= (accessed 21 November 2008)

<sup>73</sup> Georgia's Armenian and Azeri Minorities, Europ Report n°178, 22 November 2006, *i*.

<sup>74</sup> United nations department of safety and security, Bogdan Kantorski, Regional Security Advisor

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.

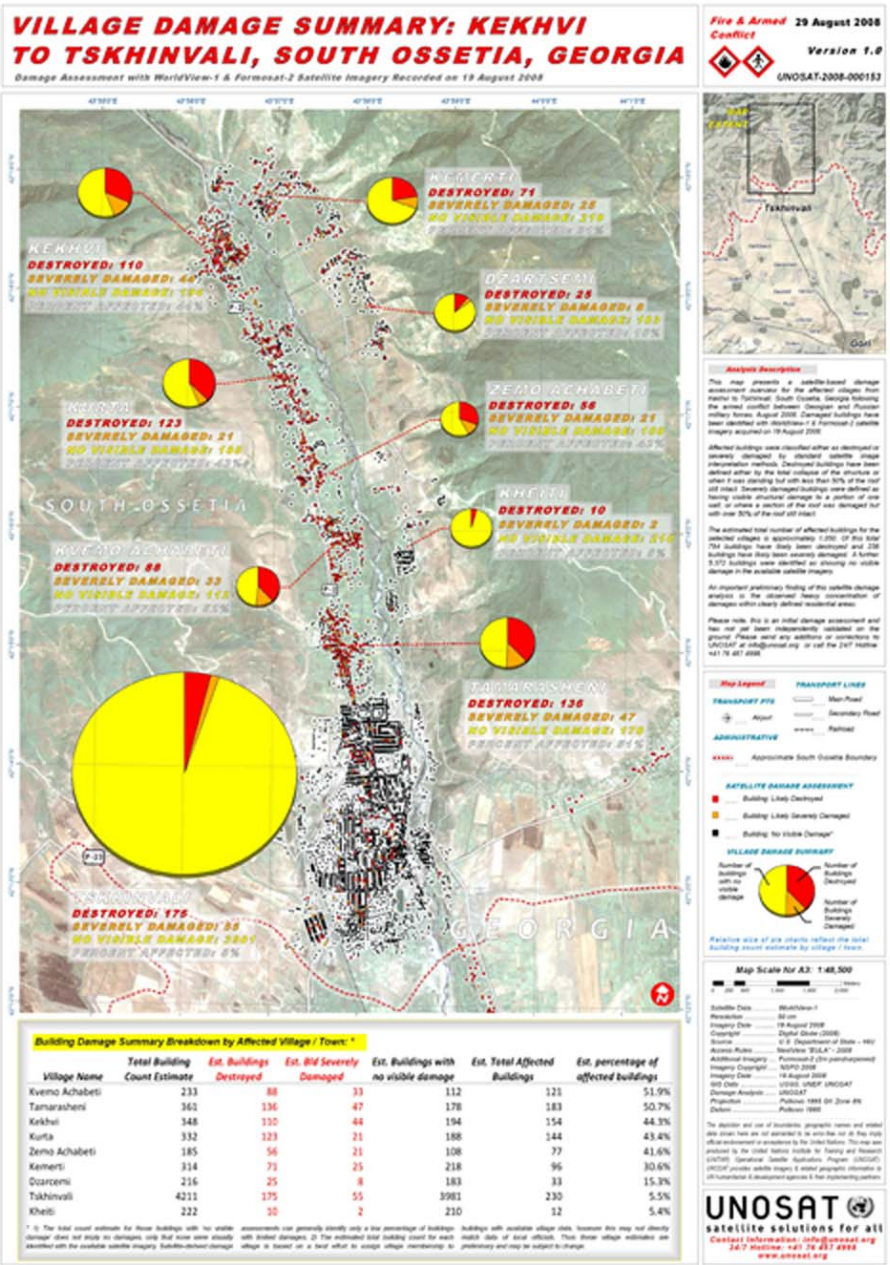
After the tragic developments of August 2008, security situation around conflict zones still fragile with car bomb in Tskhinvali 3 October killing 9 Russian troops. Near Abkhazia, local official and 2 civilians killed in blast 25 October, following fatal shootings 24 October of local official in Gali district and 22 of Abkhaz defence ministry’s intelligence unit chief Eduard Emin-Zade.<sup>75</sup>

Gori-Tskhinvali region represent high-risk area caused by presence of Russian military troops on the Georgian Territory and Mine danger (See also 1.6.2), situation on the end of August 2008<sup>76</sup>:



<sup>75</sup> International Crisis Group, Conflict Watch, updated at 1 November 2008  
[http://www.crisisgroup.org/home/index.cfm?action=cw\\_search&l=1&t=1&cw\\_country=42&cw\\_date=](http://www.crisisgroup.org/home/index.cfm?action=cw_search&l=1&t=1&cw_country=42&cw_date=)  
= (accessed 21 November 2008)

<sup>76</sup> World Vision Georgia Operation Center, Zakaria Nadirashvili-WV Field Security Officer



According to the Report of the Secretary-General on the situation in Abkhazia, Georgia<sup>77</sup>, the situation in the Gali sector has been tense in the aftermath of the 6 July explosion in the town of Gali, the ensuing restrictions on crossing the ceasefire line and general fears among the local population of an impending resumption of hostilities. The Human Rights Office resumed its normal monitoring activities in the district of Gali on 4 September. There were reports that the unstable situation had had negative effects on the hazelnut

<sup>77</sup> United Nations Observer Mission in Georgia (UNOMIG) <http://www.unomig.org/> (accessed 21 November 2008)

harvesting season, which had begun in August. Population is still feared becoming the target of criminal actions, including being subjected to unregulated levies occasionally imposed on the residents.

In Zugdidi sector, the situation was tense even before the events in August, due mainly to serious disagreements between the CIS peacekeeping force and Georgian law enforcement representatives and also due to the persistent claims by Georgian officials of impending Russian and Abkhaz military operations targeting the Kodori Valley.

Following the clash on 9 July between Georgian and Abkhaz forces in the strategically located Achmkhara area in the lower Kodori Valley, the situation in the area became very tense. On 16 September, UNOMIG attempted to conduct a regular joint patrol with the CIS peacekeeping force to the upper Kodori Valley but was compelled to return because of reports of unexploded ordnance along the way.

## 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.<sup>78</sup> 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

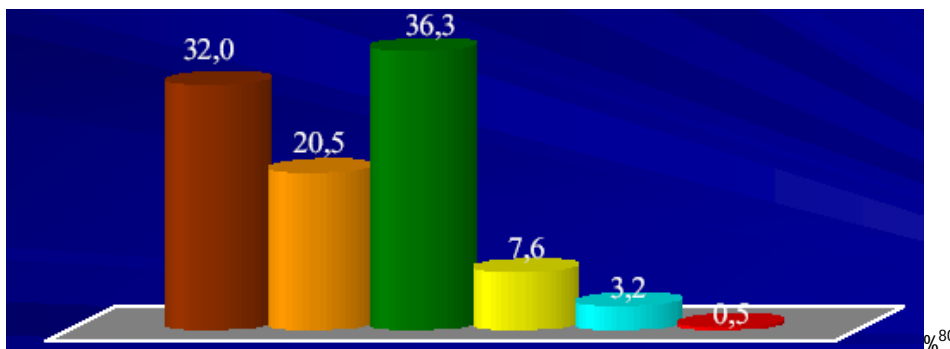
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<sup>78</sup> United Nations Observer Mission in Georgia (UNOMIG), Public Security in Georgia: Crime Victimization, Fear of Crime, Fraud, Corruption and Policing, March, 2006, available at: [http://www.police.ge/en/Survey/PublicSecurityinGeorgia\\_final.pdf](http://www.police.ge/en/Survey/PublicSecurityinGeorgia_final.pdf) accessed at 10 November 2008

conflict region (Abkhazia) it is more criminogenic. However, even statistical data retrieved from Ministry of Internal Affairs do not attest of such peculiarities.<sup>79</sup>

A more recent survey was conducted in 2006 among 1200 respondents in Tbilisi. On the question regarding safety, the respondents gave following answers:

- Absolutely safe
- More safe than unsafe
- More or less safe
- Unsafe
- Absolutely unsafe
- Does not know



As a result of the war between Russia and Georgia in August 2008 the “security zones” were established surrounding the regions of Samachablo (“South Ossetia”) and Abkhazia. The European Union has allocated a Monitor Mission (E U M M) there. The number of unarmed monitors is 200 (plus 100 support stuff)<sup>81</sup>. Nonetheless, violence is reported from these zones on the territories under control of Russia as well as Georgia. Thus, the physical security of persons is under threat in these zones<sup>82</sup>.

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

Georgia was a country of transit and origin, and very rarely a destination for trafficked persons. Women were trafficked from the country to Turkey, Greece, the United Arab Emirates, North America and Western Europe to work in hotels, bars, restaurants, or as domestic help. Many were exploited in the adult entertainment sector or forced into prostitution. Victims most frequently came directly from Tbilisi or the impoverished former industrial centres of Poti, Kutaisi, and Rustavi... There also was evidence that women from

<sup>79</sup> See Id., at 13

<sup>80</sup> [http://police.ge/\\_downloads/BCG\\_kvleva.pdf](http://police.ge/_downloads/BCG_kvleva.pdf), accessed at 10 November 2008.

<sup>81</sup> <http://www.america.gov/st/peacesec-english/2008/October/20081001165722dmslahrellek0.8745386.html>, accessed at 25 November 2008.

<sup>82</sup> New York Times, 10 November 2008, <http://www.nytimes.com/2008/11/11/world/europe/11georgia.html?th&emc=th>, accessed at 25 November 2008.

other countries of the former Soviet Union were trafficked through the country to Turkey, sometimes using fraudulently obtained passports<sup>83</sup>.

Traffickers were largely freelance domestic operators with connections outside the country as well as some small international operations. They often used offers of employment from friends and families or offers of overseas jobs from tourism or employment agencies to lure potential victims<sup>84</sup>.

In spring 2006, the country incorporated into its domestic law the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, and the Council of Europe Convention on Action against Trafficking in Human Beings<sup>85</sup>. Under this law the State Fund for Protection and Assistance of Victims of Trafficking was created and approved by the President of Georgia. A person should have a victim status to get assistance from the Fund. The State Fund has shelters for the victims in Batumi and Tbilisi. People are provided with legal, medical and psychological assistance<sup>86</sup>.

**Hot-line of the Ministry of Internal Affairs: (995 32) 30 08 07**

**Hot-line of the Prosecutor General's office: (995 32) 99 74 10**

The goal of **Social Assistance to Trafficked Persons project of World Vision Georgia** is to contribute to Georgian National Action Plan against Trafficking through providing sustainable assistance to trafficked persons and victims of illegal labour and sexual exploitation. Social assistance includes social worker services, medical, psychological, education, employment assistance and in some cases apartment rent. To benefit from the project victim isn't obligated to cooperate with Special Operations Department of the Ministry of Internal Affairs or State Fund. In the frame of the project was also created **Trafficking National Hotline - 100 229**, which after the completion of the project will come into State Fund ownership.

**Office of Georgian Public Defender**

Tbilisi, Matchabeli str.11  
(995 32) 99 58 98

**Anti-Violence Network**

Tbilisi, Antonovskaja str. 9  
T : (995 32) 50 60 64, 39 89 34

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<sup>83</sup> US Department of State, Country Report on Human Rights Practices in Georgia, March 11 2008; <http://state.gov/g/drl/rls/hrrpt/2007/100560.htm> (accessed 31 October 2008).

<sup>84</sup> US Department of State, Country Report on Human Rights Practices in Georgia, March 11 2008; <http://state.gov/g/drl/rls/hrrpt/2007/100560.htm> (accessed 31 October 2008).

<sup>85</sup> US Department of State, Country Report on Human Rights Practices in Georgia, March 11 2008; <http://state.gov/g/drl/rls/hrrpt/2007/100560.htm> (accessed 2 June 2008).

<sup>86</sup> Web-portal on Human Rights in Georgia, <http://humanrights.ge/index.php?a=article&id=2265&lang=en> (accessed 3 June 2008).

**Kutaisi, Rustaveli ave. 37**  
(995 231) 51084

**Gurdjaani, Noneshvili str. 13**  
(995 253) 22947

**Batumi, Kazbegi str. 18**  
(995 88222) 76370

**Zugdidi, Gamsakhurdia str. 45**  
(995 215) 52408, 51703

**Akhaltsikhe, Kostava str. 18**  
(995 265)21708

**Gori, Agmashenebeli ave. 5**  
(995 270)77945

**International Organisation for Migration (IOM)**  
**Tbilisi, Gogebashvili str. 41**  
(995 32) 91 34 61

**Gurdjaani, Noneshvili str. 3**  
(995 253)22183

**Kutaisi, Rustaveli ave. 3**  
(995 231) 44443

**Batumi, Chavtchavadze ave. 90**  
(995 88222) 31347

The President of Georgia has approved the National Action Plan 2007-2008 against Trafficking. The plan involves: public discussions, awareness rising, implementation of various preventive measures, strengthening legal mechanisms, work with minors (young people under 18), development of shelters' network, safeguarding the return of the Georgian victims to the homeland, improvement of the relevant investigation...<sup>87</sup>

The Criminal Code of Georgia<sup>88</sup>, articles 143<sup>1</sup> and 143<sup>2</sup>, prohibit trafficking in persons, including minors, for sexual, labour and other forms of exploitation. Article 143<sup>1</sup> deals with the trafficking in adults. The punishment is imprisonment from seven to twenty

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<sup>87</sup> The Order of the President #23, 25 January 2007.

<sup>88</sup> Criminal Code of Georgia, #2287, 22 July 1999.



years. Article 143<sup>2</sup> deals with the trafficking in minors. Minors are defined as anyone below the age of eighteen. The punishment is imprisonment from eight years to life. The Code prohibits internal and external forms of trafficking, although transborder trafficking is an aggravated form of the crime.

Article 1433 of the Code criminalizes the use of services of a (statutory) trafficking victim. Such act is punishable by three to 15 years' imprisonment<sup>89</sup>.

Georgian legislation discharges the trafficked victim from the criminal liability.

The Code of Civil Procedure<sup>90</sup> provides for confiscation of assets of convicted traffickers, members of their families, their close relatives, and persons related to traffickers if these assets were acquired through trafficking in persons. Such assets are to be used to satisfy the needs of the trafficking victim, while any remaining assets go to the state. A victim can also claim civil damages from the trafficker during the criminal proceedings.

The Legal Aid Centre of GYLA has a number of cases where the discussed issue is involved. Out of eighteen victims, sixteen are women. Majority of them are Georgian citizens. Mainly, from the region Kvemo Kartli, populated by national minorities. Majority of victims have been trafficked from the country. As a rule, the courts of Georgia have succeeded to convict the accused under the Criminal Code of Georgia<sup>91</sup>.

The lawyer of Georgian Young Lawyers' Association, Mrs. Ketevan Kachlishvili, who is working on trafficking cases, stated, that the Georgian government has become more interested and active in the fight against trafficking.

Mark Hulst, the representative of the International Organization for Migration, stated, that Georgian legislation enables them to foresee all measures taken in support of a trafficking victim. The practical usage of the laws should be improved. However, the situation is much better than in previous years. "The main reason to involve a person in the trafficking is unemployment. People get in hold of traffickers in the search of employment", Mr. Hulst noted<sup>92</sup>.

Georgian Public Defender, Sozar Subari, reported that Georgia has succeeded in the fight against trafficking; however, it is not enough. In order to resolve the problem the whole society should take part in the fight against the trafficking<sup>93</sup>.

The Secretary of the Coordination Council stated that the Council tries to implement preventive measures against trafficking and has prepared documents that are necessary for the assistance, identification and final reintegration of trafficking victims<sup>94</sup>.

The Permanent Group working at the Coordination Council has the right to declare a person a victim of a trafficking. A person declared a victim by the investigative bodies, automatically enjoys the same status as a person declared victim by the Council. The procedure for someone being declared a victim of trafficking starts by the person's first

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<sup>89</sup> Criminal Code of Georgia, #2287, 22 July 1999.

<sup>90</sup> Code of Civil Procedure, #1106, 14 November 1997, Chapter XLIV<sup>1</sup>.

<sup>91</sup> Information provided by the lawyer of GYLA, Ketevan Kachlishvili on 31 October 2008.

<sup>92</sup> Web-portal on Human Rights in Georgia, <http://humanrights.ge/index.php?a=article&id=2265&lang=en> (accessed 31 October 2008).

<sup>93</sup> Web-portal on Human Rights in Georgia, <http://humanrights.ge/index.php?a=article&id=2265&lang=en> (accessed 31 October 2008).

<sup>94</sup> Web-portal on Human Rights in Georgia, <http://humanrights.ge/index.php?a=article&id=2265&lang=en> (accessed 31 October 2008).

communication with the police organs, NGOs, Hospitals, the Public Defender's office or the shelter<sup>95</sup>.

The State Fund for the Protection of Trafficking Victims was set up in 2006. A person should have a victim status to get assistance from the Fund. The State Fund has a shelter for the victims. People are provided with legal, medical and psychological assistance. Besides, there is a hot-line service at the fund and people are given over-phone consultations<sup>96</sup>.

The victim is given 1 000 GEL after leaving the shelter. Social worker gives advice how to spend the money. After the victim leaves the shelter, the Fund continues working within the rehabilitation policy with them. Social worker works with the victim during twelve months. However, the meetings are not frequent; social workers try not to interfere in the victim's personal life<sup>97</sup>. The shelter system is fully operational<sup>98</sup>.

The head of the State Fund for the Protection of Trafficked Victims stated that there are not legislative problems in Georgia. There are only technical and social problems now. Many problems regarding the trafficking were regulated in July 2006 when the Law on Trafficking was adopted. There were established the Coordination Council, to classify the priorities; the State Fund to protect the trafficking victims and a Permanent Group working on the status of a trafficking victim<sup>99</sup>.

A robust public information campaign ensures that information about trafficking is widely available through law enforcement agency Web sites, public service announcements, antitrafficking television programming, and brochures at the country's main ports of entry<sup>100</sup>.

**GYLA has a project called "No to trafficking!"**

The hot-line in Tbilisi is (995 32) 995076,

Kutaisi - (995 231) 14585,

Batumi - (995 888 222) 33622

E-mail: [NOTIP@gyla.ge](mailto:NOTIP@gyla.ge) .

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,

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<sup>95</sup> Order of the President #78, 1 February 2007, articles 2.1; 3.5; 1.1 and 2.1

<sup>96</sup> Web-portal on Human Rights in Georgia,  
<http://humanrights.ge/index.php?a=article&id=2265&lang=en> (accessed 31 October 2008).

<sup>97</sup> Web-portal on Human Rights in Georgia,  
<http://humanrights.ge/index.php?a=article&id=2265&lang=en> (accessed 31 October 2008).\

<sup>98</sup> US Department of State, Country Report on Human Rights Practices in Georgia, March 11 2008;  
<http://state.gov/g/drl/rls/hrrpt/2007/100560.htm> (accessed 31 October 2008).

<sup>99</sup> Web-portal on Human Rights in Georgia,  
<http://humanrights.ge/index.php?a=article&id=2265&lang=en> (accessed 31 October 2008).

<sup>100</sup> US Department of State, Country Report on Human Rights Practices in Georgia, March 11 2008;  
<http://state.gov/g/drl/rls/hrrpt/2007/100560.htm> (accessed 31 October 2008).

trafficking in persons and smuggling of migrants continue to challenge the capacity of the government.”<sup>101</sup>

There are 29 presumed victims of trafficking discovered by World Vision Georgia during 2006-2008, from them 12 victims had become assistance in the frame of Social Assistance to Trafficked Persons Project.

“However, the risk of becoming a victim of human trafficking within Georgia is unquestionably high because of high level of unemployment, poverty and social insecurity in Georgia”, - said Social Assistance to Trafficked Persons Project manager Teona Kupunia.

**Child trafficking** represents one of the most hideous crimes and unfortunately it still takes place in most parts of the world, Georgia is not immune. The main reasons behind child trafficking are forced labour, adoption and mainly sexual exploitation<sup>102</sup>. Incidents of the commercial sexual exploitation of children, particularly for prostitution and pornography, are reported, especially among girls<sup>103</sup>. According to the Ministry of Education, there are more than 1.200 street children in the capital city of Tbilisi.

There is no reliable data about child trafficking in Georgia. But at the moment World Vision Georgia in cooperation with Organisation for Security and Cooperation in Europe is preparing assessment on this issue.

