

Georgian Young Lawyers' Association

# State Policy on Providing Housing for the IDPs



# **State Policy on Providing Housing for the IDPs**

**Tbilisi  
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## SUMMARY

As of June 2014, 256'843 Internally Displaced Persons (IDPs) are registered in Georgia, while the number of the IDP families reaches 84'833. Out of all the registered families, only 23'420 are provided with the durable housing and 5'108 are given the compensation instead.<sup>1</sup> These statistics demonstrate that providing housing for the IDPs will remain a significant challenge in the upcoming years.

The state has an obligation to fulfill the right to an adequate housing. Gradual fulfilment of this right depends on the state resources; however, lack of the resources does not release the state from the minimal obligation to fulfill this right. Recognition of the right to an adequate housing obliges the state to implement the activities to ensure fulfillment of the recognized right through all the proper means, among others, through the legislative mechanisms.

Despite the fact that the state has recognized the obligation to provide an adequate housing under the international agreements years ago, defining the adequate housing and underlying the obligation to provide an adequate housing (in the new law that regulates the legal environment for the IDPs) represented a significant step in bringing the legislation towards the international standards.

Examination of the IDP needs plays a crucial role for the fulfillment of those obligations, especially, examination of the IDPs living in the so-called "private sector". One of the difficulties, impeding the examination of the "private sector" IDP needs and planning their accommodation was named to be the impossibility of locating them, since their registration and factual addresses did not coincide in many cases. The re-registration of the IDPs, conducted in the 2013-2014 has made it possible to define the factual location of the IDPs and to renew the information existing at the Ministry databases; however, it has not been applied effectively as a tool for better planning the accommodation policy. The re-registration process represented a good possibility for the state to examine the expectations and needs of the IDPs and to define its long-term accommodation policy based on the analysis

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<sup>1</sup> The presented data was provided by the Ministry of the Internally Displaced Persons, Accommodation and Refugees (the Ministry) and reflects the information as of August 2014.

of the obtained information. According to the information, provided by the Ministry of the Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees (the Ministry), they do not have the data on how many of the so-called “private sector” IDP families have the ownership of the housing. Apart from this, the Ministry is also unable to identify the number of the families, registered in the so-called “private sector” of those IDPs, who were provided with the durable housing solutions.<sup>2</sup> In this context, it is difficult to elaborate strategic decisions and alternative solutions to the durable accommodation for the improvement of the living conditions of the IDPs.

The state applies two forms of providing durable solutions of an accommodation, which is: providing an accommodation or providing monetary compensation for purchasing an accommodation. Providing an accommodation, in its turn, covers a number of options: transfer of the former compact settlement buildings to the ownership of the IDPs (privatization); providing an accommodation in the newly rehabilitated or built apartments; purchasing individual houses for the IDP families in the regions. The privatization represents the largest portion of the provided durable accommodations up to now.

The decision of the state to transfer the ownership of the state property to the IDPs is a positive step in itself; however, the identified shortcomings and uncoordinated actions of the engaged actors have made the privatization process ineffective to a certain degree: 1) at the starting stage of the privatization process, the state has had the incorrect understanding that the ownership transfer of the collective centers to the IDPs equaled to providing adequate housing; as a result, in a number of cases, the IDPs were provided with the spaces that do not satisfy the minimum standards of an adequate housing; 2) from the outset of the privatization process, lack of the awareness of the IDPs about the decision-making process was named to be one of the major shortcomings. The IDPs did not have a complete information on the privatization process, as well as on what would have resulted from the refusal to privatization and what were the alternatives in such cases for them to receive the accommodation. As a result, whether the privatization process was based on the free will

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<sup>2</sup> See the letter of the Ministry #06-06/20808, dating back to August 26, 2014 (Appendix #1).

and whether the IDPs had the real possibility to make an informed choice is under the question; 3) prior to 2013 the privatization agreement was made with one of the family members (so-called “head of the family”);<sup>3</sup> therefore, the ownership was transferred to one of the family members, who was then tasked to ensure accommodation for the rest of the family members. In addition, the selection of a “head of the family” did not require the written consent of the rest of the family members, which contradicts the law; 4) the technical problems have occurred during the privatization process (for example: inaccuracies in the contracts, regarding the size of the property, number of the family members), inexistence of the numeration to organize the accommodation spaces, incomplete measurement papers, ineffective cooperation of the agencies involved in the process, which caused the slow pace characterizing the privatization process.

The decision of the state to divide the accommodation spaces based on the predefined criteria is a positive fact. However, it should also be noted that there are questions, on whether the existing criteria are effective for identification of the families which require accommodation spaces more than others.