The survey conducted by GYLA recently reveals several trends concerning the issues related to trafficking in Georgia:

- The child trafficking cases are very rare in Georgia and these are exceptional cases;
- The victims of trafficking are, generally, treated equally regardless their nationality or the country where the fact of trafficking had happened;
- According to the legislation, Georgia can provide shelter for those victims of trafficking, who are foreigners; however, none of the foreigners have expressed their will to stay and live in Georgia yet;
- The State Fund for the Protection of Trafficking victims operates quite effectively;
- The cooperation among the State Fund, the Coordination Council and local NGOs is good;
- The International Organization of Migration - IOM - is actively involved in all counter-trafficking activities of the country (*see also the web-site of IOM: <http://www.iom.int/jahia/Jahia/pid/781>*);
- The identification of victims of trafficking happens quickly and this provides quick assistance to them; since 2006 it happened only once that the procedure of giving the status was extended beyond the set time limit;
- There is a problem regarding the privacy of the victims when the matter reaches the media; journalists are inattentive to the confidentiality of personal details;

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<sup>101</sup> International Organization for Immigration, *Georgia: Overview*, 2007, available at: <http://www.iom.int/jahia/Jahia/cache/offonce/pid/781> accessed at 31 October 2008

<sup>102</sup> Violence Against Children in Georgia. An Alternative report to the UN Committee on the Rights of the Child on the Implementation of the Convention on the Rights of the Child 47th session, January 2008, Geneva, Tbilisi, August 2007

<sup>103</sup> U.S. Department of State, Country Reports - 2003: Georgia, Section 5

- The foreign victims of trafficking are generally safely returned to their homelands; the participation of the International Migration Organization is significant here.

### 2.3.3 Domestic Violence

Domestic violence is one of the topical problems for Georgia. From 20 to 50 percent of families suffer from it<sup>104</sup>. The Government acknowledges that DV is a problem<sup>105</sup>.

Adoption of the law on “Prevention of domestic violence and protection and assistance of the victims of domestic violence” on May 25, 2006<sup>106</sup> by the Parliament of Georgia should be considered as a positive step. The law defines domestic violence as a violation of the constitutional rights and liberties of one member of a family by another by means of physical, psychological, economic, or sexual violence or coercion; however, domestic violence is not specifically criminalized. Perpetrators of domestic violence are prosecuted under existing criminal provisions against, for example, battery or rape.

For the purpose of the law the concept of the “family member” is broad and includes: mother, father, grandfather, grandmother, spouse, child (stepchild), adopted child, foster parents, grandchild, siblings, parents of spouse, children-in-law, former spouse, persons in non-registered cohabitation, guardians, as well as persons who live or lived together.

The Georgian legislation applies to protective and restrictive orders as temporary measures issued by the competent agency or an official for swift reaction on the case of domestic violence with a view to protect victims of domestic violence and restrict certain actions of a violator.

A protective order is an act issued by a court judge, which defines temporary protection measures of victims in cases of domestic violence.

A restrictive order is an order issued by the police, which defines temporary protection measures of victims in cases of domestic violence and which shall be submitted to the court for approval within 24 hours.

The temporary protection measures include:

- Measures of protection of the victim, his/her dependent;
- Separation of a victim, his/her dependants from the abuser and placement in the shelter;
- Prohibiting the violator from arbitrary use of joint possessions;
- Separation of an abuser from children, regulation of his/her visits to and relations with children;
- Obligation of the abuser to keep distance from the victim, his/her workplace and other places where the victim is present;
- Other issues necessary for the security of a victim.

<sup>104</sup> GYLA, “THE MONITORING OF USING THE LEGAL PROTECTIVE MECHANISMS with respect to the law on “Prevention of domestic violence and protection and assistance of the victims of domestic violence, September 2006 - June 2007”, Tbilisi, 2007, p.28.

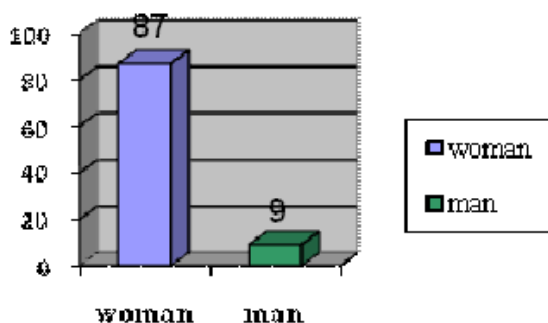
<sup>105</sup> US Department of State, Country Report on Human Rights Practices in Georgia, March 11 2008; <http://state.gov/g/drl/rls/hrrpt/2007/100560.htm> (accessed 31 October 2008).

106 #3143.

The difference between the restrictive and protective orders is the following: the policeman issues a restrictive order immediately, when reacting on the fact, when the police are summoned at the moment of abuse. The act should be submitted to the court for approval within 24 hours. As for the protective order, it is issued within 10 days by a court upon application of a competent person.

In July 2007 the Government approved the Action Plan on Measures to Prevent and Combat Domestic Violence mandated by law<sup>107</sup>. Even though the activity plan suggested only the small list of activities, carrying out of the listed activities would still generate a positive outcome concerning victim protection. The main issue was that goals set by the activity plan should be reached by the end of 2008. The problem of domestic violence is equally topical in the region; however the research demonstrated that regions are rarely presented. The reason is the low public awareness in rural areas<sup>108</sup>. GYLA monitored the implementation of the action plan. The plan has not been implemented fully. There are two major problems: 1) there is no system of well-trained social workers working with the families; 2) the government-run shelter for the victims of domestic violence does not exist yet; however, the problem is due to the August war 2008 and the government expects that the shelter will be opened soon.

In 2006 the main department of Tbilisi patrol police issued 96 restrictive orders. In 87 cases victims were women, in the rest 9 cases -men.



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Research of GYLA in the period indicated above revealed the following situation ("r.o." means a "restrictive order" and "p.o." means a protective order):

<sup>107</sup> US Department of State, Country Report on Human Rights Practices in Georgia, March 11 2008; <http://state.gov/g/drl/rls/hrrpt/2007/100560.htm> (accessed 31 October 2008).

<sup>108</sup> GYLA, "THE MONITORING OF USING THE LEGAL PROTECTIVE MECHANISMS with respect to the law on "Prevention of domestic violence and protection and assistance of the victims of domestic violence, September 2006 - June 2007", Tbilisi, 2007, p.28

<sup>109</sup> GYLA, "THE MONITORING OF USING THE LEGAL PROTECTIVE MECHANISMS with respect to the law on "Prevention of domestic violence and protection and assistance of the victims of domestic violence, September 2006 - June 2007", Tbilisi, 2007, p. 22.

Geographical unit	victim women	victim men	minor
Tbilisi	189 (r.o.) + 5 (p.o.)	25 (r.o)	3
Imereti region	13	1	1
Shida Kartli	15 (r.o.)+2 (p.o)	4 (r.o.)+ 4 (p.o)	0
<b>Total</b>	<b>224</b>	<b>34</b>	<b>4</b>

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The data above are official information. However, victims often try to conceal and not to reveal their situations and do not apply to law enforcement agencies. According to the unofficial information, facts of violence are very frequent. 3/4 (76, 9%) of the enquired think that victims of violence, family members and relatives hide facts of violence from the society. 9, 8% think that only some facts are revealed, only 4.8 consider that victims of violence and their family members do not hide cases of violence<sup>111</sup>.

According to Ministry of Internal Affairs statistics, during 2007 the police responded to 2,056 cases of family conflicts, in which 545 involved reports of domestic violence where restrictive orders were issued<sup>112</sup>.

The UN Human Rights Committee expressed concerns that a substantial number of women in Georgia are subject to domestic violence. The measures and services to protect women are insufficient<sup>113</sup>.

GYLA operated a hot-line and a shelter (together with the government) for abused women, although services at the shelter were limited due to the lack of funding and facilities. GYLA hot-line number is (995 32) 99 50 76.

Another organization that is operating its own shelter is the "Anti-Violence Network of Georgia". However, they also have limited capacities<sup>114</sup>. The hotline of the organization is (995 32) 26 16 27. Web-site: [www.avng.ge](http://www.avng.ge) . E-mail: [antiviolence@avng.ge](mailto:antiviolence@avng.ge) .

## 2.3.4 Effectiveness of protection (capacities, proficiency, corruption)

### 2.3.4.1 Police Forces

<sup>110</sup> GYLA, "THE MONITORING OF USING THE LEGAL PROTECTIVE MECHANISMS with respect to the law on "Prevention of domestic violence and protection and assistance of the victims of domestic violence, September 2006 - June 2007", Tbilisi, 2007, p. 27

<sup>111</sup> GYLA, "THE MONITORING OF USING THE LEGAL PROTECTIVE MECHANISMS with respect to the law on "Prevention of domestic violence and protection and assistance of the victims of domestic violence, September 2006 - June 2007", Tbilisi, 2007, pp.27-28.

<sup>112</sup> US Department of State, Country Report on Human Rights Practices in Georgia, March 11 2008; <http://state.gov/g/drl/rls/hrrpt/2007/100560.htm> (accessed 31 October 2008).

<sup>113</sup> Concluding observations of the UN Human Rights Committee on Georgia, CCPR/C/GEO/CO/3, 15 November 2007, pp.2-3; <http://www2.ohchr.org/english/bodies/hrc/hrcs91.htm> (accessed 31 October 2008).

<sup>114</sup> Web-site of the "Anti-Violence Network of Georgia", <http://www.avng.ge/shelter.htm> (accessed at 31 October 2008).

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 Mafia<sup>115</sup>. However, the survey conducted by the Ministry of Internal affairs of Georgia in 2006 shows that citizens are overall satisfied by the work of police. 54% of respondents (all the respondents were from Tbilisi) stated that the police deal with the crimes “quite effectively”. Majority admitted that the relations between the police and society is “more or less good”<sup>116</sup>.

Meanwhile, police faces serious challenges in Georgia. There are allegations of deaths caused by use of excessive (lethal) force by police and prison officials. Despite the reduction in allegations of torture and ill-treatment of persons in custody, reports of acts of ill-treatment by the police, especially during the arrest of suspects is still persistent.

The UN Human Rights Committee underlines the following problems in prison: overcrowding, poor rations and quality of food, inadequate access to natural light and fresh air, insufficient personal hygiene conditions, and the large number of deaths of prisoners allegedly due to the prison conditions that amount to ill-treatment in some detentions facilities<sup>117</sup>. International Human Rights organizations express the same concerns.<sup>118</sup>

The same issues are stressed in the latest report of the Public Defender of Georgia. It also says that the facts of torture and inhuman treatment of detainees by the police forces reduced in the first half of 2008. However, the existing facts of torture have not been investigated effectively<sup>119</sup>.

#### 2.3.4.2 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.”<sup>120</sup> Common courts adjudicate upon criminal, civil and administrative cases<sup>121</sup> 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

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<sup>115</sup> 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&apc\\_state=henacrsthieves%20of%20law\\_3\\_crs\\_publish\\_date\\_1\\_10\\_compact](http://www.iwpr.net/?s=f&o=259045&p=crs&l=EN&apc_state=henacrsthieves%20of%20law_3_crs_publish_date_1_10_compact) accessed at 31 July 2007

<sup>116</sup> [http://police.ge/\\_downloads/BCG\\_kvleva.pdf](http://police.ge/_downloads/BCG_kvleva.pdf) , accessed at 10 November 2008.

<sup>117</sup> Concluding observations of the UN Human Rights Committee on Georgia, CCPR/C/GEO/CO/3, 15 November 2007; <http://www2.ohchr.org/english/bodies/hrc/hrcs91.htm> (accessed at 30 October 2008).

<sup>118</sup> Human Rights Watch, <http://www.hrw.org/en/news/2007/10/24/anti-torture-body-criticizes-georgia>, accessed at 20 November 2008.

<sup>119</sup> Report of the Public Defender of Georgia, the first half of 2008, <http://ombudsman.ge/index.php?m=331> , accessed at 20 November 2008.

<sup>120</sup> Constitution of Georgia, 24 August 1995, article 42(1)

<sup>121</sup> Organic Act of Georgia N 767 - IIs on common courts, 13 June 1997, article 1(2)

will not touch upon the outcomes of regulation by the normative act which took place before its invalidation<sup>122</sup>.

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 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 Watch<sup>123</sup>. The organization also referred to the lack of independence of the judiciary<sup>124</sup>. The same issue was raised by the Human Rights Committee and the Public Defender of Georgia<sup>125</sup>.

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<sup>122</sup> Organic Act of Georgia N 95-rs on constitutional court of Georgia, 31 January 1996, article 19 (1(e))

<sup>123</sup> Human Rights Watch, Human Right Watch's Open Letter to the Tbilisi City Court Chair, 3 April 2007, available at: <http://hrw.org/english/docs/2007/04/03/georgi15650.htm> accessed at 7 August, 2007

<sup>124</sup> Human Rights Watch, <http://www.hrw.org/en/news/2006/06/29/georgia-bush-should-raise-human-rights-concerns>, accessed at 20 November 2008.

<sup>125</sup> Concluding observations of the UN Human Rights Committee on Georgia, CCPR/C/GEO/CO/3, 15 November 2007; <http://www2.ohchr.org/english/bodies/hrc/hrcs91.htm> (accessed at 30 October 2008); Report of the Public Defender of Georgia, the first half of 2008, <http://ombudsman.ge/index.php?m=331> , accessed at 20 November 2008.



### 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.<sup>126</sup> 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.

The city of Gori and region is fully safe except of number of some villages - Berbuki, Rekha, Svaneti, Kheltubani, Tortiza, Akhrisi, Mumliaantkari, Medjudispiri, Zerti, Kirbali, Bershueti, Zemo Sobisi, Kvemo Sobisi, Zegduleti, Kvemo Akhalseni, Akhalseni, Shavsvebi, Kvemo Shavsvebi, Tsitlubani, Zemo Nikozi, Kvemo Nikozi, Kvemo Khviti and Ergneti villages<sup>127</sup>

Tskhinvali region is under the control of Russian military troops.

#### 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.

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](http://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 event 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

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<sup>126</sup> International Crisis Group, *supra* note 54

<sup>127</sup> The United Nations Refugee Agency (UNHCR) situation update (End of August 2008)

budget for local residents. Since the aid depends on the extent of the regional budget, assistance provided varies from place to place<sup>128</sup>.

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).

According to the 2009 draft budget allowances for internally displaced persons will vary from 22 GEL (Lari) to 28 GEL (Lari); in addition, each displaced person will receive 5 GEL (Lari) per month to partially cover the cost of public utilities<sup>129</sup>.

### 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.

"The total number of IDPs registered in August 2008, at the peak of displacement, by the Civil Registry Agency was 131 000. From the 10th of October the Government of Georgia started the organized process of return of displaced persons to the villages to the north of Gori. Those IDPs whose houses were burnt or destroyed will receive temporary shelters in prepared shelters that will be winterized with assistance from international and local organizations. IDPs from regions where return is not envisaged in visible period of time (these regions now include the villages of the Tskhinvali region, Kodori Valley and Akhgori District) will receive new houses. In particular, new houses are built in the regions of Shida Kartli and Mtskheta-Mtianeti, and authorities are purchasing existing empty houses in the neighboring region".<sup>130</sup>

The Government of Georgia has informed the international community about its plans to construct 4 496 houses in Gori, Mtskheta, Kaspi and Kareli for IDPs who will not return in the medium term. The construction of these housing units will partly be funded by

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<sup>128</sup> (UN OCHA June 2003, pp. 17-20)

<sup>129</sup> Civil Georgia Online Magazine, 2009 Draft Budget Proposed  
[http://www.civil.ge/eng/\\_print.php?id=19722](http://www.civil.ge/eng/_print.php?id=19722) (accessed 21 November 2008)

<sup>130</sup> Presentation of the former Minister of Refugees and Accommodation of Georgia, HE Ms. Tamar Martiashvili  
[http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/11F176EB457B3F39C12574EA004266C5/\\$file/GP10\\_speech\\_Tamar%20Martiashvili.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/11F176EB457B3F39C12574EA004266C5/$file/GP10_speech_Tamar%20Martiashvili.pdf) (accessed 21 November 2008)

bilateral donations. The plan is to provide 60m2 houses, each including infrastructure and internal equipment<sup>131</sup>.

According to Koba Subeliani, current Minister of Refugees and Accommodation of Georgia, at the beginning of November 400 IDPs from South Ossetia have become new cottages in villages Koda, Shaumiani and Gardabani. The 18-month program will be also conducted for IDPs from Abkhazia. "All IDPs will become accommodation", - said Minister.<sup>132</sup>

President Program "My house" foresees registration of the real estate on the uncontrolled territories of Abkhazia and Tskhinvali region, its fixation with GIS and creation of public database on the web-page of Ministry of Refugees and Accommodation of Georgia ([www.mra.gov.ge](http://www.mra.gov.ge)). The result of the program will be property certificates for IDPs. Accordingly to the property certificates, real estate questions, IDPs returning and their participation in different rehabilitation, reintegration and repatriation programs will be managed<sup>133</sup>.

For detailed information on property issues for IDPs, see [Internal Displacement profile for Georgia](#)<sup>134</sup>.

### 3.2.3 Opportunities of building a house

#### 3.2.3.1 Conditions of obtaining land property

Under the Georgian Civil Code<sup>135</sup>, 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.<sup>136</sup> 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

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<sup>131</sup> Center for international disaster information <http://iys.cidi.org/disaster/com-dsr/ixl80.html> (accessed 12 October 2008)

<sup>132</sup> Ministry of Refugees and Accommodation of Georgia <http://www.mra.gov.ge/index.php?m=4001&tid=462&e=1> (accessed 24 November 2008)

<sup>133</sup> Ministry of Refugees and Accommodation of Georgia <http://www.mra.gov.ge/index.php?m=1000002&tid=42&e=1> (accessed 24 November 2008)

<sup>134</sup> Internal Displacement Monitoring Centre - 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 27 July, 2007)

<sup>135</sup> Law on Georgia N 786 - IIs on civil code of Georgia, 26 June 1997, article 170(1),233 (1)

<sup>136</sup> Id., article 233

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 registration<sup>137</sup>. 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<sup>138</sup>

Credits are available for building, purchasing or repairing houses, apartments or cottages. The maximum loan amount is 100,000 USD (170,000 GEL (Lari)), for furniture acquisition - 10,000 USD (17,000 GEL). The minimum loan amount is 5,000 USD (8,500 GEL). Minimum loan term is 6 months while maximum loan term is 10 years. Annual percentage rate starts from 18 %. Terms of loan repayment: in equal monthly payments, in line with the cash flow. Service Fee: 1%; minimum USD 20

The average time from submission of documents to the granting decision is 3 days.<sup>139</sup>

#### Mortgage Requirement

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

Salary	300 USD (510 GEL)
Dividend	1000 USD (1700 GEL)
Rent	600 USD (1020 GEL)
Co-signer*	400 USD (680 GEL)

\* (family member)

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
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<sup>137</sup> Act of Georgia N2635 - on registration of rights on real estate, 28 December 2005, article 13(1)

<sup>138</sup> All the data are the conditions of TBC Bank: [www.tbc.ge/eng](http://www.tbc.ge/eng)

<sup>139</sup> TBC Bank <http://www.tbc.ge/en/private/loans/mortgages/> accessed on 14 November 2007.

Length of current employment, (probationary period must be completed)	Dividend issuing company must follow established criteria set by bank	Length of rental agreement (not less than 6 months)
Employment History (not less than 2 years)	Stable dividend income(monthly, quarterly)	Recommended by a real estate specialist

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

Immovable property<sup>140</sup> 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 land<sup>141</sup>. The differentiation between immovable and movable property has practical meaning as to the rule of obtaining property rights. 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.<sup>142</sup> Although the parties may (but do not have to) certify their agreement by notary public. 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).

#### 3.2.4.2 Obstacles for certain groups

No information is available about such difficulties.<sup>143</sup>

#### 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

<sup>140</sup> Synonymic legal term for REAL ESTATE in civil law jurisdictions

<sup>141</sup> Law on Georgia N 786 - IIs on civil code of Georgia, supra note 92, article 149

<sup>142</sup> Law on Georgia N 786 - IIs on civil code of Georgia, supra note 92, article 183

<sup>143</sup> Confirmed by both the International Centre for Conflict and Negotiation and the Tolerance Institute at the Public Defender's office.

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 (330 GEL(Lari)) between houses/apartments located in different parts of the city. For example, it is possible to rent a two-bedroom apartment at the price of 150 USD (250 GEL(Lari)) in the remote district of Gldani, while apartments and houses with identical features can cost 400-500 USD (660-825 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 Kutaisi—the administrative centre of the Imereti Region—varies from 60 USD to 200 USD, whereas the price might vary from 30 USD to 80 USD in Zestafoni, another town in the Imereti Region.

Figure 1

	Batumi	Gori	Kutaisi	Ozurgeti	Rustavi	Telavi
1. Relevant approximate prices a)flats, b)lands, c)construction materials	The average price of flats, lands and construction materials is high, since Batumi is a seaside territory. The average price of a One room apartment is USD 25000-40000 (41250GEL-66000 (Lari)), the price of land 1m2 - USD 200 (330GEL(Lari)).	One room apartment- USD 10,000 (16.500 GEL(Lari))	1 room apartment 15000USD - 50,000 (24.750 - 82.500 GEL(Lari));  The new constructions- USD 350-500 (577-825 GEL(Lari)) 1m2 .	The average price of a flat -USD 8,000  Agricultural land with a middle size house -USD 5,000, House in the center of town - max 40 000 GEL	1 room apartment 11000USD - 50,000 (18.150 - 82.500 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 : 1m2 USD 400 (660 GEL(Lari)); Land: 1m2 from USD 20- up to USD 100	One room apartment -GEL 8,000-10,000; House with yard, 1m2: 30-100USD Land 1m2 - from USD 20-up to USD 100
2. Relevant approximate prices for renting	USD 150-200 (102-335 GEL(Lari))	- One room apartment in the	USD 100-200 (165 -330 GEL(Lari))	GEL(Lari) 80	GEL(Lari) 150-200	GEL(Lari) 100-150

a house or an apartment		center of the city GEL 100-200;				
3. Other middle-term accommodation opportunities (Shelter, NGOs, churches)	Some NGOs have projects which offer shelters to the vulnerable. For example shelter for Victims of Trafficking of State Fund of Protection and Assistance of Victims of Trafficking. Churches also take maintain and take care of orphanages.	No opportunity	No opportunity	No opportunity	-There aren't numerous 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	No opportunity
4. Temporary shelters available until being able to ensure long term accommodation	Unavailable	Unavailable	No opportunity	No information	Unavailable	The only possibility is to rent a house.

### 3.2.5.3 Available subsidies

See (3.2.4.4).

### 3.2.6 Availability of accommodation and care for elderly persons (state, NGOs)

Sacnoeba Sacnoetasatvis- retirement home  
Javis str.  
66-77-71

Pepeli- retirement home  
Saburtalo, 59 49 87

Home of diakon Iohan Zardeki- retirement home  
Granelis, 15  
91 03 94, 91 12 24

Mukhrani 2007 - retirement home  
Gldani II micr.  
68 11 57

Evangelic-Lutheran Home - retirement home  
Granelis, 15  
94 35 62, 94 30 80

Catharsis-VIRTUE HOUSE  
Contact Person: Zaur Aladashvili (President)  
Cell: 877 712 288  
Phone Number: 8 (22) 957 575, 95 16 46, 95 82 73  
Address: Agmashenebeli 121, III Floor, Tbilisi, Georgia  
E-mail: Catarsis@posta.ge

Savane (Elderly's Association of Georgia)  
Contact Person: Khachatur Vartaniani (President)  
Cell: 893 313 32  
Address: Tabukashvili str.44, Tbilisi, Georgia  
E-mail: savane@savane.org.ge

Taoba (Social protection of elderly)  
Contact Person: Ucha Vakhania (Director)  
Cell: 899 554 225  
Address: Nutsubidze str. 187a, Tbilisi, Georgia  
E-mail: taoba@taoba.org.ge

Didgori - Non Governmental Organization for Social and Economic Development of Georgia  
(work with lonely elderly)  
Contact Person: Anzor Gotua (President)  
Phone Number: 8 (22) 291 121/ 29 1  
Address: Tskhneti str. 14, entrance 5, VII floor, apt. 115, Tbilisi, Georgia

### 3.3 Livelihood - basic "survival"

#### 3.3.1 Employment

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



According to Department of Statistics of Georgia unemployment rate in Georgia is 13.3% in 2007.

Labour market tendencies in respect to unemployment may be observed in Table:

Table 1<sup>144</sup>

	2005	2006	2007
Population age of 15 and older, total	3159.9	3249.8	3103.8
Active population (labour force), total	2023.9	2021.8	1965.3
Employed	1744.6	1747.3	1704.3
Hired	600.5	603.9	625.4
Self-employed	1143.3	1141.6	1078.8
Not-identified worker	0.8	1.8	0.1
Unemployed	279.3	274.5	261.0
Population outside labor force	1136.1	1228.0	1138.6
Unemployment rate (percentage)	13.8	13.6	13.3
Economic activity rate (percentage)	64.0	62.2	63.3
Employment rate (percentage)	55.2	53.8	54.9

### 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 Agency<sup>145</sup> 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"<sup>146</sup>. 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 1 January 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",<sup>147</sup> 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

<sup>144</sup> Statistics Department of Georgia, *Distribution of Population age of 15 and older by economic status (2005-2007)*

<http://www.statistics.ge/main.php?pform=48&plang=1> (accessed 24 November 2008)

<sup>145</sup> 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", 17 January 2005

<sup>146</sup> Resolution N148 of the Government of Georgia "On Approval of State Program on Professional Training on Working Places", 2 August 2006

<sup>147</sup> Georgian Employers' Association, Training and Employment Project for Job-Seekers, 2006, available at: <http://www.employer.ge/site/336/default.aspx> accessed at 31 October 2007

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 Code<sup>148</sup>, 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 work (from 10 p.m. to 6 a.m.) without their consent. Under N 351 Decree of President of Georgia "On Quantity of Minimal Wages," employers are required to pay a minimum wage of 20 GEL<sup>149</sup> per month to the employees.

The minimum monthly pension will increase from the current GEL 55 to GEL 70 starting from April 1, Georgian Healthcare Minister Alexander Kvitashvili said at a press conference on March 31<sup>150</sup>. According to the 2009 draft budget, the minimal monthly pension will remain at GEL 70<sup>151</sup>.

### 3.3.1.4 Accessibility of short-term/ occasional jobs

President Saakashvili told new Prime Minister and the cabinet at a televised meeting on November 3, 2008 that reducing poverty and unemployment was the major priority. "Unemployment is major economic and political problem in the country; the world's most unbridled force has declared war against us, but we are also in war against poverty and unemployment," Saakashvili said.<sup>152</sup>

According to the Government's five year program<sup>153</sup>:

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<sup>148</sup> Act of Georgia N 3132 - Is on labour code of Georgia, 25 May 2006, article 35

<sup>149</sup> To check updated currency refer to the web-site of Tbilisi City Hall: [www.tbilisi.gov.ge](http://www.tbilisi.gov.ge)

<sup>150</sup> Civil Georgia Online Magazine, Pensions increase in Georgia from April, 1, <http://www.civil.ge/eng/article.php?id=17481&search=Unemployment> (accessed 24 November 2008)

<sup>151</sup> Civil Georgia Online Magazine, 2009 Draft Budget Proposed [http://www.civil.ge/eng/\\_print.php?id=19722](http://www.civil.ge/eng/_print.php?id=19722) (accessed 24 November 2008)

<sup>152</sup> Civil Georgia Online Magazine, Saakashvili Tells Cabinet to Eradicate Poverty, Unemployment, 2008 <http://www.civil.ge/eng/article.php?id=19877&search=Unemployment> (accessed 24 November 2008)

<sup>153</sup> Civil Georgia Online Magazine, Government's five year program <http://www.civil.ge/eng/article.php?id=17030&search=Georgia%20without%20poverty> (accessed 24 November 2008)

- One-third of state budget will be spent on social programs - this rate will be maintained for the next five years; practice of pointless social allowances will be changed with targeted purpose-oriented allowances;
- Economic growth will boost employment - USD 10 billion foreign direct investment is needed for the creation of 200,000 new jobs; former PM Gurgendidze said creation of 200,000 new jobs was the government's target for the next five years;
- Poverty reduction - number of social program beneficiaries will be halved in the next five years as a result of poverty reduction;
- USD 100 will be the minimum monthly pension.

Please also see the website [www.jobs.ge](http://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." <sup>154</sup>

### 3.3.2 Contact information relevant to recognition of education obtained elsewhere.

Statute of the Ministry of Science and Education<sup>155</sup> 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"<sup>156</sup> 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

<sup>154</sup> Civil Georgia Online Magazine, *supra* note 90

<sup>155</sup> Statute of the Ministry of Science and Education approved by the Resolution N 37 of Government of Georgia, 21 May 2004, article 2 (2)(n)

<sup>156</sup> Act of Georgia N 1330-Is on general education, 8 April 2005, article 6 (1)

### 3.3.3 Military Service

#### 3.3.3.1 Legal regulation and practice (especially for those having stayed abroad).

##### General

Each Georgian male citizen is subject to the mandatory military registration (However, there is exclusion for those, released from the military service, those in the military reserve, in prison and so on). The military commissariats (local level) do the registration<sup>157</sup>.

Each male citizen from the age of 18 to 27 has to serve in the military service<sup>158</sup>.

A person, who has not fulfilled one's military obligations, can be subject to restrictions while applying for a job in the public service<sup>159</sup>. This provision is commonly used as the admittance criterion to the public service<sup>160</sup>.

The individuals who do not follow the conscription or any other military orders are subject to criminal responsibility<sup>161</sup>.

A stateless person living in Georgia is subject to the same provisions as the Georgian citizens. A foreigner can serve in the military service upon his/her own will and approval of the Georgian President<sup>162</sup>.

There are four forms of Military Service in Georgia: mandatory, contractual (professional), military personnel and the military reserve<sup>163</sup>.

##### Mandatory Military Service

The conscription for mandatory and reserve services takes place each autumn and spring<sup>164</sup>. Mandatory service lasts for 12 months<sup>165</sup>.

The following individuals do not have to serve in the mandatory military service<sup>166</sup>:

- a) a person who has poor health conditions (each person undergoes careful medical examination before starting any type of the military service);
- b) a person who has undergone the service in a foreign country;
- c) a person being convicted for a grave or especially grave crime;
- d) a person undergoing non-military, alternative service;
- e) a person enrolled in the post - graduate studies;
- f) a person who has a scientific degree and works as a scientist or a professor;

<sup>157</sup> Law on Military Obligations and Military Service, #869, 17 September, 1997, articles 11 and 12.

<sup>158</sup> Law on Military Obligations and Military Service, #869, 17 September, 1997, article 9.

<sup>159</sup> Law on Military Obligations and Military Service, #869, 17 September, 1997, article 2.1

<sup>160</sup> Information of GYLA.

<sup>161</sup> Criminal Code of Georgia, #2287, 22 July 1999, chapter XLV.

<sup>162</sup> Law on Military Obligations and Military Service, #869, 17 September, 1997, article 5.

<sup>163</sup> Law on Military Obligations and Military Service, #869, 17 September, 1997, article 2.1

<sup>164</sup> Law on Military Obligations and Military Service, #869, 17 September, 1997, article 22.1

<sup>165</sup> Law on Military Obligations and Military Service, #869, 17 September, 1997, article 32.1.

<sup>166</sup> Law on Military Obligations and Military Service, #869, 17 September, 1997, article 29.

the lonely son in the family, which has lost at least one member in the fight for the territorial integrity or while undergoing military service.

The President of Georgia can release a highly talented individual from the service.

The military service can be postponed for an individual who<sup>167</sup>:

- a) has temporary health problems - the service can be postponed up to one year;
- b) against whom a criminal case has been initiated - until any decision is rendered from the authorised organs;
- c) is a student in Georgia or abroad - until graduation;
- d) has paid the fee - 2,000 GEL - that allows to postpone the service for 18 months (such opportunity cannot be used more than twice and after the age of 25)<sup>168</sup>;
- e) is a pupil at school - until the age of 20;
- f) takes care of grand parents, who cannot work and depend totally on this person;
- g) takes care of a family member, who cannot work and has no other person than the alleged military serviceman;
- h) takes care of a minor or/and orphan brother/sister;
- i) is a priest or studies in a spiritual educational establishment;
- j) is a lonely child in the family;
- k) is a teacher or a doctor in the countryside;
- l) has one child - until the latter becomes three years old.

### Contractual (professional) and Military Personnel Services

A person undergoing mandatory military service or being in the military reserve can apply for the contractual military service. (For the application form, see the web-site of the Ministry of Defence: <http://www.mod.gov.ge/?l=G&m=5&sm=11> ). In this case, a person must undergo the selection procedure<sup>169</sup>.

Persons in the contractual (professional) and the military personnel services enjoy the status of a military servant, are considered as state agents and enjoy the special state protection. The contractual (professional) service varies depending on the way of the enrolment<sup>170</sup>.

### Military Reserve

Service in the military reserve lasts for 18 days annually<sup>171</sup>.

General age for service in the reserve is from 27 up to 40. There are three types of the military reserve: National Guard reserve, active and individual reserves<sup>172</sup>.

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<sup>167</sup> Law on Military Obligations and Military Service, #869, 17 September, 1997, article 30.

<sup>168</sup> Law on the fee to postpone the mandatory military service, #1531, 21 June 2002, article 5.

<sup>169</sup> Law on Military Obligations and Military Service, #869, 17 September, 1997, article 2.

<sup>170</sup> Law on Military Obligations and Military Service, #869, 17 September, 1997, articles 31 and 32.

<sup>171</sup> Law on Military Reserve, #4196, 27 December 2006, article 6.

<sup>172</sup> Law on Military Reserve, #4196, 27 December 2006, articles 2 and 5.

Active reserve comprises of servicemen who had served in the mandatory, contractual (professional) or the military personnel services. They should be in a good health condition<sup>173</sup>.

National Guard reserve is comprised of representatives of different administrative regions. The servicemen should have respective knowledge and experience<sup>174</sup>.

Individual reserve comprises of those persons who do not belong to the active or National Guard reserve and are former students under 27, who have served in the reserve for 18 days once and for 8 days twice during their studies; or individuals who were released from the service, or whose service has been postponed (both occasions will be discussed a bit later) and who became 27 years old<sup>175</sup>.

The following individuals are released from the service in the reserve<sup>176</sup>:

- a) women;
- b) workers of the railway services;
- c) Navy servicemen;
- d) teachers and doctors in the countryside;
- e) servicemen in the Ministry of Internal Affairs and Defence;
- f) workers of Tbilisi underground;
- g) judges;
- h) individuals who had served in the non-military, alternative service;
- i) individuals working or studying abroad;
- j) diplomats;
- k) clergy;
- l) individuals with poor health conditions;
- m) members of the parliament.

Women, individuals who had served in the non-military, alternative service, individuals working or studying abroad, diplomats and members of the parliament can undergo the service in the reserve voluntarily<sup>177</sup>.

Individuals convicted of grave or especially grave crimes cannot serve in the military reserve<sup>178</sup>.

Service in the military reserve will be postponed for those, who:

- a) take care of a family member, who cannot work and have no other person than the alleged military serviceman;
- b) take care of grand parents, who cannot work and depend totally on this person;
- c) take care of a minor or/and orphan brother/sister;
- d) are registered as candidates for the membership of the parliament by the date of the conscription;
- e) whose job requires so due to its seasonal character;
- f) have temporary health problems.

### **Citizens that have been staying abroad**

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<sup>173</sup> Law on Military Reserve, #4196, 27 December 2006, article 3.

<sup>174</sup> Law on Military Reserve, #4196, 27 December 2006, article 3.

<sup>175</sup> Law on Military Reserve, #4196, 27 December 2006, article 3.

<sup>176</sup> Law on Military Reserve, #4196, 27 December 2006, article 8.

<sup>177</sup> Law on Military Reserve, #4196, 27 December 2006, article 8.

<sup>178</sup> Law on Military Reserve, #4196, 27 December 2006, article 8.

The expert on military law, Ms. Nino Turmanidze from the association “Law and Liberty” stated that the above-discussed provisions of various laws regarding military service are fully operational in practice. However, there is one concern about the conscription and mandatory registration of those, living and working abroad. There is a legislative gap in this regard. The experts stated that, in practice, the family members of the person living abroad address to the respective local military commissariat and provide the proof of the fact that the person is abroad. This may be a notice from the Department of the Defence of the State Border, a sub-organ of the Ministry of Defence. When that person gets back home, he must appear before the commissariat and undergo the registration himself. It makes no difference whether the person has been living abroad legally or not<sup>179</sup>.

### Non-Military, Alternative Service

Due to religious or some other beliefs, a person can undergo non-military, alternative service instead of the military one<sup>180</sup>.

There is a special state commission set for the discussion of the applications about the alternative service<sup>181</sup>. Ms. Turmanidze stated, “The commission examines thoroughly the applications. The examination of applicants is like a questioning. There are mainly the witnesses of Jehovah who apply for the alternative service. The system is operational”.

Alternative service comprises of: rescue operations, repairing or building civil buildings, agriculture, hospitals, taking care of elders or people with disabilities or in need of social protection<sup>182</sup>.

Alternative service lasts for 18 months for those, having higher education and 24 months for those, who do not have it<sup>183</sup>.

An individual, who will be absent for days on the alternative work, will have to serve the double number of these days. Systematic violations can be punished by extending the alternative service for three months<sup>184</sup>.

A person, who has served in the alternative service, can be called for the public works to deal with the emergency situations<sup>185</sup>.

#### 3.3.3.2 Possibilities of conscientious objection under legal rules and practice

Practice of conscientious military service is regulated by the *Law of Georgia on Non-Military, Alternative Labour Service* adopted on 28<sup>th</sup> October, 1997<sup>186</sup>. On the basis of the Universal Declaration of Human Rights this Law determines non military, alternative labour service as the reasonable and humane compromise between the three expression of ideas,

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<sup>179</sup> Interview with the expert Ms. Nino Turmanidze, Association “Law and Liberty”, Krilov Street 7/9; T: (995 32) 95 89 80; Mob: (995 93) 366 300; 27 June 2008.

<sup>180</sup> Law on non-military, alternative work; #1012, 28 October 1997; article 4.

<sup>181</sup> Law on non-military, alternative work; #1012, 28 October 1997; article 3.

<sup>182</sup> Law on non-military, alternative work; #1012, 28 October 1997; article 5.

<sup>183</sup> Law on non-military, alternative work; #1012, 28 October 1997; article 6.

<sup>184</sup> Law on non-military, alternative work; #1012, 28 October 1997; article 16.

<sup>185</sup> Law on non-military, alternative work; #1012, 28 October 1997; article 18.

<sup>186</sup> [www.parliament.ge](http://www.parliament.ge) (accessed on July 20, 2008)

freedom of conscience, religion, belief and military duty<sup>187</sup>. The major state body regulating the issues related to alternative service is the *State Commission on Recruitment of Citizens in Non-military, Alternative Labour Service*. Any person who is eligible of the compulsory military service but for the reason of conscience, faith or religion does not wish to serve in the army has the right to apply to the non-military, alternative labour service. Applicant shall be assigned to one of the places that are listed below<sup>188</sup>:

- a) Civil Construction, rehabilitation organizations
- b) Agricultural organizations
- c) Utility organizations
- d) Healthcare organizations

The applicant may also take care of the elderly, persons with disabilities and other state identified groups to be considered as a non-military, alternative labour service<sup>189</sup>. In accordance with the decision of the President of Georgia, the person undertaking the alternative labour service may be assigned to participate in disaster mitigation, collecting harvest or any other activity of non-military nature<sup>190</sup>. However, according to the Article 3, citizens of Georgia involved in non military, alternative labour service may participate in other services or non military labour foundations, the list of which shall be approved by the president of Georgia. The citizens involved in non military, alternative service may participate in engineering, agricultural and other subdivisions of the armed forces of Georgia at the corresponding civil positions<sup>191</sup>.

The term of non military alternative labour service is 18 months for the persons with higher education and 24 months with secondary education.

Beginning of the term of non military, alternative labour service shall be the date specified in the order of the minister of Labour, Health and Social Affairs of Georgia.

A citizen who has to perform his duty but has pertinent reason(s), as stipulated by the Law, to not participate in military service, shall submit an application form to the Military Forces of Georgia at the district/city Military Draft Commission within 10 days of the announcement of the military call-up. The commission shall probe the private affairs of the conscript and on demand, obtain materials confirming the viability of the application. The applicant is entitled to be present at the session of the commission and to prove his consideration. The district/city commission is obliged to consider the application within 20 days and send the conclusion, together with the applicant's dossier to the State Commission on the Call-up of the Citizens for Non Military, Alternative Labour Service for the final conclusion. The State Commission is obliged to make a decision within one month upon receipt of the appropriate documents. The Minister of Labour, Health and Social Affairs issues the order based on the conclusion of the State Commission issues the corresponding order<sup>192</sup>.

The place for non military alternative service is determined based on the place of residence of the applicant.