In the three objects, examined within the research, 124 families were provided with the accommodation based on the criteria. Of those, 54 families were given evaluation “points” based on the “housing criteria”, while in the rest of the cases the accommodation was divided solely on the basis of the “social criteria”. Among others, the dominating criterion was the “low income” and “social indicator”. It was also revealed that in a majority of the cases, in which a family is given points based on the “low income” criteria, the family also receives the points based on the “social indicator”. The results of the three objects suggest that the accommodation criteria gives more chances to the families who gather points based on the “social criteria”, which creates suspicions as to whether the criteria ensure distribution of the accommodation based on the real needs.<sup>4</sup>

In addition, the actions of the Ministry that impede the possibility of applying the appeal mechanisms, represent a significant problem. As

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<sup>3</sup> Spouses also had a possibility to receive the accommodation as the co-ownership; however, almost no one has used this option.

<sup>4</sup> The regulations that were in force as of September 2014.

a rule, the Ministry does not ensure timely delivery of the written rejection decision to the relevant IDP family, or only delivers the decision following the family's request. It is also notable that the written decisions do not include the information on the mechanisms of appeal. The wide-scale nature of such actions of the Ministry creates reasonable assumption that the Ministry violates those procedures intentionally, to decrease the probability of appeals against its decisions. This wrongful practice of the Ministry creates significant obstacles for the IDPs to fulfil their procedural rights (to protect and restore their rights through appeals/litigation). The analysis of the issues, provided in the research has demonstrated that the diversity of the shortcomings represent an impediment in this process. This is why it is necessary for the state to take actions for the rectification of the existing shortcomings.

## **INTRODUCTION**

Georgian Young Lawyers' Association (GYLA) is implementing the project "Innovative and Durable Solutions to Displacement" since 2012. The project is funded by the Swedish International Development Agency (Sida) and implemented by the Danish Refugee Council (DRC). The major goal of the project is to ensure legal protection of the IDPs through various means. Among others, the project includes the analysis of the legal environment of the IDPs. GYLA has already publicized the report within the frames of the project, in 2013; the report related to the right to housing and the analysis of the court decisions.<sup>5</sup> The current research represents the extension of the previous report, to a certain degree. Despite the efforts of the state to ensure an accommodation for the IDPs, the IDP housing still remains an acute problem. In our research, we tried to analyze the state policy towards ensuring the IDPs with the housing; this will give us an opportunity to evaluate whether the state actions were/are effective, which in its turn gives a good possibility to elaborate the recommendations. The recommendations can have a positive effect on the future activities in this regard.

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<sup>5</sup> See GYLA research: "The Right of the IDPs to the Adequate Housing (Legal Analysis, the Major Tendencies in Practice", 2013;

## ACUTENESS OF THE ISSUE

The internal displacement significantly changes the life of the IDP population and creates a difficult challenge for the state. Such challenges have immediately arisen following the 1991 declaration of the independence, when the separatist conflicts have started in the two regions – South Ossetia (1991-1992) and Abkhazia (1992-1993). Those conflicts have forced approximately 247'000<sup>6</sup> persons to flee their permanent residence places and move to other parts of the country. The new wave of the internal displacement has resulted from the military aggression of Russia towards Georgia in 2008. As a result, 130'00 persons have fled their homes from the Tskhinvali region, Azhara Municipality, various villages of the Gori municipality, as well as Kareli and Kaspi areas. Part of them has managed to return to their homes shortly; however, up to 25'000 persons remained in the displacement. As of June 2014, 256'843 IDPs are registered in Georgia; of them, 24'641 persons are displaced as a result of the 2008 Russia-Georgia war. According to the information provided by the Ministry, total of 84'833 IDP families are registered, of them 23'420 are provided with the durable housing solutions, while 5'108 have received the monetary compensation for purchasing the accommodation.<sup>7</sup> The mentioned statistics demonstrate that providing an accommodation for the IDPs will remain a significant challenge in the upcoming years.

## METHODOLOGY

The analysis of the state policy is based on the examination of the relevant legal mechanisms. In addition, large amount of the information was requested through FOIA from the Ministry, while working on the research. As for the problematic issues, their identification was conducted in the process of providing legal consultations to the IDPs by GYLA.

There were no significant obstacles while working on the research; however, obtaining the FOIA information from the Ministry has rep-

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<sup>6</sup> The data as of 2007.

<sup>7</sup> The data as of August 2014.

resented a certain difficulty. Despite the fact that the Ministry was providing the requested information, in separate cases, the responses were not provided in the law-established timely manner and/or the provided information was incomplete, which caused the necessity to make additional FOIA requests.