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<sup>187</sup> Law of Georgia on Non-Military, Alternative Labour Service, Chapter I, Article 1

<sup>188</sup> Law of Georgia on Non-Military, Alternative Labour Service, Chapter I, Article 5(1)

<sup>189</sup> Law of Georgia on Non-Military, Alternative Labour Service, Chapter I, Article 5(2)

<sup>190</sup> Law of Georgia on Non-Military, Alternative Labour Service, Chapter I, Article 5(4)

<sup>191</sup> Law of Georgia on Non-Military, Alternative Labour Service, Chapter I, Article 5(3)

<sup>192</sup> Law of Georgia on Non-Military, Alternative Labour Service, Chapter I, Article 8



### 3.3.3.3 Support for conscientious objectors (NGOs, church, organizations, etc).

As the alternative services to obligatory military services is provided by the Georgian legislation, there is little need for supporting conscientious objectors. However, in order to reinforce the law and help to raise public awareness on the issue, TASIC in Georgia implemented the project *Non Military Alternative Service in Georgia* aiming at capacity building and awareness raising, protecting of human rights and supporting legal reform of the military<sup>193</sup>. The project was implemented in 2004-2005.

According to the Law, the State Commission on Call-up of Citizens for Non Military, Alternative Labour Service is entitled to offer to the ministries and institutions and also to the enterprises, organisations and establishments of Georgia (irrespective of the type of property) the labor power for the performance of non military, alternative labour service and the ministries and departments and also enterprises, organisations and establishments of Georgia (irrespective of the type of property), if there is an interest, is obliged to provide the State commission with the information on the number of vacancies available for alternative labour service<sup>194</sup>.

### 3.3.4 Access to and cost of education and retraining programmes

#### 3.3.4.1 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.

*Lack access to a preschool and school education.* Two-thirds of Georgia's children are deprived of their basic right to a quality education as a result of poor physical conditions of schools and low salaries and motivation of teachers, as well as limited access to textbooks and other materials.<sup>195</sup> Under the Education Legislation of Georgia, secondary education is free, but due to the low salaries of teachers and poor financing from government, there was developed the system of informal payments on the basis of which much of the school budget is funded. Here are also should be added finances for books, bags and other accessories. Not all parents can pay, that limits access to education for children from poor households.

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<sup>193</sup> <http://www.delgeo.ec.europa.eu/en/programmesactions/listprojects.html>

<sup>194</sup> Law of Georgia on Non-Military, Alternative Labour Service, Chapter I, Article 8(2), (3)

<sup>195</sup> UNICEF in Georgia [www.unicef.org/georgia](http://www.unicef.org/georgia) (accessed 17 September 2008)

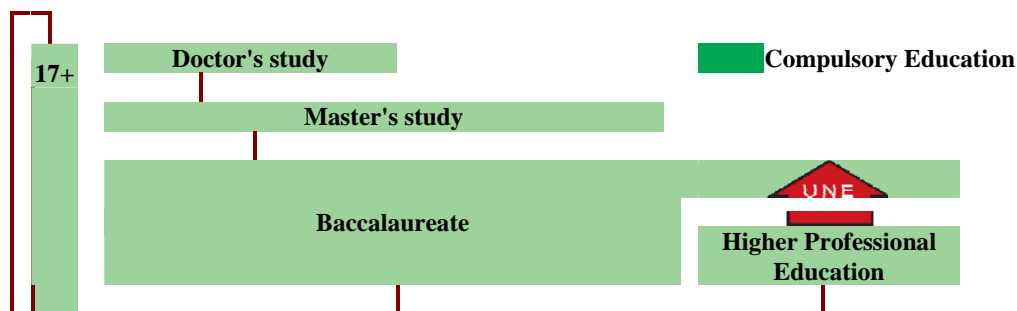
According to the data of Ministry of Education and Science of Georgia there are 2462 schools in Georgia, 313 among them in Tbilisi (both public and private schools)<sup>196</sup> There also not only Georgian-speaking, but also 417 minorities-speaking schools, 70% of them are in Kvemo-Kartli (Azerbaijan minority) and Samtske-Javakheti (Armenian minority) regions.

Under the education system reform taking place in Georgia, secondary education is free (there are both public and private schools). However, there is a system of informal payments on the basis of which much of the school budget is funded. Inability of the most vulnerable families to co-participate in the "school funds" limits the access to education for the children from poor households. Besides poverty, low motivation and interest of students as well as quality of education are the causes of low school attendance and drop-outs. This, in turn, contributes to the cycle of poverty.<sup>197</sup>

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 destructed. 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.

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.

**Educational Institutions<sup>198</sup>**

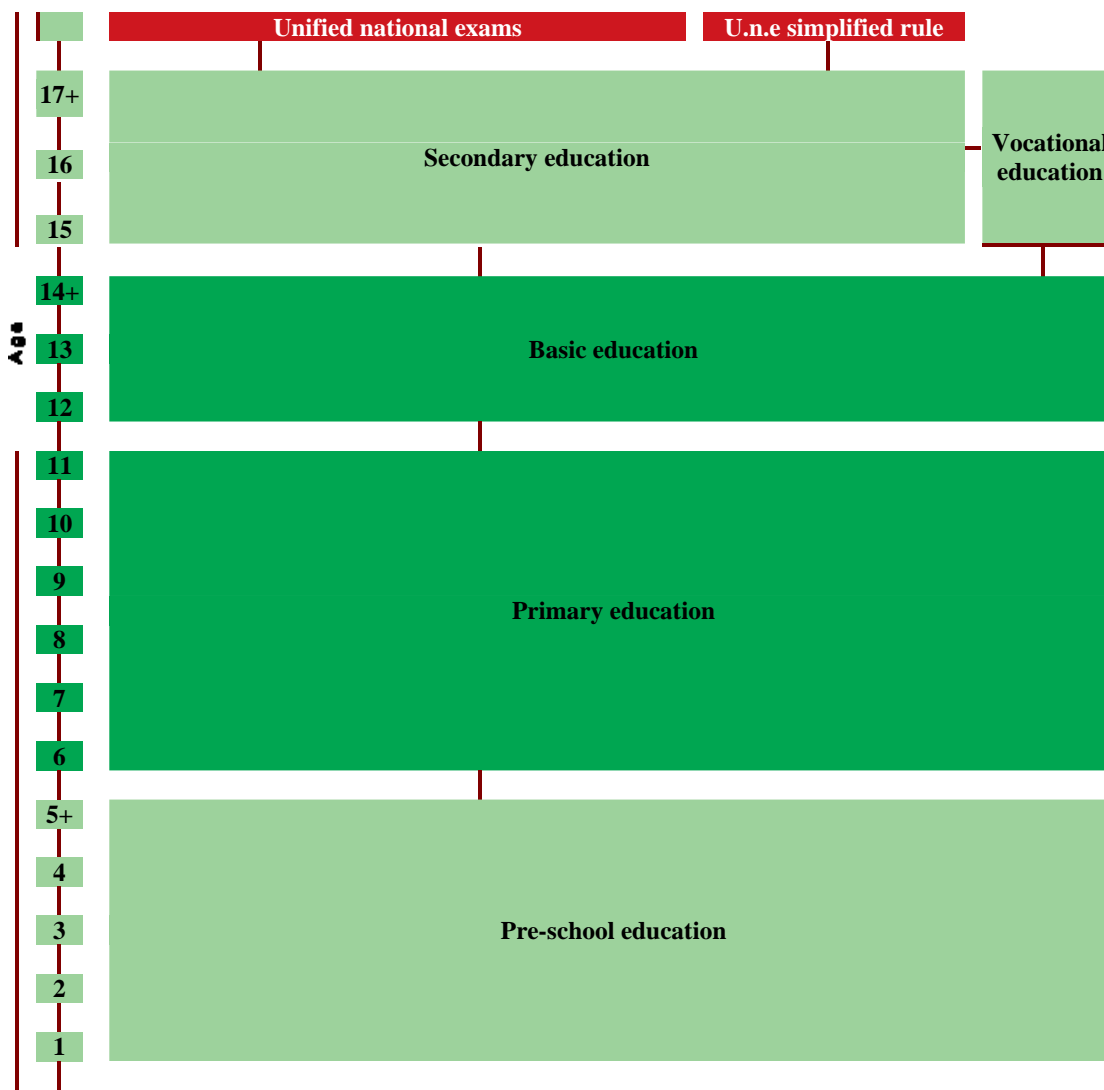


<sup>196</sup> Ministry of Education and Science of Georgia [www.mes.gov.ge](http://www.mes.gov.ge) (accessed 11 November 2008)

<sup>197</sup> World Vision Georgia. Situation Analysis. Laboratories of Learning Georgia Satellite Project. Overview. May 2008

<sup>198</sup> Ministry of Education and Science of Georgia, Educational system of Georgia

[http://www.mes.gov.ge/index.php?module=text&link\\_id=50](http://www.mes.gov.ge/index.php?module=text&link_id=50) (accessed 24 November 2008)



General goals of “Professional Education Supporting Program” include - to ensure functioning of professional training centers; to support the secondary professional educational institutions that are running low; providing access to professional education for population at large in compliance with the international standards; curricula updating and training of teachers-instructors; monitoring professional educational institutions; implementation of professional education program at penitentiary institutions; to develop the template for career-guidance (career planning). 2008 Professional Education Program will be funded by the state budget of Georgia, the total state budget allocation for the program is 8 499.7 GEL<sup>199</sup>.

<sup>199</sup> Ministry of education and science of Georgia, Professional Education Supporting Program [http://www.mes.gov.ge/upload/multi/geo/1195560038\\_Professional%20Education%20Supporting%20Program.pdf](http://www.mes.gov.ge/upload/multi/geo/1195560038_Professional%20Education%20Supporting%20Program.pdf) (accessed 24 November 2008)

### 3.3.4.2 By other organizations

There is a list of training programmes available on <http://www.jobs.ge/?view=trainings> which are daily released on this website.

### 3.3.4.3 Separated children (family tracing services, etc.)

The conflict over South Ossetia (escalated on the early morning of 8 August 2008), among other repercussions, resulted in thousands of people fleeing their homes and leaving their villages behind. In this dramatic flow of events, in which many civilians died and thousands of people were displaced, children suffered the most.

This conflict caused a massive displacement of people, the majority of whom came to the capital. Currently, it is estimated that over 120,000 internally displaced persons (IDPs) fled from the conflict zones, among them - 5725 internally displaced children in Georgia (on the 12th of November, 2008)<sup>200</sup>

During the conflict, internally displaced children experienced not only the horror of bombardments and fire, but also witnessed death and the destruction of their homes, schools and playgrounds.

Currently, Georgia does not have a separate law that regulates issues related to the separated, unaccompanied and orphaned children in emergency situations; there isn't any data how many they are as well as family tracing services. The Convention on the Rights of the Child calls for all children to be registered "immediately after birth." Registration of children remains a problem in Georgia, especially in villages and poor communities.

World Vision, as a child protection organization, makes itself heard on the national level and brings up the issue of separated children to the Government of Georgia.

### 3.3.4.4 Orphans

#### State responsibility in orphan care, legal regulation

The State provides monthly allowance for orphans from the families below the degree of poverty. Children have to be below 18 and must have lost both parents. They get 22 GEL each month. It does not matter whether their guardians can work or not<sup>201</sup>.

State also takes care of the orphanages throughout the country<sup>202</sup>. There are number of them throughout Georgia.

According to the Ministry of Education and Science, approximately 5,000 children that lack parental care are registered in Georgia<sup>203</sup>. (However, they are not necessarily all orphans. They include abandoned children as well).

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<sup>200</sup> Ministry of refugees and accommodation of Georgia

<sup>201</sup> Law on Amendments to State Budget, #5854, 12 March 2008.

<sup>202</sup> Web-site of the Ministry of Education and Science of Georgia, [http://www.mes.gov.ge/index.php?module=multi&page=detals&multi\\_id=11&id=298](http://www.mes.gov.ge/index.php?module=multi&page=detals&multi_id=11&id=298) (accessed 24 June 2008).

<sup>203</sup> Web-portal on Human Rights in Georgia, <http://humanrights.ge/index.php?a=article&id=2833&lang=en> (accessed 24 June 2008).

There is a possibility of fostering the children from orphanages. The fostering programme operates in 32 districts of 11 regions in Georgia. Social workers are engaged actively in the programme. There are 7 most active social service offices. These are<sup>204</sup>:

Tbilisi: a group of social workers working on the issues related to infants, group leader - Ms. Ketevan Dematrashvili. Address: Tbilisi, Nutsubidze Street 1. T: (995 32) 39 88 86.

Tbilisi: a group of social workers, group leader - Ms. Nino Tvildiani. Address: Tbilisi, The building of the Orphanage No.1 of Tbilisi. T: (99 32) 522 972.

Rustavi: a group of social workers, group leader - Ms. Eka Bedianashvili. Address: Rustavi, Dumbadze Street 38. T: (995 8 24) 15 75 58.

Telavi: a group of social workers, group leader - Ms. Tinatin Gogiashvili. Address: Telavi, Davit Rektori Street 8. T: (995 8 250) 7 01 35 and (995 8 250) 7 25 10.

Batumi: a group of social workers, group leader - Ms. Nino Tsetskhladze. Address: Batumi, the building of the Ministry of Education, Culture and Sport of Ajara, the second floor.

Kutaisi: a group of social workers, group leader - Ms. Anna Kiskeidze. Address: Kutaisi, the building of the Kutaisi educational resource centre.

Tianeti: a group of social workers, group leader - Mr. Tamaz Gorelashvili. Address: Tianeti, the day centre at Tianeti School No.1.

Zugdidi: a group of social workers, group leader - Ms. Lika Zhvania. Address: Zugdidi, the building of Zugdidi School No.3.

"The foster family gets an allowance of 200 GEL a month. However, as soon as the problem is resolved the fostering ends and it creates problems in the foster family," said Nana Idadze, social servant of the Department for the Prevention of Abandoning Orphans and Children without Parental Care within the Ministry of Education and Science<sup>205</sup>.

Social workers claim that applicants for fostering the children are more than children that can be fostered<sup>206</sup>.

#### Actual access to orphan care and orphanages for returnee children

There are several opportunities for returnees. They can use social service offices mentioned in 5.3.3.1, participate in Ministry of Education and Science Assistant Program for orphans and children deprived of parental care as well as use Shelter of State Fund of Trafficking Victims Protection and Assistance (Fund Director - Mari Meskhi, Shelter manager - Nino Abaishvili).

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<sup>204</sup> Web-site of the Ministry of Education and Science of Georgia, [http://www.mes.gov.ge/index.php?module=multi&page=detals&multi\\_id=11&id=299](http://www.mes.gov.ge/index.php?module=multi&page=detals&multi_id=11&id=299) (accessed 24 June 2008).

<sup>205</sup> Web-portal on Human Rights in Georgia, <http://humanrights.ge/index.php?a=article&id=2833&lang=en> (accessed 24 June 2008).

<sup>206</sup> Web-portal on Human Rights in Georgia, <http://humanrights.ge/index.php?a=article&id=2833&lang=en> (accessed 24 June 2008).

### 3.3.5 Starting a new business

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

The Law of Georgia on Entrepreneurs<sup>207</sup> determines six legal forms for entrepreneurship: a. individual entrepreneur; b. industrial partnership; c. joint liability company; d. limited partnership; e. limited liability company; f. joint stock company; g. cooperative. The most frequently used organizational-legal forms are the individual enterprise, the limited liability company and the joint stock company.

**Individual Entrepreneur** is not a legal person, it is a natural 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 the business activities are conducted. The registration application shall contain the following 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, which undertakes the obligation to register the individual entrepreneur in a day. It shall be noted that while registration the individual entrepreneur is not charged by any fee or tax. As long as the Individual Entrepreneur is a physical person, he shall be subjected to the income tax (25% of income).

**Industrial Partnership** is not a legal person either and its legal status is similar to the individual entrepreneur. If a partnership registered in accordance with the Civil Code of Georgia resolves to get registered, it shall be enrolled as an industrial partnership. The industrial partnership is registered by the relevant tax authority in accordance with the residential address of one of those persons, the name of which is indicated in the name of the industrial partnership.

**Joint Liability Company** is a commercial 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 all of their assets.

**Limited Partnership** has two types of partners: complementary partners and commandite partners. Complementary partner shall be a physical person personally and directly liable for the obligations of the society with his/ her whole property. Commandite partner may be a natural or legal person, who transfers to the society certain property and is not personally liable for the debts of society. The property transferred to the society is incorporated into the charter capital of the joint partnership.

**Limited Liability Company** is a legal person, which may be founded by one or more natural or legal persons, Partner or partners of the society are not personally liable for the company debts. They transfer property to the limited liability company and the debts of the society are paid from the company assets. This property constitutes to the charter capital of the company and it may constitute to any desired amount. Partners may transfer different amount of property to the society, the rules for complementing the charter capital and the partners' portions hereto primarily depend on the partners wish and may be determined by the shareholders agreement or by the company charter.

**Joint Stock Company** also has the charter capital, which is divided into stocks of equal nominal value. A stock is a financial instrument, which certifies that the joint stock

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<sup>207</sup>Act of Georgia N 557- Is on entrepreneurs, 28 October 1994, article 2.1

company has obligations toward the shareholders (holder of stock) and the shareholder has rights in the society. The Joint stock Company is liable to the creditors with its property. Shareholder is free from any monetary obligations deriving from the company debts. Charter capital of the joint stock company may be determined by any desired amount. It may be founded by one or more persons.

**Cooperative** is an enterprise with the goal to contribute to economic activities of its members and improve their financial condition. For example, cooperative may be founded to obtain raw materials for consumption of its members or to sell agricultural products that the members of the cooperative produce. The Cooperative is liable to its creditors with its property. Property of the cooperative consists of investments executed by the members of the cooperative, which is called "pai" (share). The minimum amount of the "pai" is determined by the members of the Cooperative. One member may hold two or more "pays".

The registration application of the Joint Liability Company, the Limited Partnership, the Limited Liability Company, the Joint Stock Company and the Cooperative shall be filed in the respective tax authority. The registration application shall 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 entrepreneurs:

- o Joint Liability Company - 60 GEL (Lari);
- o Limited Partnership - 80 GEL;
- o Limited Liability Company - 160 GE;
- o Joint Stock Company - 360 GEL;
- o Cooperative - 120 GEL;
- o No fee for individual entrepreneurs and industrial partnership<sup>208</sup>.

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<sup>208</sup> Web-site of the Ministry of Finances of Georgia, [www.mof.gov.ge](http://www.mof.gov.ge), accessed at 29 November 2008.

In accordance with the forms of their commercial activities all the forms of entrepreneurs may be subject to the taxation determined by the Georgian legislation. They may be subjected to the income tax, social tax, the Value Added Tax, the property tax and so on.

### 3.3.5.2 Credits and subsidies and access to them

Unfortunately there is no availability for new businesses to receive credits in Georgia. 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.

There are following micro-finance organizations in Georgia **Constanta**, **Credo**, **Finca Georgia**, etc.

*Constanta provides loans with the following conditions<sup>209</sup>:*

- Express loans amount minimum USD 60 - maximum 10,000
  - Business loans amount minimum USD 2000 - maximum 70,000
  - Agricultural loans amount minimum USD 500 - maximum 60,000
  - Seasonal loans amount minimum USD 500 - maximum 60,000
  - Family loans amount minimum GEL 200 - maximum 5,000
- Annual interest rate ranges between 10%-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, Tsnori, Rustavi, Kaspi, Gori, Akhalkalaki, Akhaltshikhe, Samtredia, Zestafoni.  
Tel: 95 30 20 (Tbilisi)

*Finca Georgia provides loans with the following conditions:*

- Individual loans minimum USD 500 - maximum USD 20,000
- Group loans min GEL 100 - GEL 4,000 per person
- Annual interest rate ranges between 16%-24%
- Business should exist minimum 6 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<sup>210</sup>:*

- Individual urban loans minimum USD 50- maximum USD 30,000

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<sup>209</sup> Constanta bank <http://www.constanta.ge/> (accessed 24 November 2008)

<sup>210</sup> Credo VF microfinance organization <http://www.credo.ge/> (accessed 24 November 2008)



- Tourism development loans minimum USD 50-maximum USD 3,000
- Individual agriculture development loans min USD 50-maximum USD 4,000
- Leasing of agriculture equipment and raw materials min USD 50-maximum USD 4,000
- Household loans min USD 50-maximum USD 1,500
- Monthly interest rate ranges between 0.95-1.9percent, annually interest rate -max 22.8%
- 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, Samtredia, Akhalkalaki.

Tel: 21 39 37 (Tbilisi)

*JSC Bank of Georgia provides credits with the following conditions:*

- Express business loans minimum GEL 350- maximum GEL 17,000
- Micro business loans minimum USD 1500-maximum USD 20,000
- Small business loans min USD 20000-maximum USD 150,000
- Leasing of agriculture equipment and raw materials min USD 50-maximum USD 4,000
- Annually interest rate -16%-48%
- Business should exist minimum 6 months

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

JSC Bank of Georgia has branch offices in all regions.