## 1. STATE OBLIGATIONS AND AN ADEQUATE HOUSING

### 1.1. Return, as the best solution

The UN Guiding Principles on the Internal Displacement (the Principles) represents one of the most important international documents in terms of the state responsibility and elaboration of the IDP rights.<sup>8</sup>

The Principles, as one of the significant sources, defining the actions of the state agencies, are recognized not only under the domestic documents, but also at the international level. For example, the resolution of the UN General Assembly dating back to the July 12, 2012 on the “Status of the IDPs from Abkhazia, Tskhinvali region/South Ossetia and refugees” that was initiated by Georgia, *“fully recognizes the Guidance Principles on the internal displacement, as the primary international framework for the protection of the IDPs”*.<sup>9</sup>

The major concept of providing durable solutions for the IDP problems and the state role in this process is given in the Principles 28-30.

The Principle 28, (which is also related to the right to a housing) proclaims that the relevant state authorities have a primary obligation and a responsibility to create the conditions as well as ensure the possibilities for the IDPs to return to their homes based on their free will, safely and in dignity, or to stay in other parts of the country if they wish so.

The mentioned principle offers three options for providing the lasting solutions to the IDP problems:

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<sup>8</sup> The Principles were adopted in 1998 and there is a broad consensus towards it on the international level. The Principles represent so-called “soft law” in the international law, which in its essence, is not obligatory for the state in difference with the mandatory law. However, it combines the norms of the international law on the human rights and the humanitarian law and complies with them.

<sup>9</sup> Resolution A/RES/66/283, dating back to July 12, 2012, preamble, clause 3.

- Returning to the permanent place of the residence;
- Local integration;
- Accommodation in another part of the country;

It is considered that the lasting solutions “are achieved when the IDPs no longer need the concrete assistance relating to the displacement and the protection mechanisms and such persons can enjoy human rights, without the displacement-based discrimination”.<sup>10</sup> Existence of the housing that satisfies the adequate standards represents one of the criteria, which allow to estimate whether the lasting solutions are achieved.

The return to the permanent place of residence that is based on the free will is considered to be the best of the lasting solutions. However, its implementation often depends upon the objective circumstances that make it difficult or impossible to return (rather than just the free will of an IDP or the state considering the option to have no alternative).

## 1.2. The state responsibility in terms of providing housing for the IDPs

The state has an obligation to fulfill the right to the adequate housing, the proper implementation of which depends upon the state resources. However, the lack of the resources does not release the state from the minimal obligation to fulfill this right. The recognition of the right to the adequate housing obliges the state to undertake the actions towards ensuring fulfillment of the recognized right through all of the proper means, among others, through the legislative mechanisms. The right to a housing does not only entail providing the shelter and it includes [...] as a right to live in any place in the safe, peaceful and dignified conditions [...].<sup>11</sup>

<sup>10</sup> The inter-agency permanent committee scheme for the lasting solutions to the IDP problems, Bruckings Institute - Bern University project on the internal displacement, page 5, 2010.

<sup>11</sup> The general comment #4 of the UN Committee on the Economic, Social and Cultural Rights on the adequate housing, clause 7.



Due to the fact that the displacement takes place within the country, the IDPs do not fall within any status prescribed under the international law and they are subject to the domestic support by the country. This is why the state has an obligation to fulfill and protect the rights of the IDPs, to create the relevant mechanisms which will give all of the IDPs a possibility to enjoy the rights and freedoms, recognized under the constitution of Georgia and the international instruments; among others, the right to the adequate housing.

The UN Committee on the Economic, Social and Cultural Rights (the Committee) has publicized the general comment #4 in 1991. The comment provides an interpretation of how the right to an adequate housing under the pact 11(1) must be understood. The comment provides how the right to a housing, safeguarded under the article 11(1) of the pact must be interpreted. In its general comment, the Committee has differentiated a “housing” and an “adequate housing”, and mentioned that: [...] the right to a housing must not be regarded in narrow or limited scope, which would have equalized it with the shelter, for example. [...] and [...] it must be regarded as a right to reside in any place in the safe, peaceful and dignified conditions. [...] the Committee has mentioned that the term “housing” contains another meaning as well; specifically, fulfillment of this right for all, despite their income or access to economic resources. In addition, it should be understood in the context of an adequate housing, rather than simply a housing. [...] an adequate housing means... a separate accommodation, space of a sufficient size for living, proper safety conditions, proper light and ventilation, proper major infrastructure and proper location in terms of employment and access to major services [...].“ Therefore, the obligation of the state to provide IDPs with a housing must only be regarded in the context of an adequate housing.

### **1.3. The legislation of Georgia in relation to ensuring the adequate housing**

Since March 2014 the new law on the “Internally Displaced Persons from the Occupied Territories of Georgia – IDPs” is in force in Georgia. For the first time, the law covered such terms as the “adequate

housing”<sup>12</sup> and “providing durable housing solutions”<sup>13</sup> and it was indicated that the state is obliged to provide an adequate housing for the homeless IDP population.<sup>14</sup>

According to the legislation of Georgia, an adequate housing is defined as “the living space, provided to an IDP in a form of an ownership or rightful usage, in which the necessary conditions are provided, among others, the conditions that are satisfactory in terms of safety, sanitation, and access to an infrastructure.”