Tel: 44 44 44 (Tbilisi)

### 3.3.6 Social Security

#### 3.3.6.1 Access to unemployment benefit

Under the Act of Georgia "on the 2007 State Budget of Georgia"<sup>211</sup>, 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 Code<sup>212</sup> 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."

"Nowadays, there is no such thing as unemployment benefit available in Georgia", - said social servant of the Department for the Prevention of Abandoning Orphans and Children without Parental Care within the Ministry of Education and Science Nana Idadze.

#### 3.3.6.2 Access to sickness benefits

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<sup>211</sup> Act of Georgia N 4227-rs on state budget for the year 2007, 29 December 2006

<sup>212</sup> Act of Georgia N3132 - Is on labor code of Georgia, 25 May 2006, article 54(1(d))

“Rule of Assignment and Granting Benefit for Temporary Absence of Capacity for Work”<sup>213</sup> 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.

According to social servant of the Department for the Prevention of Abandoning Orphans and Children without Parental Care within the Ministry of Education and Science Nana Idadze, all children until 15 years old use free medical treatment. Georgian health authorities have announced that all IDPs in Georgia have free access to local health facilities, including referral services. In addition, primary care providers from local health facilities are visiting all collective centres on a regular basis to provide free medical consultations<sup>214</sup>.

### 3.3.6.3 Access to family allowances

On October 29, the Parliament of Georgia adopted the Law “On Social Assistance”<sup>215</sup>. 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.

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. According to State Social Subsidy Agency<sup>216</sup>, each family considering itself to be socially insecure because of its social-economic conditions should register itself in the Regional Social Subsidy Agency. If all member of the family are not able to visit Agency, social agent will visit them to evaluate the social - economic status of the registered family.

Required documents:

- ID card of all family members;

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<sup>213</sup> Order N 48 of the Minister of Georgia of Labour, Health, and Social Protection on approval of the rule of assignment and granting benefit for temporary absence of capacity for work”, 15 February 2007, article 6

<sup>214</sup> Georgia Health Cluster, Situation Report No.1, 13 October 2008  
[http://www.who.int/hac/crises/geo/georgia\\_sitrep\\_13october2008.pdf](http://www.who.int/hac/crises/geo/georgia_sitrep_13october2008.pdf) (accessed 28 November 2008)

<sup>215</sup> Act of Georgia N 4289 - rs on social assistance, 29 December 2006, articles 6 and 7(2)

<sup>216</sup> State Social Subsidy Agency , <http://www.ssa.gov.ge/index.php?id=93> (accessed 28 November 2008)

- Birth certificate of all family members under 16;
- ID card of family trustee or notarial confirmed letter of attorney.

After the family profit declaration by social agent, family becomes scores of welfare. In the case family becomes min 57.001 score, after 4 month from registration, family becomes financial social aid. In the case family becomes alternative social aid (for example, as IDPs), it has right to choose only one of them. If family becomes 70 001 scores it will provided with medical insurance.

Financial social aid (in GEL (Lari)):

Family members	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Financial aid, GEL (Lari)	30	42	54	66	78	90	102	114	126	138	150	162	174	186	198	210

Social aid for families can receive only those persons who were nominated for this aid till 1 January 2007. It includes different groups of beneficiaries: lonely unemployed pensioner (1 family member - 22 GEL (Lari), more then 2 family members - 35 GEL (Lari)), orphans with tutor (35 GEL (Lari)), unemployed 1<sup>st</sup> group blind (22 GEL (Lari) per family member), disabled children till 18 years old (22 GEL (Lari)), many-children families - more than 7 children (35 GEL (Lari) per child till 18 years old).

The government said number of persons alleageable for social allowances will increase from the current 400.000 to 900.000. Monthly allowance for the each most socially vulnerable families, living below the poverty level - total of 400.000 persons - will receive GEL 30, plus 24 GEL (Lari) per each family member, instead of current 12 GEL (Lari); another part of socially vulnerable families with total number of 200.000 will receive 20 GEL (Lari) plus 16 GEL (Lari) per each family member and the third group, involving total of 300.000 persons, will have monthly 10 GEL (Lari) plus 8 GEL (Lari) per each family member<sup>217</sup>.

According to social servant of the Department for the Prevention of Abandoning Orphans and Children without Parental Care within the Ministry of Education and Science Nana Ildadze, there are no any grants for female-headed households in Georgia at the moment.

### 3.3.6.4 Other benefits in the social welfare system

Under Article 6 of the Act of Georgia "On Social Assistance", there are five 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:

- People disabled during World War II, military activities to maintain territorial integrity of Georgia, or during military activities abroad - 44 GEL(Lari)

<sup>217</sup> Civil Georgia Online Magazine <http://www.civil.ge/eng/article.php?id=19948> (accessed 28 November 2008)

- b. Participants of World War II- 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)
- 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 who died or were lost during the war, families of the participants of military activities for territorial integrity and independence of Georgia who died or were lost during military activities, families of the veterans who died or were lost 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 or adopted 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 is 300 GEL/month.

**Compensation for child adoption** is granted to the parents adopting a child for bringing him/her up and taking care of him/her. The fostering programme operates in 32 districts of 11 regions in Georgia. Social workers are engaged actively in the programme. The amount of compensation for child adoption (till its full age) is 200GEL/month and 300GEL/month for person with special needs.

**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.

According to the Government plan, people falling under the Target Social Assistance program, will receive health insurance vouchers according to the following schedule:

Distribution of vouchers: October 1 – December 1 2008; and signing insurance agreements with providers: December 2-16 2008<sup>218</sup>.

### 3.3.6.5 Special benefits for returnees

There are no special benefits for returnees in Georgia.

### 3.3.6.6 Special forms of support available for families with children

The State provides monthly allowance for orphans from the families below the degree of poverty. Children have to be below 18 and must have lost both parents. They get 22 GEL each month. It does not matter whether their guardians can work or not<sup>219</sup>

In the case if one of the parents died and family hasn't any other income, it becomes from 55 GEL pro infant in month, when the dead was worked for state authorities for example in military- than more.

In the case if one of the parents died and family hasn't any other income, it becomes from 55 GEL pro infant in month, when the dead was worked for state authorities for example in military- than more.

Many-children family (3 children and more) which lives above poverty line will become 10 GEL per child in month as participant of Poverty Reducing Program of Georgia. Also family that participates in this Program will become one-time help to the birth of the 3<sup>rd</sup> kid in the amount of 10 GEL.<sup>220</sup>

### 3.3.6.7 Elderly People

#### *3.3.6.7.1 Pension system in general; can someone live with an average pension*

The pension can be state or non-state. State pension is covered from the state budget. Non-state pension is covered from the specialized legal entities that have non-pension schemes and provide the pensions based on the premiums that the beneficiaries should pay. State pension and non-state pension schemes are two independent systems<sup>221</sup>.

There are two types of non-state pension: indefinite and definite ones in time. Indefinite pension starts from certain date and ends with the death of the

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<sup>218</sup> Georgia Health Cluster, Bulletin No.3, 3 November 2008  
[http://www.who.int/hac/crises/geo/sitreps/georgia\\_sitrep\\_2nov2008.pdf](http://www.who.int/hac/crises/geo/sitreps/georgia_sitrep_2nov2008.pdf) (accessed 28 November 2008)

<sup>219</sup> Law on Amendments to State Budget, #5854, 12 March 2008.

<sup>220</sup> Ministry of Labor, Healthcare and Social Welfare  
[www.moh.gov.ge](http://www.moh.gov.ge) (accessed 18 September 2008)

<sup>221</sup> Law on the insurance and providence of non-state pension, #1679, 30 October 1998, article 1 and 2.

beneficiary. Definite one is limited to certain amount of years, not less than five years. Spouses can receive joint non-state pension. After the death of any of them, they get half of the sum that they used to get before. In case of divorce, the former spouses retain their individual rights on the pension<sup>222</sup>.

Premium can be paid both by individuals or legal entities. The beneficiary can be another individual<sup>223</sup>.

The entities that can provide the insurance of non-state pensions can be banks, insurance companies or other legal entities<sup>224</sup>.

Useful links: [www.tbcbank.ge](http://www.tbcbank.ge), [www.procreditbank.ge](http://www.procreditbank.ge), [www.peoplesbank.ge](http://www.peoplesbank.ge).

The minimum pension in Georgia is 70 GEL<sup>225</sup>.

The basket of goods (the living minimum) is not determined in Georgia. However, the Law on Conflict of Interests and Corruption in the Public Service defines that the living minimum for the purposes of this law is 100 GEL<sup>226</sup>. Thus, it is hard to consider the issue of sufficiency of an average pension. Nonetheless, it can be noted, that taxes are high; the prices are increasing daily on food and medicines. Consequently, it can be argued that the average pension cannot cover all needs of an individual sufficiently.

### ***3.3.6.7.2 Eligibility for pension or other benefits***

Women get state pension from the age of 60. Men get state pension from the age of 65<sup>227</sup>. If there are two bases to get the state pension (f.e. age and disability, or disability and death of the head of the household), an individual can get only one type of the state pension<sup>228</sup>. However, a person can get social allowances together with the state pension<sup>229</sup>. Social allowance for a single elder (who is entitled to a pension and does not work) is 22 GEL monthly; for a family of two or more elders (under the same pre-conditions) – 35 GEL<sup>230</sup>.

An individual has to apply to the Territorial Organ of the Civil Registry Agency of the Ministry of Justice to start getting the pension<sup>231</sup>.

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<sup>222</sup> Law on the insurance and providence of non-state pension, #1679, 30 October 1998, article 5.

<sup>223</sup> Law on the insurance and providence of non-state pension, #1679, 30 October 1998, articles 2 and 9.

<sup>224</sup> Law on the insurance and providence of non-state pension, #1679, 30 October 1998, chapter 5.

<sup>225</sup> Law on amendments to the State Budget, #5854, 12 March 2008, article 48.

<sup>226</sup> #982, 17 October 1997, article 21.

<sup>227</sup> Order of the Minister of Labour, Healthcare and Social Protection, #46, 10 February 2006, article 4.

<sup>228</sup> Law on State pension, #2442, 23 December 2005, article 5.

<sup>229</sup> Law on State pension, #2442, 23 December 2005, article 12.

<sup>230</sup> Law on amendments to the State Budget, #5854, 12 March 2008, article 48.

<sup>231</sup> Order of the Minister of Labour, Healthcare and Social Protection, #46, 10 February 2006, article 15.

The participants of the Second World War get 80 GEL<sup>232</sup>.

Individuals get additional pension for the length of service:

- 2 GEL monthly for those who had worked up to 5 years;
- 4 GEL monthly for those who had worked from 5 to 15 years;
- 7 GEL monthly for those who had worked from 15 to 25 years;
- 10 GEL monthly for those who had worked for 25 and more years<sup>233</sup>.

Internally displaced persons, who do not have any documents to prove the length of their service, get the additional pension according to their sex and age<sup>234</sup>:

#### Women

Age pension/monthly	Additional
60-62	2 GEL
62-64	4 GEL
64-66	7 GEL
66 and up	10 GEL

#### Men

Age pension/monthly	Additional
65-67	2 GEL
67-69	4 GEL
69-71	7 GEL
71 and up	10 GEL

An individual has to apply to the Territorial Organ of the Civil Registry Agency of the Ministry of Justice to get the additional pension<sup>235</sup>.

### ***3.3.6.7.3 Contact information to pension authorities***

According to Law on State pension and Order of the Minister of Labour, Healthcare and Social Protection, #46 an individual has to apply to the Territorial Organ of the Civil Registry Agency of the Ministry of Justice to start getting the pension.

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<sup>232</sup> Law on State pension, #2442, 23 December 2005, article 22.

<sup>233</sup> Resolution of the Georgian Government, #181, 29 August 2007, article 1.

<sup>234</sup> Resolution of the Georgian Government, #181, 29 August 2007, article 1. <sup>1</sup>

<sup>235</sup> Resolution of the Georgian Government, #181, 29 August 2007, article 4. <sup>5</sup>

In Tbilisi:

**Gldani - Director Jaba Sarvadze**  
Saradjishvilis lane, 3, tel: 624877

**Didube-Chugureti - Director Lela Zarabiani**  
Tseretelis lane, 67a, tel: 342088

**Vake**  
Abashidze str, 68, tel: 222184 915441

**Isani - Director Ketevan Bendeliani**  
Keteval Tsamebulis str, 65, tel: 746539

**Mtatsminda-Kortsanisi - Director Gocha Matshavariani**  
Broses str., tel: 934183, 982338

**Nadzaladevis - Director Lela Dolidze**  
Guramishvili 17a, tel: 66 22 60, 66 22 40

**Saburtalo**  
Pandjikidzis str (Budapeshtis str), 2, tel: 371226, 382645

**Samgori - Director Mamuka Butsureishvili**  
Trialetis, 50, tel: 760489

In Regions:

**Abkhazia - Director Muram Jaxaia**  
Tbilisi, Dadiani str, 2 Micr., 3

**Adjara - Director Shorena Koridze**  
Batumi, Marnavaz Mepe, 4 tel: 70274

**Guria- Director Nana Dolidze**  
Ozurgeti, Apolon Tsuladze, 7

**Imereti - Director Mamuka Beradze**  
Kutaisi, Gamsakhurdia str., 15, tel: 7-08-04

**Kakheti- Director Eka Tchavelashvili**  
Telavi, Tbilisi road, 26

**Mtskheta-Tianeti -Director Iago Zuramishvili**  
Mtskheta, Gvindjilias, 2

**Racha-Lechkhum-Kvemo Svaneti - Director Murman Donadze**  
Amgrolauri, D. Agmashenebeli str, 24, 2-17-57

**Samegrelo-Zemo Svaneti - Director Lasha Tkebuchadze**  
Zugdidi, Kostava str, 58, tel: 5-2352, 5-2354

**Samtske-Javakheti - Director Aleksandre Gogidze**  
Akhalsikhe, Kitsxovelis str., 6

**Kvemo-Kartli - Director Sophio Karanadze**  
Rustavi, Pirosmeni str, 19, tel: 19-2623,19-4140

**Shida-Kartli - Director Zaza Mindiashvili**  
Gori, Samepo str, 24, tel: 7-79 46

### 3.3.7 General scope of charity organizations

[http://dir.geres.ge/en/People\\_and\\_Society/Organizations/](http://dir.geres.ge/en/People_and_Society/Organizations/)



<http://www.itic.org.ge/query.html>

[www.reliefweb.int](http://www.reliefweb.int)

These are several Georgian electronic directories of humanitarian and developing organizations in Georgia.

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

[www.ungeorgia.ge/files/upload/Contact/regareas.pdf](http://www.ungeorgia.ge/files/upload/Contact/regareas.pdf)

### 3.3.8 Useful data to calculate cost of living

Average retail market prices in Gel, November 2008 <sup>236</sup>

Bread	1.26	per kg
Potatoes	1.10	per kg
Haricot Beans	3.19	per kg
Wheat flour	1.51	per kg
Maize flour	1.65	per kg
Beef	8.31	per kg
Pork	9.51	per kg
Chicken	6.78	per kg
Sunflower oil	4.72	per kg
Cheese	6.34	per kg
Milk	1.81	per kg
Eggs	2.68	10 units
Sugar	1.19	per kg
Running water monthly fee, per head	2.40	per person in family
Electricity, 1 kWh	0.12-0.17	per 1 KW
Natural gas, 1 m3	0.51	per 1 m <sup>3</sup>
Monthly telephone bill	4.20	per month
1 litre of diesel fuel	1.35-1.6	liter

## 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 1<sup>237</sup>:

<sup>236</sup> Department of Statistics of Georgia. Food security situation, trends in figures #34 <http://www.statistics.ge/press.php?plang=2&pform=-503> (accessed 24 November 2008)

<sup>237</sup> Statistics Department of Georgia, *Morbidity with Acute and Chronic Diseases by Main Disease Groups* [http://www.statistics.ge/\\_files/english/health/5e.xls](http://www.statistics.ge/_files/english/health/5e.xls) (accessed 28 November 2008)

	2003	2004	2005	2006	2007
Number of registered cases diagnosed for the first time, thsd. cases	574.8	621.0	695.2	761.0	767.8
of which:					
infectious and parasitic diseases	43.4	55.6	54.0	44.9	50.8
neoplasms	7.1	8.4	8.4	9.2	7.5
diseases of endocrin system, digestion disorders, disorders of metabolism and immunity	28.9	30.0	31.4	27.7	27.3
diseases of blood and blood forming organs	7.4	8.6	8.5	9.4	10.3
psychic and behavioural disorders	6.1	7.6	7.0	6.8	5.6
diseases of the nervous system and sense organs	45.2	51.5	54.9	...	...
*diseases of the nervous system	...	...	...	31.9	26.0
* diseases of the eye and adnexa	...	...	...	30.1	24.6
* diseases of the ear and mastoid process	...	...	...	16.0	15.4
diseases of the circulatory system	64.1	70.7	82.5	83.2	71.2
diseases of the respiratory system	236.1	235.5	249.1	313.8	288.8
diseases of the digestive organs	39.8	42.0	84.9	56.6	120.7
diseases of urogenital system	27.0	31.6	31.6	40.4	33.8
complications of pregnancy, childbirth and postnatal period	4.0	6.0	8.2	9.5	7.2
diseases of the skin and subcutaneous tissue	21.1	23.8	23.3	27.0	27.0
diseases of musculoskeletal system and connective tissue	10.2	10.7	13.2	17.8	17.1
congenital malformations	1.0	1.2	1.1	1.3	1.3
certain conditions originated in the perinatal period	2.3	2.5	2.5	2.0	1.9
symptoms, signs and inexactly identified states	2.4	3.2	2.5	4.0	2.9
injuries and poisonings	28.7	32.5	32.0	29.7	28.7

Source: Ministry of Labour, Health and Social Affairs of Georgia.

\*According to the International Classification of Diseases (10th revision), diseases of the nervous system and diseases of the sensory organs were distinguished as independent classes since 2006.

According to World Health Organisation (WHO) report<sup>238</sup>, Measles and Rubella supplementation immunization campaign is ongoing. According to the Ministry of Labor, Health and Social Affairs (MoLHSA), in the first week of the immunization campaign 300.000 people from 6 to 27 years old have been vaccinated throughout Georgia. Special emphasis was given to IDP Centres where social mobilization started intensively in advance by Georgian Red Cross and other partners, supported by UNICEF, WHO and MoLHSA.

Disease surveillance systems including water quality testing in affected areas has been set up by the National Centre for Disease Control (NCDC) in Tbilisi and other regions.

According to NCDC, the number of cases of communicable diseases (such as Diphtheria, Pertussis, Measles, Rubella, Mumps, Hepatitis, Diarrheal diseases, Influenza and Respiratory infections) observed in August 2008 has not increased when compared to the previous year.

In Tbilisi, the NCDC has established active surveillance of the temporary IDP locations to timely detect and control emerging communicable diseases. Team of epidemiologists, including staff for prevention/promotion activities and public health laboratories have been mobilized. In Tbilisi, as a result of close epidemiological and clinical investigations, the following cases of communicable diseases were registered among IDPs: scabies (9 cases), skin infections (7cases),; gastro-intestinal infections (4 cases of suspected viral origin) and 1 confirmed laboratory case of Salmonellosis.

Outside Tbilisi, NCDC monitoring teams visited temporary IDP locations and conducted epidemiological and clinical investigations as well as preventive and promotion activities. Isolated cases of diarrhea were registered in the Tskaltubo district (8cases), in the "Patriot" camp in the Bagdati district (2 cases), in Gori Kindergarten #8 (4cases) and in the technical school in Kutaisi (3cases).The Government has established an IDP Hotline (090) to provide advice and guidance, including on the health related matters.

### 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 Mtkvari and Black Sea Basins are polluted, predominantly by municipal wastewater discharges. The Mtkvari 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.

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 more<sup>239</sup>

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<sup>238</sup> Georgia Health Cluster, Bulletin No.3, 3 November 2008  
[http://www.who.int/hac/crises/geo/sitreps/georgia\\_sitrep\\_2nov2008.pdf](http://www.who.int/hac/crises/geo/sitreps/georgia_sitrep_2nov2008.pdf) (accessed 28 November 2008)

<sup>239</sup> UNDP, Georgia Overview of Water Resources, 2003, available at:  
<http://europeandcis.undp.org/WaterWiki/index.php?title=Georgia&redirect=no> accessed at 9 November 2007

The company "Tbilisi Water" opened a new automatic lab controlling the water quality at the filtration station of Ghrmaghele. The new automatic lab complex enables to control the chlorine level and water quality on far better level<sup>240</sup>.

"One of our priorities is the water quality in the city, its inspection was carried out manually hitherto, there are 4 points of water supply in Tbilisi and we have already installed automatic inspector at three of them and its installation is under progress at the fourth one. This is the additional mechanism to control the water quality regularly in an on line regime, in case of any lapse the controller's office will be informed automatically, and it will be entailed by shutting off that flood of water, the main thing is to avoid any bacteria or any other contamination in drinking water, the circle of the automatic inspection will be over by the end of this month from this view of point, and after it we will be able to inspect the water quality even more effectively," - said Gigi Ugulava, the Mayor.