Despite the fact that based on the international agreements, the state has been obliged to provide an adequate housing for the many years by now, the definition of an adequate housing and an obligation of providing an adequate housing (prescribed in the new law that regulates IDP rights and the relevant legal environment) represented a significant progress towards bringing the legislation closer to the international standards. It should also be mentioned that the first attempt to reflect the obligation on providing an adequate housing in the internal mechanisms has occurred since 2009, when the board of supervisors (overseeing the implementation of the action plan on the state IDP strategy) has elaborated the standards for rehabilitation, reconstruction and construction of the collective centers for the durable accommodation of the IDPs. The Government has examined and considered the standards on its #35 session on October 30, 2009.

According to the action plan, the standards are recognized to be the primary document in the process of providing durable accommodation, during the rehabilitation of the collective centers and the state-owned vacant buildings, as well as during the construction of

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<sup>12</sup> According to the clause “m” of the Article 4 of the law of Georgia “on the Internally Displaced Persons from the Occupied Territories of Georgia”, an adequate housing is defined as: “an accommodation, provided to an IDP in the form of ownership or rightful usage, in which the conditions for dignified residence are ensured; among others, the conditions for safety and sanitation and access to infrastructure are ensured”.

<sup>13</sup> According to the “n” clause of the Article 4 of the same law, providing an IDP with a durable housing is defined as: “based on the IDP status, providing a person with the ownership of an accommodation or monetary compensation (or providing other kinds of assistance) by the state or local self-government, international, donor or local organizations, physical or legal persons, for the purpose of ensuring accommodation of an IDP family.

<sup>14</sup> Ibid, Clause 2, Article 13.

the multi-level buildings. The mentioned document establishes the minimal size of an accommodation, in consideration of the number of the family members and the pre-defines the of repairs to be conducted. The standards introduced in 2013 by the board of supervisors were also reflected in the “rules of providing an accommodation to the IDPs”.

The standards of the living space for the long-term accommodation, in consideration of the number of the family members is the following:

Parameter	Unit	Note		
		Minimal standards for the newly-built and empty buildings	Number of rooms in an accommodation	Number of an IDP family members
Accommodation space	Square meters per apartment	25 - 35 square meters	Single room apartment	1-2 residents
		40 - 45 square meters	Double room apartment	3-4 residents
		50 - 60 square meters	Triple room apartment	5-6 residents

Therefore, the minimal standards, established in consideration of the number of the family members and the definition of an adequate housing provided under the law, which includes the elements of the adequate housing established under the international law, defines the framework within which the state undertakes a responsibility to ensure an IDP family with an accommodation.

#### **1.4. The major directions of the state strategy and an action plan in relation to the IDPs**

Prior to the adoption of the state strategy on the IDPs in Georgia in 2007, the declared state policy was directed only at the return of the IDPs. This is why, at the starting stage, the state made efforts to provide the temporary shelters for the IDPs until they would have had the possibility to return to their permanent residences. A variety of the different buildings were allocated for this purpose, for example: the kindergartens, hotels, professional education facilities and other buildings that were not designed for the residence and very often did not satisfy the minimum standards of the adequate housing. In accommodating the IDPs to such buildings the state had hoped that the process would have ended soon and that the IDPs would have been able to return to their permanent residence places soon. By adopting the state strategy on IDPs in 2007, the state has acknowledged that the return to the permanent residence places, as the best option of the durable solutions, does not exclude the integration of the IDPs in their factual residences and increasing their possibilities. This is why the strategy was based on the two basic goals:

- Creating the conditions of the dignified and safe return of the IDPs;
- Creation of the dignified living conditions for the IDP population and engaging them in the public life.

By the time the state strategy on the IDPs was adopted (in 2007), there were approximately 1'600 compact settlement objects, in which 45% of the IDP population was residing; the rest 55% of the IDPs resided in the so-called "private sector" (with the relatives, in the families of their friends, in the rented apartments, in the purchased apartments, etc.).

The lasting solution based on the free-will based and dignified accommodation, as well as the decrease of the IDP's dependency upon

the state and covering the extremely impoverished IDPs under the social programs were named to be the priorities under the state strategy. Following the adoption of the strategy, the new wave of the IDPs, resulting from the 2008 August war has caused the amendments to the state strategy. The state strategy towards 2008 IDPs was elaborated under the strategy. The new challenges faced by the state have impeded the process of adoption of the action plan of the strategy. After the adoption of the strategy, the final, first action plan was adopted in 2009.

The action plan adopted in 2009 covered the period of 2009-2012. The new decree (#1162) was enacted on June 13, 2012, which has approved the action plan for the 2012-2014 state strategy. The objectives defined under the action plans were identical and mainly related to the adequate durable accommodation and various integration activities.

On April 30, 2014, the parliament of Georgia has adopted the “National Strategy of Georgia on the Human Rights Protection for the 2014-2020”, which also covers the objectives aimed at protection of the IDP rights. In terms of the IDP rights’ protection, the national strategy prescribes the state aims such as an improvement of the social conditions of the IDPs, providing them with an adequate housing and supporting public reintegration, as well as applying all the possible measures for returning the IDPs to their permanent residence places; among others, through the bilateral and multilateral international instruments.<sup>15</sup>

### 1.5. The forms of providing durable accommodation

According to the state strategy and the action plan on the IDPs, the state applies two forms of providing durable housing solutions for the IDPs: providing the living space or providing monetary compensation for purchasing an accommodation.

Providing an accommodation in its turn covers a few alternatives:

- Transfer of ownership of the former compact settlement object to the IDPs (privatization);

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<sup>15</sup> The research does not aim at analyzing the state policy on application and effectiveness of the international instruments on the return.

- Providing an accommodation in the newly rehabilitated or built apartments;
- Purchasing individual houses for the IDP families in the regions.

Transfer of ownership of the former compact settlement objects in its turn, depends upon a variety of factors; first of all, upon the state decision on whether that particular object is strategic or not. In such cases the state does not transfer the ownership of the accommodation to the IDPs residing in it and has to offer another alternative accommodation for them. According to the action plan, apart from the recognition of the strategic objects, there are other cases in which the ownership of the compact settlement objects are not transferred to the IDPs residing in them. Those are the cases in which the objects are not subject to rehabilitation, or it is comparatively more expensive to re-arrange the space as the living accommodation, or the space is privately owned. However, in cases when the former compact settlement object represents a private ownership, the action plan also provides a possibility for the state to purchase the space from the private owner for transferring the ownership to the IDPs after the purchase.

It is notable that in 2009-2012, there were no cases of purchasing the space from the private owners. The only activities in this regard were undertaken in 2013, when the state has purchased 5 objects in the borough Tskneti and in Tbilisi, totaling 1'916'640,5 USD in price. 202 families reside in the purchased objects; however, as of August 2014 data, none of them has received the ownership of those spaces. According to the information provided by the Ministry, the process of registering the housing as the state ownership is ongoing, after the completion of which the property will be transferred to the IDPs. This case is one more example of the fact that the privatization process is characterized by the significantly slow pace.

As for one more direction of the action plan – purchasing individual houses for the IDPs as an alternative, throughout the 2013, the houses were purchased for 30 families through the state budget. The houses were purchased only in the regions (Kvemo Kartli – 17, Samegrelo-Zemo Svaneti – 7, Imereti – 3, Racha-Lechkhumi – 1, Shida Kartli – 2) and totalled 260'000 USD in price. Therefore, purchasing individual houses, due to its small scale, cannot be considered as a significant possibility for providing durable housing solutions.

## 2. Re-Registration of the IDPs

### 2.1. Registration of the IDPs, as means of better planning the accommodation policy

The first stage of the action plan was oriented at the IDPs, residing in the compact settlements; however, it was planned to start accommodation activities for the IDPs, residing in the so-called “private sector” at the later stage. The 2009 action plan covered elaboration of the methodology for the census of the IDPs, residing in the private sector, which should have resulted in the analysis of their needs in terms of durable accommodation for the purpose of setting the priorities for the future accommodation process.<sup>16</sup> However, despite the existence of such a component in the action plan, such an activity was not conducted within the period covered by the action plan. Apart from the separate cases of research by various organizations, the state still has a very little information on the needs of the IDPs in the „private sector”. Very often, lack of possibility to establish an exact location of the IDPs was named to be one of the difficulties, impeding the examination of the needs of the IDPs, residing in the “private sector” and planning their accommodation process (since their factual residence and their registration did not coincide). The database of the Ministry that stores the data on the IDPs (among others, the data about the registration locations) mainly reflects the the universal registration information, compiled in 2007, after which the data has not been updated.

On December 28, 2012, the Minister has issued the ordinance #170, creating the temporary commission, tasked with examination of the issues of the IDPs, residing in the “private sector”. The same ordinance has also established the rules of operation of the commission. Planning the activities for the census/establishing the factual locations of the IDPs, residing in the “private sector” represented one of the objectives of the commission.

Finally, the Ministry has decided to conduct re-registration of the IDPs for resolving this problem.

In the beginning, it was decided to conduct the IDP registration with-

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<sup>16</sup> Decree #403 of the Government of Georgia (dating back to May 28, 2009), Appendix #2 “overall evaluation of the resources, necessary for the implementation of the action plan on the 2009-2012 state strategy on the IDPs” clause 2.1.1.1.

in the period from the August 1 to December 27, 2013. Later on, the registration was prolonged twice. At first, the registration was prolonged until March 1, 2014 and the second time, the registration was prolonged from April 15 until June 1, 2014.