In the midst of responding to the immediate emergency of sustaining displaced people in post-conflict Georgia, the situation of Gori's chlorine situation had been overlooked. Recent water quality testing by UNICEF and its partners showed that residual chlorine levels were below internationally accepted standards of safety<sup>241</sup>.

Furthermore, the town had only a few days worth of chlorine left to treat the water. Gori was on the brink of a water crisis.

James Sheperd-Barron, UNICEF's Head of Water, Hygiene and Sanitation in Georgia:

"At the moment the chlorine levels are very, very low and they have been as low as zero, so now we're having to do supplement chlorination to get residual chlorine to internationally accepted standards which is three milligrams per liter and that's what we are doing now."

### 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 available<sup>242</sup>. In early 2007 Government decided to spent 350 million GEL (Lari) on the

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<sup>240</sup> Tbilisi city hall

[http://www.tbilisi.gov.ge/index.php?lang\\_id=ENG&sec\\_id=344&info\\_id=6613](http://www.tbilisi.gov.ge/index.php?lang_id=ENG&sec_id=344&info_id=6613) (accessed 28 November 2008)

<sup>241</sup> United Nations

<http://www.unmultimedia.org/tv/unifeed/detail/10330.html> (accessed 28 November 2008)

<sup>242</sup> Labour, Health and Social Affairs Ministry of Georgia, List of Medical Establishments Available in Different Regions of Georgia, 2005 <http://www.moh.gov.ge/page.php?22> (accessed 28 November 2008)

construction of hospitals and 170 million GEL (Lari) for the construction of outpatient clinics<sup>243</sup>.

"The major principle is that each patient across Georgia should be able to reach the closest medical center in 30 minutes," Arveladze 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.

Decentralization has been a major component of the health reform process since 1995 and was reiterated in the 2000-2009 strategic health plan. A plan to privatize hospitals was initiated in 2007. Nearly all dental clinics and pharmacies have already been privatized.

The Government finances programmes such as tuberculosis (TB), HIV/AIDS, immunization, mother and child health and provides insurance coverage for the population under the poverty line (currently estimated at 600.000 people). This covers a rather limited basic package of services<sup>244</sup>.

### 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

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.

According to 2009 Budget Draft, Ministry of Labor, Healthcare and Social Welfare will become 1.494 billion GEL (Lari) (in 2008 it was 1.317 billion GEL (Lari)).

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<sup>243</sup> Civil Georgia Online Magazine, Government Plans to Invest GEL 520 mln in New Hospitals <http://www.civil.ge/eng/article.php?id=14457&search=Health%20care%20infrastructure> (accessed 28 November 2008)

<sup>244</sup> World Health Organisation, Georgia: main public health issues and concerns [http://www.who.int/hac/crises/geo/georgia\\_profile\\_aug2008.pdf](http://www.who.int/hac/crises/geo/georgia_profile_aug2008.pdf) (accessed 29 November 2008)

According to Labour, Health and Social Affairs Ministry of Georgia<sup>245</sup>:

**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. State provides compensation according to different disease categories: acute condition - 32 GEL (Lari) per day, half acute condition - 15 GEL (Lari) per day, chronically - 8,6 GEL (Lari) per day.

**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 Centre 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. State provides compensation of hospitalisation - 18,5 GEL (Lari) in Tbilisi and 13,7 GEL (Lari) in regions - and operation - 3067 GEL (Lari).

**Medical care assistance for children below 3 years and from 3 to 15 years old** provides free medical care for children under the age of 3 years and 80% state financing for children of age 3-15. Hence, parents will have to cover 20% of treatment-related expenses for children between 3 and 15. For chronic and rare diseases there is free medical care. For socially vulnerable families and children from conflict zones there is free medical care. State provides compensation according to different disease categories and regions from 61 to 1390 GEL (Lari). The first visit to doctor - 12 GEL (Lari) and next - 6 GEL (Lari)

**Infectious diseases treatment assistance** provides diagnostical, 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 covers 75% of chronically hepatitis treatment, 80% of parasitic diseases treatment (for children below 3 years - 100%).

**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 15 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 70% of treatment-related expenses (without medicaments); children (0-18 years old) are financed 100%; hospitalisation is covered by the State for 70%, but not more than 150 GEL (Lari) and 160 GEL (Lari) in the case of tomography; cost of chemotherapy (without medicaments) is covered by 50% but not more than 250 GEL (Lari). Consultations and treatment in the case of hormone therapy is free. Hospitalisation of children 0-21 years old is 97 GEL(Lari)/day (in the case of lymphatic leukaemia - not more than 1170 GEL (Lari), in the case of acute leukaemia - not more than 1393 GEL (Lari)). For inpatients, one day in a hospital costs 55 GEL (Lari) and he/she has to pay 30 % of this sum.

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<sup>245</sup> Labour, Health and Social Affairs Ministry of Georgia State United Social Insurance Fund of Georgia <http://moh.gov.ge/page.php?68> (accessed 28 November 2008)

**Referral Assistance** 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. In Autonomous Republic of Adjara are provided only critical and urgent referral cases.

**Urgent hospital assistance** covers 75% of urgent hospitalization and treatment of population from 15 years old. The program covers 100% urgent hospital treatment in high-mountain and conflict regions. In the case of patient's critical condition Government covers 6 days in reanimation department. Treatment of people that are living under the poverty line will be financed from assignments. State provides compensation according to different disease categories and regions from 63 to 3321 GEL (Lari).

**Cardiological diseases diagnostics and treatment assistance** covers heart disease, aorta-coronary shunt, and anginous-plastic. State provides compensation according to different disease categories from 2686 to 13146 GEL (Lari). Children (0-18 years old) are provided with 70% covered expenses. Treatment of heart disease is free.

**Organ and tissue diseases diagnostics and treatment assistance** provides haemo- and peritonitis dialysis service and kidney transplantation: haemodialysis - one séance is 90 GEL (Lari) (156 séances per year, 3 times per week), in the case of peritonitis dialysis one séance is 12.50 GEL (Lari) (1460 séances per year, 4 times per day); kidney transplantation - 14.947 GEL (Lari).

**Diabetes treatment assistance** includes visit to doctor, laboratory research, hospitalisation, medicines during first 6 month. Assistance will be provided for two groups of patients: visits in out-patient reception hours and hospitalisation.

**Haemophilia treatment assistance** includes visits to doctor in out-patient reception hours (consultation, blood transfusion, blood tests, test for hepatitis B and C, critical and urgent cases, the 8<sup>th</sup> and 9<sup>th</sup> factors tests, platelet research) as well as hospitalisation (in the case of haemophilia diagnosis and orthopaedic service).

**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.

According to the survey "Public Security in Georgia"<sup>246</sup>, doctors and nurses are considered the most corrupted profession in Georgia.

#### **3.4.3.4 Discrimination in Health Care System**

There is no official information regarding any type of discrimination in Georgia, especially in the health care system.

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<sup>246</sup> United Nations Observer Mission in Georgia (UNOMIG), Public Security in Georgia: Crime Victimization, Fear of Crime, Fraud, Corruption and Policing, March, 2006, available at: [http://www.police.ge/en/Survey/PublicSecurityinGeorgia\\_final.pdf](http://www.police.ge/en/Survey/PublicSecurityinGeorgia_final.pdf) accessed at 9 November 2007

### 3.4.3.5 Health care services of non-state agents

International aid organizations are mobilizing a response to the humanitarian crisis following the recent outbreak of fighting between Georgian and Russian forces. InterAction is a coalition of more than 160 US-based private relief, international development and refugee assistance organizations. A regularly updated list of agencies responding will be available at:

[www.interaction.org/caucasus](http://www.interaction.org/caucasus)

The Health Cluster (HC), under the leadership of the World Health Organization (WHO) and in coordination with the Ministry of Labour, Health and Social Affairs (MoLHSA), is made up of national and international health organizations that have been working together after the August crisis to build partnerships and mutual understanding for common actions. The HC in Georgia is developing common approaches to improve coordination in the health sector and to enhance the effectiveness, efficiency, and accountability of health actions<sup>247</sup>.

In the end of the report of World Health Organisation's Georgia Health Cluster you can find who is doing what and where - summary of activities (to 13 October 2008) of Health Cluster partners: [http://www.who.int/hac/crises/geo/georgia\\_sitrep\\_13october2008.pdf](http://www.who.int/hac/crises/geo/georgia_sitrep_13october2008.pdf)

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. In total, about 300,000 persons in Tbilisi, Imereti Region in western Georgia, and Gali District benefited.

Médecins Sans Frontières<sup>248</sup> (MSF) is an international humanitarian aid organisation that provides emergency medical assistance to populations in danger in more than 70 countries. The MSF team in Tbilisi, the capital of Georgia, has supported several hospitals in Georgia, providing medicines for patients who have been injured or burned after attacks by the Russian army on the Georgian territory, in collaboration with the Georgia health authorities. The hospitals in various regions of the territory have admitted close to 1,200 injured patients who are being cared for by Georgian doctors. The on-going treatment of patients affected by multi-drug resistant tuberculosis (MDR-TB) is of key concern to MSF.

United Nations Children's Fund<sup>249</sup> (UNICEF) addresses the needs of all children affected by the conflict and who have been displaced in Georgia and those who have moved to North Ossetia, Russian Federation. UNICEF is coordinating with government authorities, UN agencies, NGOs and donors in Georgia to respond to the needs of affected children and women. Organisation and its partners have already rushed nutritional and hygiene supplies, and water purification tablets, to more than 4.000 people who have fled their homes in

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<sup>247</sup> Georgia Health Cluster

<http://www.reliefweb.int/rw/rwb.nsf/db900sid/VDUX-7KER2S?OpenDocument> (accessed 29 November 2009)

<sup>248</sup> Médecins Sans Frontières (MSF)

<http://www.msf.org> (accessed 29 November 2009)

<sup>249</sup> United Nations Children's Fund (UNICEF)

<http://www.unicef.org> (accessed 29 November 2008)



Georgia. The organization also realised airlift School-in-a-Box and recreation kits, basic family kits, and water and sanitation materials for approximately 6.000 family's right after the conflict. 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.

#### 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.

*HIV/AIDS*<sup>250</sup> Despite of low prevalence Georgia is considered to be at high risk for a expanding HIV/AIDS epidemic due to widespread injecting drug use and intensive population movement between neighbouring high-prevalence countries such as Ukraine and the Russian Federation. The worst affected areas are Tbilisi and Black Sea coastal regions of Georgia. A total of 163 new HIV cases were registered in 2004. Most people living with HIV/AIDS were aged 25-40 years at the time of diagnosis and 82% were male. Georgia's socioeconomic conditions put it at risk of developing an epidemic similar to that of the Russian Federation and Ukraine.

*Tuberculosis*<sup>251</sup> (TB) 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.

#### 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. First aid medicines are always available at Georgian hospitals.

According to the State Program of 2007<sup>252</sup> with budget of 9.600.000 GEL (Lari) population of Georgia have to be provided with standard medicines as well as with special medicines (for diabetes, haemophilia, oncological diseases, transplantation, antirabic treatment, immunisation, children with phenyl-ketonical diseases, drug addiction), its customs clearance, transportation and storage.

#### 3.4.4 Persons with physical and/or mental disabilities or disorders (including traumatised persons)

##### Specialised institutions and state responsibility (legal regulation and practice).

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<sup>250</sup> World Health Organisation, Georgia country profile [http://www.who.int/hiv/HIVCP\\_GEO.pdf](http://www.who.int/hiv/HIVCP_GEO.pdf) (accessed 29 November 2008)

<sup>251</sup> World Health Organisation, Georgia country profile [http://www.who.int/GlobalAtlas/predefinedReports/TB/PDF\\_Files/geo.pdf](http://www.who.int/GlobalAtlas/predefinedReports/TB/PDF_Files/geo.pdf) (accessed 29 November 2008)

<sup>252</sup> Ministry of Labour, Health and Social Affairs [http://moh.gov.ge/ge\\_pdf/politika/specifiuri.pdf](http://moh.gov.ge/ge_pdf/politika/specifiuri.pdf) (accessed 29 November 2008)

14<sup>th</sup> June is the day of protection of the rights of disabled people<sup>253</sup>.

A person with disabilities is someone who has poor health conditions and totally or partially has lost the ability to work; or has hardships in his daily life because of a decease, trauma, physical or mental defect<sup>254</sup>.

The discrimination of physically disabled is prohibited and such violation is punished under the criminal code<sup>255</sup>.

The state should provide social protection of physically disabled. Public enterprises have the duty to facilitate the movement of such people in these enterprises and public transport<sup>256</sup>.

The state should support medical and professional rehabilitation of the disabled. Individual programmes should be elaborated.<sup>257</sup>

The US Department of State admitted that in practice the problem is a low priority for the government. Discrimination against persons with disabilities in employment, education, access to healthcare, and in the provision of other state services is a problem, and societal discrimination against persons with disabilities exists. The administrative code mandates access to buildings for persons with disabilities and stipulates fines for non-compliance. However, very few, if any, public facilities or buildings are accessible<sup>258</sup>. The same concerns are expressed by the Public Defender of Georgia. In addition, the Public Defender underlines several more issues: a) the procedure of granting the status of a "disabled person" is ineffective and, frequently, it is degrading to the dignity of a person; b) the rights of professionals working with the disabled people are unsecured and this affects negatively the disabled; c) the programmes dealing with the disabled are not focused on the improvement of their living conditions, they just provide certain aspects for their care and rehabilitation; d) the needs of the disabled are not assessed well enough<sup>259</sup>.

Individuals with grave disabilities get pension of 45 GEL. Individuals with significant disabilities get pension of 28 GEL<sup>260</sup>. To get this kind of pension, individuals have to undergo the same procedure as was discussed in chapter 5.4.2.

Blind individuals - that are disabled people of the first category, not able to work, get allowance of 22 GEL. If their disability is grave, they get 32 GEL<sup>261</sup>.

According to official data of 2007, the country has 11,024 children with disabilities, although the actual number is thought to be higher<sup>262</sup>.

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<sup>253</sup> Order of the President, #260, 13 June 2003.

<sup>254</sup> Law on Social Support of Disabled People, #756, 14 June 1995

<sup>255</sup> Criminal Code of Georgia, 22 July 1999, article 142<sup>2</sup>.

<sup>256</sup> Law on Social Support of Disabled People, #756, 14 June 1995, articles 3 and 7.

<sup>257</sup> Law on Social Support of Disabled People, #756, 14 June 1995, article 14.

<sup>258</sup> Country Reports on Human Rights Practices, Georgia -2007, 11 march 2008  
<http://state.gov/g/drl/rls/hrrpt/2007/100560.htm>

<sup>259</sup> Report of the Public Defender of Georgia; first half of 2008,  
[http://ombudsman.ge/uploads/reports/moxseneba\\_2008\\_1naxevari.pdf](http://ombudsman.ge/uploads/reports/moxseneba_2008_1naxevari.pdf) (accessed 29 November 2008).

<sup>260</sup> Law on State Pension, #2442, 23 December 2005, article 8; Resolution of the Government, #111, 29 April 2008, article 1.

<sup>261</sup> Resolution of the Government # 145, 28 July 2006, article 8<sup>2</sup>; Resolution of the Government, #111, 29 April 2008, article 1.

There are 31 state promoted establishments for disabled children in Georgia. There are specialised educational institutions for the disabled children, which had problems with the equipment and methodology. Certain disabled children are able to study in ordinary schools. There were problems in this regard as well<sup>263</sup>. During the last year the government launched strong media campaign and the situation seems to improve bit by bit<sup>264</sup>.

Disabled children who are in need of permanent assistance get pension of 35 GEL. Other disabled children get monthly 28 GEL. Disabled children under 18 who belong to the family that is below the degree of poverty get allowance of 22 GEL. If their disabilities are grave, they get, respectively, 45, 38 and 32 GEL<sup>265</sup>.

Public Defender of Georgia considers that the criteria for getting into the list of the families below the degree of poverty are too strict. Thus, it will be hard for disabled children to get the allowance of 22 GEL<sup>266</sup>.

A number of institutions (state, as well as non-state) that work with the disabled people:

Foundation “**Next Step**” provides support for disabled children that live there. However, as the representative of the organisation noted in the interview, as there is no place where children, having become teenagers, may go, the foundation takes care of the teenagers as well.

Address: Tbilisi, Chavchavadze Avenue #74A. T: (99532) 23 01 40.

“**Imedi**”, psychological and social rehabilitation centre of disabled children.

Address: Zezva Gafrindauli Street No.6. T: (99532) 566 425.

**House of Social Therapy**, assisting the disabled people to get employed and supervising further development.

T: (995 32) 77 54 85; (99532) 77 11 84.

**Union for People**, assisting the disabled people to get employed and supervising further development.

T: (995 32) 77 63 07.

**Kutaisi Boarding House for Elder People**, providing psychological aid, food, home atmosphere and medical care for disabled elder people.

Address: Kutaisi, Street of King Solomon II, the 4<sup>th</sup> blind alley No.6.

Contact person: Ms. Giuli Mushkudiani

T: (995 99) 23 31 32

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<sup>262</sup> US Department of State, Country Reports on Human Rights Practices, Georgia -2007, 11 march 2008 <http://state.gov/q/drl/rls/hrrpt/2007/100560.htm>

<sup>263</sup> Resolution of the Georgian Parliament, #3337, 13 February 2004.

<sup>264</sup> Opinion of GYLA.

<sup>265</sup> Law on State Pension, #2442, 23 December 2005, article 8; Resolution of the Government # 145, 28 July 2006, article 8<sup>2</sup>; Resolution of the Government, #111, 29 April 2008, article 1.

<sup>266</sup> Report of the Public Defender of Georgia; Second half of 2007; pp.310-318, [http://ombudsman.ge/files/468\\_19\\_PDOReport2007IIhalf.pdf](http://ombudsman.ge/files/468_19_PDOReport2007IIhalf.pdf) (accessed 19 June 2008).

**Tbilisi Boarding House for Elder People**, providing psychological aid, food, home atmosphere and medical care for disabled elder people (women beyond 60 years, men beyond 65 years).

Address: Tbilisi, 11<sup>th</sup> mini-district of Temka, the II kvatrali.

Contact person: Ms. Tamta Demurishvili.

T: (995 99) 92 30 82

**Psycho - Social Rehabilitation Centre of the Georgian Association of the Psychological Health**- providing consultations and healthcare.

Address: Tbilisi, Lado Asatiani Street No.10. T: (995 32) 39 78 44.

"Afra" - supporting mentally disabled people, their parents and nurses.

Address: Tbilisi, Lado Asatiani Street No. 10. T: (995 99) 15 38 01.

**Dzevri Boarding House for Disabled People**, providing living conditions for people having permanent mental disorders, psycho - social rehabilitation, food, medical care.

Address: Region of Terjola, Village Dzevri

Contact person: Mr. Davit Gabrichidze

T: (995 99) 56 90 88

**Centre of Mental Health.**

Address: Tbilisi, Gldani, 43 Ipolit - Ivanov Street.

Contact person (1): Mr. Bidzina Mgaloblishvili

T: (995 77) 40 11 28

Contact Person (2): Mr. Davit Sarishvili

T: (995 99) 45 71 61

**Psychiatric Hospital of Bediani**

Head: Mr. Avto Vanadze

T: (995 99) 13 68 64

**Psychiatric Hospital of Batumi**

Head: Mr. Nukri Mikava

T: (995 77) 41 13 54

**Psychiatric Hospital of Surami**

Head: Mr. Gia Jobadze

T: (995 93) 57 03 95

**Kutiri National Centre of Mental Health**

Head: Mr. Gocha Bakuradze

T: (995 93) 47 25 38

**Akhaltshikhe Centre of Mental Health**

Contact person (1): Ms. Lamara Kiknadze

T : (995 93) 26 45 27

Contact person (2): Ms. Tsiuri Sheshaberidze

T: (995 93) 17 63 83

**A. Gotsiridze Tbilisi State Specialised Clinic**

Head: Mr. Giorgi Geleishvili

T: (995 99) 11 03 53

(995 32) 39 66 65

**Kutaisi Specialized Clinic**  
Head: Ms. Maia Nutsubidze  
T: (995 99) 18 21 02

**Telavi Specialised Clinic**  
Head: Ms. Irina Gegechkori  
T: (995 93) 34 25 94

**Zestafoni Specialised Clinic**  
Head: Ms. Darejan Akhvlediani  
T: (995 99) 53 62 12

**Zugdidi Specialised Clinic**  
Head: Ms. Nata Abuladze  
T: (995 99) 56 10 65

**Rustavi Specialised Clinic**  
Head: Mr. Zaza Okhanashvili  
T: (995 99) 20 91 34

**Sighnaghi Specialised Clinic**  
Head: Ms. Mariana Khutsishvili  
T: (995 93) 90 92 27

**Ozurgeti Specialised Clinic**  
Head: Ms. Manana Gogvadze  
T: (995 99) 15 63 75

**Senaki Specialised Clinic**  
Head: Ms. Guranda Revia  
T: (995 99) 20 87 68

**Gori Specialised Clinic**  
Head: Ms. Marina Gongilashvili  
T: (995 99) 53 30 40

There is a special state programme for 2008 designated for the social rehabilitation of the disabled. 4, 237, 300 GEL are prescribed for this programme. The programme is a very detailed action plan and includes:

- specialised day-time establishments (designated for about 530 beneficiaries who live in the families);
- development of the communication mechanisms for deaf mutes;
- taking full care of the disabled children (daily conveniences, psycho-social rehabilitation, medical care);
- access to health resort areas;
- children's medical rehabilitation programme;
- providence with transportation tools.