According to the Ministry, the purpose of the IDP re-registration was to update the existing information relating to the residence place, number of the family members, general description and other issues. The Ministry was expecting to obtain the exact number of the IDPs following the completion of the re-registration. In addition, the Ministry was expecting to apply the re-registration as a mechanism for better planning the accommodation of the IDPs, since this process would have given the Ministry a possibility to elaborate strategic decisions for the improvement of the living conditions of the IDPs.<sup>17</sup> For the purpose of achieving the mentioned goal, the questionnaire format was elaborated, which was applied in the re-registration process.<sup>18</sup> The questionnaire was being filled out based on the verbal interview. The data in the questionnaires have reflected the information, provided by the IDPs verbally, but its correctness was not being verified in any form.

## 2.2. Registration Results

According to the information, provided by the Ministry, 271'832 IDPs were registered in the database prior to the beginning of the re-registration. As of June 2014, 256'843 IDPs have underwent re-registration, which is approximately 15'000 less in comparison with the period prior to the re-registration. There were 87'227 families prior to the re-registration, while following the completion of the re-registration, there were 84'833 families. As of June 2014, 119'637 IDPs are registered in various compact settlements, while 137'705 IDPs are registered in the "private sector". The registration process has revealed that the factual and registration addresses of the 83'445 IDPs do not coincide.

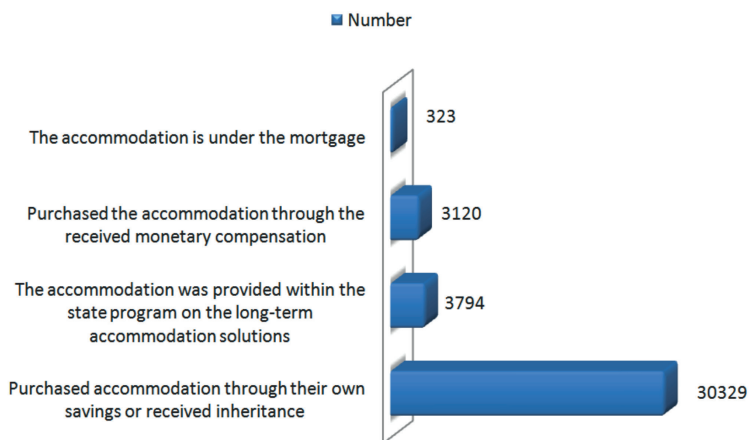
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<sup>17</sup> 2013 report of the Ministry, page 13 (is available at the following link <http://mra.gov.ge/geo/static/825>).

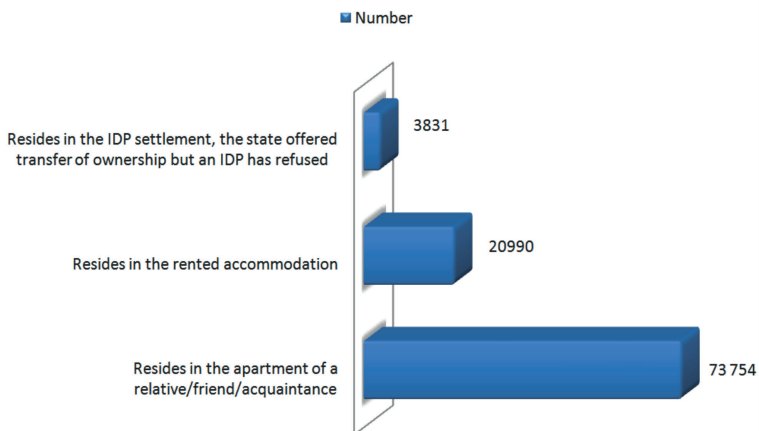
<sup>18</sup> Ordinance #287 of the Minister on the "introduction of the IDP certificate, rules of granting and registering an IDP status, form of the IDP card, approving the statute on the card and the questionnaire", Appendix #4.



### The information, provided by the IDPs, registered in the so-called "private sector"



### According to the information, provided by the IDPs that reside in the property of others



During the re-registration, more than 8'000 IDPs have mentioned that they own an agriculture landplot, while more than 2'500 IDPs, according to their own information, own a non-agriculture landplot. Of those persons, who have mentioned that they own either agricultural or non-agricultural landplot, more than 4'000 IDPs were provided with the durable housing.