The programme should be implemented by 31 December 2008. <sup>267</sup>

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<sup>267</sup> Order of the Minister of Labour, Healthcare and Social Protection, # 70, 14 March 2008.

### 3.4.4.1 Actual access to specialised institutions and care for returnees (persons with physical disabilities)

Returnees can use services for non-returnees as well as following:

**"Glass Children" Association for Support of People with Osteogenesis Imperfecta**

Contact Person: Khatuna Tsaganelidze  
Address: Kutuzovi str. 7 I floor, apt. 27, Tbilisi, Georgia  
E-mail: saga@gol.ge

#### **Blind People without Boundaries**

Contact Person: Besarion Sologhashvili (Chair)  
Cell: 899 278 508  
Phone Number: 8 (22) 999 829  
Address: Mitskevichi str. 29 a, room 202, Tbilisi, Georgia  
E-mail: tamosolo@yahoo.com

#### **Union for Social Integration of Children with Disabilities**

Contact Person: Tamar Maghlakelidze (President)  
Cell: 899 532 732  
Address: Mitskevichi str. 1, Tbilisi, Georgia  
E-mail: maglata@mail.ru

#### **Union of Children of God of Georgia - Association of People with Disabilities**

Contact Person: Nana Kenchuashvili (Chair)  
Phone Number: 8 (22) 250 145  
Address: Chavchavadze Ave. 49 a, V floor, Tbilisi, Georgia  
E-mail: iufnona@yahoo.com

#### **Social Pediatrics Protection Fund**

Contact Person: Giorgi Chakhunashvili  
Cell: 893 237 154  
Address: Lubliana str. 29, II floor, Tbilisi, Georgia  
E-mail: info@sppf.info

#### **Association for Protection of Children with Hearing and Speech Disabilities**

Contact Person: Maia Asakishvili  
Cell: 899 513 397  
Phone Number: 8 (22) 997 324 / 323  
Address: Vazha-Pshavela Ave. 73, Block 3, Building 1, apt. 14, Tbilisi, Georgia  
E-mail: makako@geo.net.ge/asakashvili\_maia@yahoo.com

#### **International Foundation for Support and Development of Children with Hearing Disabilities**

Contact Person: Olga Chikvaidze (Chair)  
Cell: 899 100 377  
Address: Digomi, Block 5, Akhmeteli str. 2, Tbilisi, Georgia

#### **International Union "Human and Nature"**

Contact Person: Lali Zautashvili  
Phone Number: 8 (22) 61 01 89; 60  
Address: Guramishvili Ave. 72, Tbilisi, Georgia

**Georgian Association of Hemophilia and Donorship**

Contact Person: Roman Khomasuridze  
Cell: 899 100 254  
Address: Khazbegi str. 22, Tbilisi, Georgia

**Georgian Union of Deaf People**

Contact Person: Badri Batatunashvili / Metonidze Maia  
Cell: 877 456 615  
Address: Maiakovski str. 6, III Floor, Tbilisi, Georgia

**Georgian Disabled Women's International Association**

Contact Person: Manana Galuashvili  
Cell: 899 973 006  
Phone Number: 8 (22) 920 911  
Address: Brothers Zubalashvili str. 34, Tbilisi, Georgia  
E-mail: Gdwia@access.sanet.ge

**The Georgian Foundation For Prosthetic Orthopedic Rehabilitation (GULFPOR)**

Contact Person: Maia Kalmakhelidze (PR Manager)  
Phone Number: 8 (22) 520 073 / 522  
Address: Lubliana str. 18/20, Tbilisi, Georgia  
E-mail: ortho@gefpor.ge

**The First Step (Providing services of various type to children with disabilities)**

Contact Person: Ketii Melikadze (Director)  
Phone Number: 8 (22) 252 519 / 230  
Address: Chavchavadze Ave. 74 a, room 504, Tbilisi, Georgia  
E-mail: keti.melikadze@tfs.ge

**Cultural Center "Tanadgoma"**

Contact Person: Nana Gegelishvili  
Cell: 877 46 65 71  
Phone Number: 8 (22) 96 74 62  
Address: Uznadze str. 68, Tbilisi, Georgia  
E-mail: acacia@ip.osgf.ge

**Association "Parents' Bridge" (Integration of people with disabilities in society)**

Contact Person: Teona Khacheishvili  
Cell: 877 473 440  
Address: Chikobava str. 29, Tbilisi, Georgia  
E-mail: ktea@rambler.ru

**Disabled Child, Family, Society** (Protection of rights of children with disabilities and their families)  
Contact Person: Maia Bibileishvili (Chair)  
Cell: 877 715 609  
Address: Vazha-Pshavela str. 76 b, III floor, Tbilisi, Georgia  
E-mail: maia@disability.ge

**Disabled Entrepreneurs' Employment Association**  
Contact Person: Lado Aslamazashvili (Director)  
Cell: 893 967 888  
Address: Kedia str. 7, Tbilisi, Georgia

**Association of Disabled / Dead Warriors' Spouses**  
Contact Person: Manana Mebuke  
Cell: 893 491 000  
Address: Kedia str. 7, I Floor, Room 2, Tbilisi, Georgia  
E-mail: dt\_wife@yahoo.com/ mmanana@mail.ru

**Ephatha - League for Development of Children with Hearing Impairments**  
Contact Person: Nino Peradze (Chair)  
Phone Number: 8 (22) 955 864  
Address: Uznadze str. 2, entrance 1, VI floor, Tbilisi, Georgia  
E-mail: contact@epatha.org.ge

**Union of Deaf and Blind People of Abkhazeti - "Hera"**  
Contact Person: Boris Shkriabai (Chair)  
Phone Number: 8 (22) 774 067  
Address: Gurjaani str. 22, Tbilisi, Georgia  
E-mail: abkusin@hotmail.com

**Association "Children's Harmonic Development House"**  
Contact Person: Tiko Nozadze (Director)  
Cell: 899 903 51  
Address: Vazha-Pshavela VI Block, Shavishvili str. 5, Tbilisi, Georgia  
E-mail: hchd@myoffice.ge

**Antistigma (Psychic health, education, civil society)**  
Contact Person: Natalia Khonelia  
Cell: 899 935 031  
Phone Number: 8 (22) 581 838  
Address: Gldani I micro district, building 20a, No.44, I floor, Tbilisi, Georgia  
E-mail: antistigma@caucasus.net

**Association Anika** (Social rehabilitation of children with disabilities, protection of families of children with disabilities, support to the system of inclusive education)  
Contact Person: Irina Inasaridze  
Phone Number: 8 (22) 44 55 03  
Address: Kostava str. 75 a, Tbilisi, Georgia  
E-mail: geo-anika@yahoo.com/geoanika@hotmail.com



**World Vision Georgia** is implementing **Improved Social and Economical Conditions for Families with Children with Disabilities Project (Project Manager: Marina Mchedlishvili - 8-99-15-54-35)**. In the frame of the project was established 3 Kindergarten with group for disabled children in Kutaisi, Batumi and Tbilisi. With such children working group of doctors - for each kid are conducted 4 medical courses/year. In cooperation with other WVG projects is also provided assistance to parents of disabled children and advocacy.

Contacts of medical centres - partners of the ISEC project:

Tbilisi: Irakli Natrushvili - 8 99 48 12 21  
Children Republican Hospital #2, neurological department

Batumi: Iagor Jibuti - 8 99 57 50 37  
Republican Hospital, neurological department

Kutaisi: ZazaPataridze - 8 93 31 17 91  
Temida Ltd.

#### 3.4.4.2 Actual access to specialised institutions and care for returnees (persons with mental disabilities or disorders)

As there isn't any special project for returnees, so they can use services for non-returnees as well as following:

**Association for Psycho-Social Assistance "NdoBa"**  
Contact Person: Nana Aghapishvili (Executive Director)  
Phone Number: 8 (22) 952 535  
Address: Z. Chavchavadze str. 9, II floor, Tbilisi, Georgia  
E-mail: ndoba@caucasus.net/mail@ndoba.org.ge

**Georgian Association for Mental Health (GAMH)**  
Contact Person: Manana Sharashidze  
Cell: 899 600 110  
Address: Vazha-Pshavela Ave. 30, I Floor, Tbilisi, Georgia  
E-mail: mental@gamh.org.ge

**Special Olympics Committee of Georgia**  
Contact Person: Jhana Gotsireli (Chair)  
Cell: 893 363 77  
Address: Chavchavadze 49, III floor, Tbilisi, Georgia  
E-mail: specialolympicsge@yahoo.com

**Social Development Fund of Georgia "Progress"**  
Contact Person: Leila Koniashvili / Mzia Nozadze  
Cell: 893 622 408  
Phone Number: 8 (22) 78 26 66  
Address: Vazisubani, Building II, apt.28  
E-mail: dedas62@list.ru

**Napertskala (Sunday School-Studio for Children with Mental Disabilities)**

Contact Person: Dalisa Kukuladze (Director)

Cell: 899 100 971

Address: Vazha-Pshavela II Block, building 9 a, Tbilisi, Georgia

**Association for People in Need of Special Care**

Contact Person: Nino Agdgomelashvili (Supporting integration of people with mental retardation - day center)

Phone Number: 8 (22) 77 63 07

Address: Ubilava str. 8, Tbilisi, Georgia

E-mail: info@apnsc.ge/heim@heim.ge

**Union "Ia" (Day center for people with mental disabilities, education, labour therapy)**

Contact Person: Nino Chabukiani

Cell: 855 505549

Phone Number: 8 (22) 747551

Address: Gurjaani str. 20, Tbilisi, Georgia

**Union of Parents of and Professionals in Children with Down Syndrome**

Contact Person: Nino Tsintsadze

Cell: 893 344 531

Address: Chavchavadze Ave. 32, Tbilisi, Georgia

**Young Psychotherapist' Association (Psycho-social rehabilitation)**

Contact Person: Sopo Verulashvili (President)

Cell: 899 257 972

Address: Vazha-Pshavela ave.16, XVI floor, Tbilisi, Georgia

E-mail: ppassociation@rambler.ru

**GIP Tbilisi (Global Initiative on Psychiatry)**

Contact Person: Nino Makhashvili

Phone Number: 8 (22) 214 006

Address: Kipshidze str. 49 a, Tbilisi, Georgia

E-mail: nmakhashvili@gip-global.org

## 4 Human Rights

### 4.1 Lesbian, Gay, Bisexual, Transsexual rights (LGBT rights)

#### General

LGBT people are not widely accepted in the society<sup>268</sup>. International Lesbian and Gay Association (ILGA) considers that there is a high level of hostility toward homosexuality. Many believe homosexuality to be a disease, some see it as a sin, others as a perversion, but few consider it a sexual orientation. The issue is considered a social taboo and not the matter for public destruction<sup>269</sup>.

Sexual relationships between men were only decriminalised in June 2000<sup>270</sup>.

It is considered that there is a large gay community in Tbilisi. However, they have an underground subculture and are afraid of coming out<sup>271</sup>.

Lesbians are almost totally invisible. The greater isolation and marginalisation of lesbians is understood in the context of a gender analysis, which points to the weaker, more economically dependent status of women generally<sup>272</sup>.

A survey conducted in Tbilisi among 430 people aged 17-50, made up of 250 women and 180 men, revealed that 84% were negative toward homosexuals, 14% were neutral, while only 2% responded positively. In relation to lesbian relationships the survey showed that 40% considered such relationship a disease, 34% viewed them as ugly, 20% as a sin. One percent considered lesbianism to be a temporary phase that women simply grow out of. When asked, just 1% of

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<sup>268</sup> US Department of State, Country Report on Human Rights Practices in Georgia, March 11 2008; <http://state.gov/g/drl/rls/hrrpt/2007/100560.htm> (accessed 29 April 2008).

<sup>269</sup> Report on ILGA-Europe/COC fact finding mission, "Forced out: LGBT People in Georgia", August 2007, pp.24 - 25, [http://www.ilga-europe.org/europe/guide/country\\_by\\_country/georgia/forced\\_out\\_lgbt\\_people\\_in\\_georgia\\_august\\_2007](http://www.ilga-europe.org/europe/guide/country_by_country/georgia/forced_out_lgbt_people_in_georgia_august_2007) (accessed 28 April 2008).

<sup>270</sup> Inclusive Foundation and ILGA - Europe, "Shadow report on the implementation of the European Social Charter by Georgia: Employment issues in relation to sexual orientation", p.2, [http://inclusive-foundation.org/home/files/georgia\\_shadow\\_report\\_on\\_employment\\_issues\\_related\\_to\\_sexual\\_orientation\\_en.pdf](http://inclusive-foundation.org/home/files/georgia_shadow_report_on_employment_issues_related_to_sexual_orientation_en.pdf) (accessed 30 April 2008).

<sup>271</sup> Report on ILGA-Europe/COC fact finding mission, "Forced out: LGBT People in Georgia", August 2007, pp.24 - 25, [http://www.ilga-europe.org/europe/guide/country\\_by\\_country/georgia/forced\\_out\\_lgbt\\_people\\_in\\_georgia\\_august\\_2007](http://www.ilga-europe.org/europe/guide/country_by_country/georgia/forced_out_lgbt_people_in_georgia_august_2007) (accessed 28 April 2008).

<sup>272</sup> Report on ILGA-Europe/COC fact finding mission, "Forced out: LGBT People in Georgia", August 2007, p.26, [http://www.ilga-europe.org/europe/guide/country\\_by\\_country/georgia/forced\\_out\\_lgbt\\_people\\_in\\_georgia\\_august\\_2007](http://www.ilga-europe.org/europe/guide/country_by_country/georgia/forced_out_lgbt_people_in_georgia_august_2007) (accessed 28 April 2008).

respondents, none of whom were women, indicated that they were in favour of organisations for lesbians<sup>273</sup>.

The act of coming out cannot be underestimated, both in terms of the courage required to speak openly about one's sexuality and also in terms of the psychological pressure of feeling forced to stay hidden. Among the 120 respondents surveyed, only 13.3% had come out to their family. When it comes to friends, the percentage is higher -33.3%<sup>274</sup>.

December 2006 survey showed that 81.4% of respondents said they would not be on friendly terms with a homosexual, while 71.4% would not want to work with a homosexual. These were the most negative ratings among the various groups considered<sup>275</sup>.

There is some indication of the emergence of a generational shift in attitudes. Almost 43% of young people, as compared with 20% of parents, demonstrated a tolerant attitude toward male homosexuality. The percentages were similar for attitudes toward lesbians. The study showed that young women were more tolerant than young men. Other observers believe that there are signs of a positive change in attitudes and that even if young people do not "accept" homosexuality, at least they are prepared to talk about it<sup>276</sup>.

There is some difference of opinion on how the media portray homosexuality and homosexuals. Some believe that there is more discussion and coverage of related material and a sign of the emergence of a tolerant attitude<sup>277</sup>.

A study by the Media Diversity Institute, based in London, looked at the coverage given to minority groups by the leading newspapers in Armenia, Azerbaijan and Georgia over a determined time period. Articles on sexual minorities constituted just 1.4% of the total coverage on minority groups. A

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<sup>273</sup>Report on ILGA-Europe/COC fact finding mission, "Forced out: LGBT People in Georgia", August 2007, p.26, [http://www.ilga-europe.org/europe/guide/country\\_by\\_country/georgia/forced\\_out\\_lgbt\\_people\\_in\\_georgia\\_august\\_2007](http://www.ilga-europe.org/europe/guide/country_by_country/georgia/forced_out_lgbt_people_in_georgia_august_2007) (accessed 28 April 2008).

<sup>274</sup> Report on ILGA-Europe/COC fact finding mission, "Forced out: LGBT People in Georgia", August 2007, p.27, [http://www.ilga-europe.org/europe/guide/country\\_by\\_country/georgia/forced\\_out\\_lgbt\\_people\\_in\\_georgia\\_august\\_2007](http://www.ilga-europe.org/europe/guide/country_by_country/georgia/forced_out_lgbt_people_in_georgia_august_2007) (accessed 28 April 2008).

<sup>275</sup> Report on ILGA-Europe/COC fact finding mission, "Forced out: LGBT People in Georgia", August 2007, p.28, [http://www.ilga-europe.org/europe/guide/country\\_by\\_country/georgia/forced\\_out\\_lgbt\\_people\\_in\\_georgia\\_august\\_2007](http://www.ilga-europe.org/europe/guide/country_by_country/georgia/forced_out_lgbt_people_in_georgia_august_2007) (accessed 28 April 2008).

<sup>276</sup> Report on ILGA-Europe/COC fact finding mission, "Forced out: LGBT People in Georgia", August 2007, p.28, [http://www.ilga-europe.org/europe/guide/country\\_by\\_country/georgia/forced\\_out\\_lgbt\\_people\\_in\\_georgia\\_august\\_2007](http://www.ilga-europe.org/europe/guide/country_by_country/georgia/forced_out_lgbt_people_in_georgia_august_2007) (accessed 28 April 2008).

<sup>277</sup> Report on ILGA-Europe/COC fact finding mission, "Forced out: LGBT People in Georgia", August 2007, p.31, [http://www.ilga-europe.org/europe/guide/country\\_by\\_country/georgia/forced\\_out\\_lgbt\\_people\\_in\\_georgia\\_august\\_2007](http://www.ilga-europe.org/europe/guide/country_by_country/georgia/forced_out_lgbt_people_in_georgia_august_2007) (accessed 28 April 2008).

conclusion of the study is that news about sexual minorities is not considered very newsworthy<sup>278</sup>.

There are no officially reported incidents of harassment, discrimination or violence against members of the LGBT population in Georgia. The most important LGBT organisation in Georgia, Inclusive Foundation that was founded in 2006, made a discrimination survey of 120 LGBT people in Georgia. 30% of respondents had experienced some form of harassment or violence, ranging through name calling, physical violence, sexual assault and police harassment<sup>279</sup>.

The Inclusive Foundation put the absence of reported cases down to fear and a sense of intimidation that prevents victims from reporting. In some cases, victims feel that the incidents of harassment, even when threats and theft are involved, are to be expected when people perceive you to be gay and that such incidents do not merit the attention of the police. Another explanation for the lack of reported cases is a lack of confidence in the authorities to take any constructive action to find the perpetrators.<sup>280</sup>

The level of organising among the LGBT community in Georgia is very low. The process of registration, while posing no legal restrictions for LGBT groups, in practice throws up some difficulties in terms of the explicit mention of sexual minorities<sup>281</sup>.

There are signs, however, that a very significant step has been taken toward empowering LGBT activists in Georgia, to promote the visibility of the community and to engage with national and intergovernmental policy makers in pursuit of equality and protection for LGBT people. The progress made, in the first few months of its setting up, by Inclusive Foundation is remarkable and is perhaps a sign that a more general openness to working on equality for LGBT people is beginning to be manifest among a range of players<sup>282</sup>.

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<sup>278</sup> Report on ILGA-Europe/COC fact finding mission, "Forced out: LGBT People in Georgia", August 2007, p.33, [http://www.ilga-europe.org/europe/guide/country\\_by\\_country/georgia/forced\\_out\\_lgbt\\_people\\_in\\_georgia\\_august\\_2007](http://www.ilga-europe.org/europe/guide/country_by_country/georgia/forced_out_lgbt_people_in_georgia_august_2007) (accessed 28 April 2008).

<sup>279</sup> Report on ILGA-Europe/COC fact finding mission, "Forced out: LGBT People in Georgia", August 2007, p.35, [http://www.ilga-europe.org/europe/guide/country\\_by\\_country/georgia/forced\\_out\\_lgbt\\_people\\_in\\_georgia\\_august\\_2007](http://www.ilga-europe.org/europe/guide/country_by_country/georgia/forced_out_lgbt_people_in_georgia_august_2007) (accessed 28 April 2008).