To summarize, the re-registration of the IDPs was an important process, which made it possible to define the factual locations of the IDPs and to update the existing database of the Ministry. Conducting re-registration of the IDPs was an expensive program (costing 1'232'498.70 GEL). However, the re-registration was not effectively applied as a mechanism for better planning of the policy. The IDP engagement must be especially emphasized in the process of elaborating the mechanisms of the long-term accommodation. The registration process was a good possibility for the state to examine the expectations and needs of the IDPs and to base the future policy of the durable accommodation upon the analysis of the obtained information. According to the information, provided by the Ministry, they do not have the data, reflecting the number of the families that own a property of those that reside in the so-called "private sector". In addition, the Ministry is unable to identify the number of the families registered in the so-called "private sector" that were provided with the durable housing solutions.<sup>19</sup> In this context, it is difficult to elaborate strategic decisions and to elaborate alternative solutions for the durable accommodation for the improvement of the living conditions of the IDPs.

### **3. PRIVATIZATION**

#### **3.1. The problems revealed during the privatization process**

At the first stage of resolving the accommodation problems of the IDPs, the state emphasized on the IDPs, residing in the compact settlements and gave them a possibility to receive the ownership of the spaces they resided in. This decision resulted from the state's expect-

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<sup>19</sup> See the letter #06-06/20808 of the Ministry, dating back to August 26, 2014 (Appendix #2).

tation that through transferring the ownership of the existing buildings, the state would have been able to provide housing solutions to almost half of the IDP population, which would have required far less expenditures than providing accommodation in the so-called “private sector”.

The privatization process was stated to be based on the principle of the free will and informed decision-making, which meant that an IDP should have decided for himself/herself whether s/he wanted to receive the ownership of the existing compact settlement space or whether s/he preferred to wait for other alternatives of a durable accommodation.

The state decision to transfer the ownership of its property to the IDPs is a positive development in itself; however, the shortcomings revealed in this process, uncoordinated actions of the agencies, engaged in the process and the cases of violating the law, have made the privatization process ineffective to a certain extent.

- At the starting stage of the privatization, the state had an incorrect understanding that transfer of the ownership of the collective centers to the IDPs equaled to providing the adequate housing. As a result, in a number of cases, the IDPs were left with the property that does not meet the minimal standards of the adequate housing.
- From the outset of the privatization process, lack of awareness of the IDPs about the decision-making process was named to be one of the major shortcomings. The IDPs did not have a proper information regarding the privatization process, about the potential outcomes of their refusal to the privatization and what were the alternatives for the durable housing. As a result, there are questions on whether the privatization process was based on the free will and whether the IDPs had a real possibility to make informed decisions.
- Prior to 2013 the agreement was made with one of the family members (so-called “head of the family”),<sup>20</sup> therefore, the

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<sup>20</sup> Spouses could also have received the property in the form of co-ownership, however, almost no one has applied this possibility.

ownership was transferred to one of the family members who then had to provide the rest of the family members with the accommodation. In addition, selection of the “head of the family” did not require the written consent of the rest of the family members, which contradicts the legislation. The privatization process resulted in part of the IDPs, so-called “heads of the families” being owners of a property, while the rest of the family members did not receive the ownership of the spaces. Although the contracts included the provisions, defining the conditions of providing non-owner family members with the accommodation, it did not fully ensure an effective protection of their rights. The contract samples were changed in 2013. Under a new contract, an ownership of an accommodation was transferred to all of the family members above the age of 18. However, this cannot resolve the problems that have resulted from the contracts signed prior to 2013. It should also be noted that as of the first half of the 2014, more than 80% of the privatization contracts were signed prior to 2013.

- The privatization process was characterized by the technical problems, for example: the inaccuracies within the contracts relating to the size of the space, composition of the family; lack of the numeration that would have regulated the accommodations; incomplete measurement drafts; ineffective cooperation among the engaged agencies, which resulted in the slow pace, characterizing the privatization process. It is notable, that as of April 2014, the privatization contracts were signed with 17'598 families; of those, the contract was registered at the legal entity of public law – public registry in only 16'328 cases (this is the final stage of the ownership transfer).

The data break-down according to years, reflecting the transfer of accommodation and its formalization and the public registry is the following:<sup>21</sup>

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<sup>21</sup> The data is provided as of April 2014.

Year	Families, provided with the accommodation <sup>22</sup>	Families, who were provided with the ownership of the accommodation <sup>23</sup>
2009	8527	6646
2010	4332	
2011	2676	478
2012	353	8255
2013	1546	949
2014	164	0
ჯამი	17598	16328

### 3.2. Court precedents on the shortcomings, discovered in the privatization contracts

In 2013-2014, GYLA provided legal representation in three cases, in which the IDPs disputed the privatization (purchase) contracts and were claiming that the families were united artificially and the privatization contracts were signed without their prior consent. All three cases related to the contracts signed prior to the 2013, when only one of the family members signed the contract without obtaining written consent of the rest of the family members.

According to the legislation, in cases in which such the administrative agreements are signed (privatization purchase agreement represents one of such agreements) that introduce the limitations of the rights of the third parties or impose obligations upon them, they can only enter force following the written consent of those third parties.<sup>24</sup>

Only one of the family members signed the contracts made prior to 2013, while the rest of the family members represented the third parties of the process. Therefore, the contracts could only have entered force for those family members after providing their written consent. As we already mentioned, such a written expression of a consent did not exist in the contracts, signed prior to the 2013.