<sup>280</sup> Report on ILGA-Europe/COC fact finding mission, "Forced out: LGBT People in Georgia", August 2007, p.35, [http://www.ilga-europe.org/europe/guide/country\\_by\\_country/georgia/forced\\_out\\_lgbt\\_people\\_in\\_georgia\\_august\\_2007](http://www.ilga-europe.org/europe/guide/country_by_country/georgia/forced_out_lgbt_people_in_georgia_august_2007) (accessed 28 April 2008).

<sup>281</sup> Report on ILGA-Europe/COC fact finding mission, "Forced out: LGBT People in Georgia", August 2007, pp.37 - 38, [http://www.ilga-europe.org/europe/guide/country\\_by\\_country/georgia/forced\\_out\\_lgbt\\_people\\_in\\_georgia\\_august\\_2007](http://www.ilga-europe.org/europe/guide/country_by_country/georgia/forced_out_lgbt_people_in_georgia_august_2007) (accessed 28 April 2008).

<sup>282</sup> Report on ILGA-Europe/COC fact finding mission, "Forced out: LGBT People in Georgia", August 2007, p.38, [http://www.ilga-europe.org/europe/guide/country\\_by\\_country/georgia/forced\\_out\\_lgbt\\_people\\_in\\_georgia\\_august\\_2007](http://www.ilga-europe.org/europe/guide/country_by_country/georgia/forced_out_lgbt_people_in_georgia_august_2007) (accessed 28 April 2008).

Following major organisations are working on LGBT issues in Georgia:

**Inclusive foundation** ([www.inclusive-foundation.org](http://www.inclusive-foundation.org)) is providing legal, medical and psychological aid. The foundation has various publications, issues quarterly the informational magazine "Me". The consultations are given out on-line. Inclusive is a partner organization of GYLA.

**Information and Counselling Centre "Tanadgoma"**([www.tanadgoma.ge](http://www.tanadgoma.ge)): psychological and health counselling, HIV/AIDS/STI prevention measures and surveys.

**Women Initiative Support Group (WISG)** ([www.women.ge](http://www.women.ge)): Women programme and surveys.

### Overview of the legislation and practice

#### Employment

Georgian Labour Code provides protection from discrimination in "employment relations" on a number of grounds, including sexual orientation<sup>283</sup>.

However, the Code negates the effectiveness of this provision in some key areas:

Article 5.8 gives the employer the right to reject a person's application for a job without any reasoning: "The employer is not required to prove his/her decision on refusal of employment".

Article 38 would appear to allow an employer to dismiss an employee at will, again without providing any reasoning.

The Labour Code regulates conditions for those in employment, but does not cover the recruitment process. There is no legislation providing protection from discrimination in the recruitment process in relation to sexual orientation, or any other ground.

There is no legislation specifically prohibiting gender identity discrimination in employment<sup>284</sup>.

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<sup>283</sup> Georgian Labour Code, #3232, 25 May 2006, article 2

<sup>284</sup> Law on Military Police, #4924, 8 June 2007, article 19.1; Law on the Status of Military Servant, #1462, 25 June 1998; Law on Military Obligations and Military Service, #860, 17 September 1997; Law on State Border Police, #4196, 27 December 2006; Law on the Service Guaranteeing Safety of the Society, #1227, 18 February 1998; Law on the Service in the Military Reserves, # 4196, 27 December 2006, article 3.1; Law on Police, 27 July 1993, #28, article 20.5; Law on Diplomatic Service, 7 December 2007; article 17.4; Law on Education, #826, 27 June 1997; Law on General Education, #1330, 8 April 2005; Law on Higher Education, #688, 21 December 2004; Law on Lawyers, #976, 20 June 2001.

## Private and Family Life

LGBT people do not have the right to marry. Marriage is possible only between a man and a woman<sup>285</sup>.

Same sex partners are not able to adopt a child. Only a married couple can do this<sup>286</sup>.

A single person representing LGBT community might not be able to adopt a child as well. The Agency for Patronage and Care should give a preliminary conclusion about the person's eligibility for parenthood<sup>287</sup>. Someone, who wants to be an adopter, must have appropriate "moral characteristics"<sup>288</sup>. This vague definition can be interpreted against the alleged parent from the LGBT community<sup>289</sup>.

### Blood donation

Homosexuals are considered to belong to the HIV/AIDS risk groups. They are not allowed to be donors<sup>290</sup>.

### Discrimination

Georgian law criminalizes the violation of equality among people based on sex, when the significant violation of the rights will be established<sup>291</sup>. However, the Courts have never considered the violations against LGBT people under the notion above<sup>292</sup>.

### Gender Identity

The data of a birth certificate, a national passport and identification card can be changed after the change of sex. There are no clear indications in the law that the change of sex can serve as the basis of amendment; nonetheless, the provisions of respective laws enable such possibilities<sup>293</sup>. (More precisely, an ID card can be changed if a person changes name or/and last name)<sup>294</sup>.

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<sup>285</sup> Civil Code of Georgia, #786, 26 June 1996, article 1106.

<sup>286</sup> Civil Code of Georgia, #786, 26 June 1996, articles 1246.

<sup>287</sup> Civil Code of Georgia, #786, 26 June 1996, article 1242

<sup>288</sup> Civil Code of Georgia, #786, 26 June 1996, article 1245.

<sup>289</sup> Inclusive Foundation, "Overview of Georgian Legislation in relationship to LGBT Human Rights", para. 5, [http://inclusive-foundation.org/home/files/legal\\_overview\\_en.pdf](http://inclusive-foundation.org/home/files/legal_overview_en.pdf) (accessed 31 March 2008).

<sup>290</sup> Order of the Minister of Labour, Healthcare and Social Protection, #241, 5 December 2000, Chapter 5, para. 24.

<sup>291</sup> Criminal Code of Georgia, 22 July 1999, article 140.

<sup>292</sup> Information of GYLA.

<sup>293</sup> Law on Registration of Civil Acts, #1644, 15 October 1998, article 104 (1); Law of Georgia on the Rules for Registration of Georgian Citizens and Foreign Residents on the Territory of Georgia, Issuance of Identification Documentation and National Passport, #323, 27 June 1996, articles 11, 20.3.1. "g" and 20<sup>5</sup>.

<sup>294</sup> Law of Georgia on the Rules for Registration of Georgian Citizens and Foreign Residents on the Territory of Georgia, Issuance of Identification Documentation and National Passport, #323, 27 June 1996, article 18.

Under the Georgian health system gender reassignment surgery is possible. In June 2006 the Georgian courts recognized the right of a female-to-male transsexual to be recognized as a man<sup>295</sup>. The individual in question was a teacher with many years' experience. However, despite the court ruling, he has not been able to regain employment as a teacher.

One of the barriers to his re-employment relates to the Georgian procedures regarding academic diplomas: there is no procedure for reissuing diplomas to reflect a person's changed gender. Thus, the individual in question was not able to present his academic qualifications when applying for jobs<sup>296</sup>.

## 4.2 Ethnic

Georgia is a multinational country. On 1 January 2002, the total population was 4 371 535, of which 16.2% were minorities.<sup>297</sup>

Many groups of ethnic minorities have been formed historically - Abkhazians, Ossetians, Greeks, Jews, Armenians, Azeri, Kurds, Russians, and Ukrainians. One of the oldest Diasporas - the Jewish Diaspora - has had 26 centuries of peaceful existence, whereas the comparatively young Diasporas - Russians and Ukrainians - have no less than 200 years.

During the past 15 years, as a result of conflicts with the separatist authorities of the Abkhazian Autonomous Republic and former South-Ossetian Autonomous District (the Inner Kartli), a new group has been formed in the population - IDP (internally displaced persons). Currently, there are 286 643 IDPs officially registered, of which 275 096 (95.97%) are from Abkhazia and 11 546 (4.0%) from the former South Ossetian Autonomous District (the Inner Kartli) (till the new conflict of 2008)<sup>298</sup>.

Out of the above listed groups, the indigenous groups are Georgians and Abkhazians. Others moved to Georgia in later periods.

Various ethnic groups are geographically concentrated throughout Georgia. There are also specific settlements of Azeri, Armenians, Ossetians, Assyrians, Greeks and Russians. The Dukhobors live in Samtskhe-Javakheti, the Old Believers live on the Black Sea coast.

The Constitution of Georgia provides for the equality of all citizens regardless of their national, ethnic, religious or language background. Freedom for citizens to use their native language and to practice their culture is safeguarded. In addition to the Constitution, the

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<sup>295</sup> Case of N.K. at Sokhumi District Court, 2006.

<sup>296</sup> Inclusive Foundation and ILGA - Europe, "Shadow report on the implementation of the European Social Charter by Georgia: Employment issues in relation to sexual orientation", p.3, [http://inclusive-foundation.org/home/files/georgia\\_shadow\\_report\\_on\\_employment\\_issues\\_related\\_to\\_sexual\\_orientation\\_en.pdf](http://inclusive-foundation.org/home/files/georgia_shadow_report_on_employment_issues_related_to_sexual_orientation_en.pdf) (accessed 30 April 2008).

<sup>297</sup> State Department for Statistics <http://www.statistics.ge/index.php?plang=1> (accessed 19 November 2008)

<sup>298</sup> Ministry of refugees and accommodation of Georgia



rights of minorities are specified in the *Laws on General Education, on Culture, and on Broadcasting*. However, no special law on minorities exists.

To assist minorities to exercise their constitutional rights the state supports:

- languages of minorities in the educational system;
- maintenance of minority cultures and development of their creative activities; and
- cultural cooperation with countries which have Diasporas residing in Georgia.

Georgia acceded to the Vienna Convention on the Protection of Ethnic Minorities and signed the European Framework Convention on National Minorities.

Some state authorities such as: the Ministry of Culture, Monument Protection and Sport, the Ministry of Education and Science, the public TV and radio-broadcasting companies, the municipal culture services - have responsibilities related to minorities, though none of them have a special structure for minorities in particular.

In Georgia, there are public primary and secondary schools for minorities (Azeri, Armenian, Russian), where the Georgian language is taught as the official language. The publication of textbooks for minorities is provided by state procurement.

Under the *Law on Broadcasting (Article 16, paragraph 1)*, public broadcasting shall "place programmes in the languages of minorities, about minorities and prepared by minorities in accordance with their share in the total population". Accordingly, Georgian radio and TV have special news programmes in some languages (Abkhaz, Azeri, Armenian, Russian and Ossetian). These programmes occupy 4% of air time on public television and 2% of air time on public radio. In addition, there is special public broadcasting in Abkhaz and Ossetian languages, which covers a part of Abkhazia and the total region of "South Ossetia". Local community broadcasting companies also provide coverage of various spheres within their broadcasting, including the cultural life of minorities.

In the context of recent conflicts in Abkhazia and Samachablo (South Ossetia) the problem of territorial integrity is very acute, though the constitutional rights of minorities in the territory under the control of Georgian authorities are fully protected.

Besides Abkhazia and Samachablo, the areas with a high density of ethnic minorities are Samthkhe-Javakheti and Lower Kartli. One of the main concerns for minorities is their lack of knowledge of the Georgian language, which hinders their integration into the common national processes. Within the reform of teaching the official language, intensively implemented by the Ministry of Education and Science, the Ministry of Culture, Monument Protection and Sport developed and realised a special programme for the cultural development of ethnic minorities.

The majority of issues related to minorities are dealt with on the municipal level. Tbilisi is historically a multiethnic city which is remarkable in the Caucasus for its ethnic, religious and cultural tolerance. The Tbilisi Municipality supports cultural centres (Russian, Azeri and the Caucasus House), sponsors and finances the Petros Adamyan Tbilisi State Armenian Theatre, Tbilisi State Azeri Drama Theatre and A. S. Griboedov Academic Russian Drama Theatre, which is the oldest Georgian theatre (opened in 1845) and which has promoted Georgian and Russian stage classics.

Together with the local authorities, the Ministry of Culture, Monument Protection and Sport carries out different cultural events, festivals, conferences and days of culture

(Armenian, Azeri, Lithuanian, Israel etc.). One important cultural event in Georgia was the exhibition dedicated to the 26 centuries old history of the establishment of Jewry in Georgia (held in 1998), which covered the history of the peaceful coexistence of Georgians and Jews.

The following NGOs representing cultural minorities are registered in Georgia:

The Latvians Association in Georgia "Ave Sol";  
17 Tabukashvili St., 99 51 97

"Public Movement Multinational Georgia";  
37 Rustaveli Ave., 93 35 35

Abkhazian Women Council;  
29 Rustaveli Ave., 98 86 58

"Armenian Cooperation Center of Georgia";  
Asatiani St. 32, (99) 21 16 64

Iberioni - Georgian-Ossetian Union ;  
Varketili 3, B. 407, 79 37 31

"International fund for protection of rights and religious-cultural heritage of Kurds";  
2 Gelovani Ave, R. 321, 37 88 23

Azerbaijani Women Union  
17 Gorgasali St., 72 15 71

Armenian Cooperation Centre of Georgia;  
Asatiani St. 32, (99) 21 16 64

Birliki-Georgian Azeries Cultura-and-Charity Society;  
14 M. Kostava St., 93 33 89

Ethnic Relations;  
14 Didube II Lane, 34 30 14

Georgian Greecs Society  
8/2 Berdzeni Blind Lane, 93 91 95

Jews Cultural-Educational Fund;  
30 Vakhtang VI St., 77 06 53

Jewries Playful Society;  
13 Tkavi I Lane, 98 59 23

Georgian Assyrians Association;  
1 Shanidze St., F. 2, 23 39 14

"The National Congress of Assyrians in Georgia";  
3 Abashidze St., 95 34 43

"The Ukrainians Association in Georgia";  
Kerchi St., 62 71 26

Polish House;  
10 Gogoli St., 95 32 06

Abkhazuan Women Council;  
29 Rustaveli Ave., 98 86 58

Azerbaijan Women Union;  
17 Gorgasali St., 72 15 71

There are also newspapers in Armenian and Azerbaijani:

"Vrastani", Atunebis St. 5, tel: 99 07 39

and "Gurjistan", 14 Kostava St., tel: 93 56 70

### *4.3 Religious*

#### General

Most ethnic Georgians (who constitute more than 80 percent of the population, according to the 2002 census) at least nominally associate themselves with the Georgian Orthodox Church (GOC). Non-Georgian Orthodox groups accept the territorial jurisdiction of the GOC and generally use the language of their communicants (e.g., Russian, Armenian, or Greek). There remain a small number of mostly ethnic Russian adherents from three dissident Orthodox schools--the Molokani, Staroveriy (Old Believers), and Dukhoboriy (Spirit Wrestlers). Membership in the GOC continued to increase.

The Armenian Apostolic Church (AAC), the Roman Catholic Church (RCC), Judaism, and Islam traditionally have coexisted with Georgian Orthodoxy. Some religious groups are correlated with ethnicity. Azeris are largely Muslim; most live in the southeastern region of Kvemo-Kartli, where they constitute a majority. Armenians are comprising the majority in the southern Samtskhe-Javakheti region, and largely belong to the AAC.

Approximately 10 percent of the population is at least nominally Muslim. There are three main Muslim populations: ethnic Azeris, ethnic Georgian Muslims of Ajara, and ethnic Chechen Kists in the northeastern region.

There are an estimated 35,000 Catholics, largely ethnic Georgians or Assyrians, and 18,000 Kurdish Yezidis. The ethnic Greek Orthodox community numbers 15,000 members. There are an estimated 10,000 Jews in the country. Protestant and other non-traditional denominations have become more active and prominent but comprise less than 1 percent of the population. The number of atheists who openly declare themselves as such is also less than 1 percent.<sup>299</sup>

#### Legislation

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<sup>299</sup> Georgia: International Religious Freedom Report 2007, Released by the Bureau of Democracy, Human Rights and Labor  
<http://www.state.gov/g/drl/rls/irf/2007/index.htm> (accessed 22 September 2008)

The Georgian Constitution guarantees "complete freedom of religious belief and confessions as well as the independence of the church from the state.", and the Government generally respects this right in practice.

Georgia is one of the first states in the world that declare Christianity as its state religion, so traditionally Orthodox here has strong positions. The Constitution recognizes the special role of the GOC in the country's history but also stipulates the independence of the church from the state. A 2002 concordat between the Government and the GOC also recognizes the special role of the GOC.

All major Orthodox holy days are state holidays. Although legislation does not mandate respecting the holy days of other religious groups, there were no formal complaints of illegal or improper social constraints on the observance of alternative religious holidays by other denominations.

#### Societal Abuses and Discrimination

According to International Religious Freedom Report 2007<sup>300</sup>, there were reports of societal abuses or discrimination based on religious belief or practice; however, the non-GOC religious minorities reported substantial reductions in incidents of harassment, violence, or other direct pressures. None alleged continuing organized campaigns of physical abuse. All reported continuing media hostility, although most attributed it to the attitudes of individual media reporters rather than a systematic, organized media campaign.

In June 2007 there were incidents of violence directed against members of Jehovah's Witnesses. In one incident in the Gldani district of Tbilisi, police released a perpetrator detained by the victims when he and other unidentified individuals interfered with the distribution of religious literature by two members of the religious group in front of a meeting hall; the PGO investigation was ongoing at the end of the reporting period. At the same meeting hall, unidentified persons wrote graffiti and threw rocks in a series of events, leading to separate complaints. In Chkhorotsku the PGO opened a criminal investigation against V. Sichinava for inflicting verbal and physical abuse against two members of Jehovah's Witnesses on January 29, 2007. In all, the PGO began nine new investigations and obtained sentences in five earlier cases, all involving some form of harassment directed against members of Jehovah's Witnesses. The five cases involved at least eight complainants and five suspects. The courts issued sentences ranging from a fine to 5 years' imprisonment.

GOC extremists heckled presentations on the history of a disputed RCC-GOC church (Ivli) in early 2007; the PGO opened an investigation into the incident. GOC supporters threw rocks during an anti-Catholic demonstration in the winter of 2006 during the visit of a prominent Roman Catholic archbishop to the Assyrian Catholic church in Tbilisi, and an explosive device was reported seen but not found when police investigated.

Local Orthodox priests and public school teachers continued to criticize minority religious groups and interfaith marriages.

Past incidents of abuse were committed by or attributed to a small group of GOC extremists, who were subsequently repudiated by the GOC or successfully prosecuted. The GOC excommunicated Paata Bluashvili, and on May 30, 2007, he was convicted of abuse, but when released on bail he did not return to custody. Two other extremists, Mkalashvili and Ivanidze, remained in prison.

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<sup>300</sup> Georgia: International Religious Freedom Report 2007, Released by the Bureau of Democracy, Human Rights and Labor  
<http://www.state.gov/g/drl/rls/irf/2007/index.htm> (accessed 22 September 2008)

The Ministry of Internal Affairs of Georgia and the General Prosecutor's Office have been recently struggling with religious discrimination more effectively. Compared with previous years, law enforcing bodies have reacted to instances of discrimination and violence against religious minorities more successfully. However, very often, this happens only after the Office of the Public Defender intervenes, notes Sozar Subari in his report on the second part of 2007.<sup>301</sup>

Soso Papuashvili, the Human Rights Center's lawyer is more sweeping in evaluating the situation. He wrote a report on religious discrimination and knows the problem very well.

"Religious discrimination both de-jure and de-facto exists in our country. The de-jure discrimination comes from the "Constitutional Agreement" (Concordat). In particular, from the provisions that grant superior rights to the Patriarchate compared with other religious minorities. There are several interesting aspects here: The first is the status as the Concordat grants a special status to the Patriarchate while other religious organizations do not have such a special determination. They (other religious organizations) can only registered as private legal entities and not as religious organizations, which keeps them from having equal status before the law.

Many religious organizations and the representatives of the religious minorities complain about this situation. However, nobody wants to take their complaints into consideration. Another aspect of the discussion is one of immunity. For instance, based on the Constitutional Agreement the Catholic Patriarch of Georgia has total immunity. This is when leaders of other religious organizations do not have this kind of immunity. The Orthodox holidays are declared a priori holidays. Even though the amendments have not been introduced to the Civil Code of Georgia, the Georgian state acknowledges the Orthodox Church marriage ceremony. However, this does not happen with other confessions."

Giorgi Meladze, the lawyer of the Liberty Institute states that the country does not have affective mechanisms for solving such problems. The country must create legal mechanism for resolving the problems regarding historic heritage.

However, Lela Jejelava, the head of Inter Religious Relation's Department of Patriarchate states that there is no religious discrimination in Georgia.

"Based on the State Department's and international organizations' recent researches we can assume that there is no religious discrimination in Georgia. When the facts of religious discrimination used to occur it was not a common problem."

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<sup>301</sup> Web-portal on Human Rights in Georgia  
<http://humanrights.ge/index.php?a=article&id=2979&lang=en> (accessed 22 September 2008)