<sup>22</sup> The cases, in which the decision is made and the contract is signed on transfer of ownership of an accommodation to an IDP.

<sup>23</sup> The cases, in which the transfer of ownership to the IDPs is reflected in the national agency of the public registry.

<sup>24</sup> Article 67 of the General Administrative Code of Georgia.

The 2.4 clause of a contract provided that from the moment when the contracts were signed, a seller and the family members indicated in the contract would no longer be authorized to request any kind of compensation or real estate from the state and/or local self-government. Based on the mentioned clause the claimants argued that the contracts limited their rights and impeded them from receiving an accommodation from the state in the future. Therefore, such agreements could only have been made based on their prior written consent. In those disputes, the Ministry stated that the consent of the family members was not necessary, since the contracts were made in favor of them, that is, in favor of the third persons and that it did not limit their rights and on the contrary, gave them a right to live in the accommodations, provided under the contracts. Therefore, in all three cases the court had to provide interpretations on whether the legal norms were followed during the signing of the privatization contracts. In all three cases, the court held that the law was violated and has invalidated the purchase contracts and the presidential decrees in relation to the claimants, based on which the privatization agreements were signed. One of the cases is given below to demonstrate the court interpretation on a case:

### **3.3. Case of the D.G.**

*For years, D.G. has been residing in Russian Federation, together with a spouse and two children below the age of 18. D.G. has returned to Georgia together with the family in 2011, following the deportation of his family from Russian Federation. After returning to Georgia, his family lived in the rented apartment.*

*In 2013, he has applied to the Ministry and requested an accommodation. The Ministry has responded that he was already provided with the ownership of the accommodation, based on which the state has refused to provide the accommodation to the family. As it has turned out, D.G. and his family were included in the agreement that was signed with his father in 2010 (at the time when D.G. was not present in Georgia). According to the mentioned agreement, the ownership of the living space in one of the collective centers located in Tbilisi (totalling 23.06 square meters in size) was transferred to the father of D.G. and based on the same agreement, total of 7 persons were considered to be provided with*

*the durable housing solution (among others, D.G. along with his spouse and underage children).*

*D.G. argued that he has been living with his spouse and children independently for many years; therefore, he considered it illegal to artificially unite his family with his father's family. He also stated that while signing the contract, he has not been consulted with on whether he wanted to receive the mentioned space as the long-term accommodation or not. He further argued that the disputed agreement has limited his right to request an adequate accommodation. Therefore, entry into force of the agreement in relation to him required the existence of the written expression of consent, which did not exist in this case. D.G. has also mentioned that the property provided under the contract did not satisfy the minimal standards of an adequate housing. Therefore, he requested the invalidation of the contract in relation to him and his children and the invalidation of the presidential decree, which represented the basis of the contract.*

*The court of the first instance did not share the arguments of the D.G. and did not satisfy his request. The decision of the court was appealed in the appellate court, which then invalidated the decision of the court of the first instance and fully upheld the requests of the D.G.*

*The court held that: "since, following the signing of the contract, D.G. is not authorized to request any kind of compensation or transfer of ownership or use of a real estate from the state, local self government or other individual citing the IDP status, therefore, his right to receive an adequate accommodation is being limited. [...] therefore, the disputed agreement that limits the rights of the D.G. and his children does not have the legal power in relation to the D.G. and his family, since there is no mandatory written consent of the third parties." The court has also mentioned that D.G. was not informed prior to the signing of the contract and did not have a possibility to express his opinion, which also contradicts the legislation.<sup>25</sup>*

*In the same case, the appellate court has examined whether the provided space satisfied the minimal requirements of an adequate housing and held that: "the adequate housing is considered to be such a space,*

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<sup>25</sup> The decision of the Tbilisi Appellate Court (dating back to June 18, 2014) on the case #3b/559-14 (the decision has not yet entered its legal force, since the respondent has appealed the decision at the supreme court);

*that satisfies the established standards.” In the mentioned case the court held that 23.06 square meters for 6 family members cannot be considered to be an adequate housing and does not meet the minimal standards.<sup>26</sup>*

#### **4. THE RULES OF PROVIDING AN ADEQUATE HOUSING FOR THE IDPs, ANALYSIS OF THE CRITERIA APPLIED IN SEPARATE CASES OF DISTRIBUTING AN ACCOMMODATION AND THE IDENTIFIED SHORTCOMINGS**

##### **4.1. The rules of providing a housing for the IDPs**

On August 9, 2013, the Minister has issued the decree #320, which has defined the rules and procedures of providing an accommodation to the IDPs. Distribution of the accommodation spaces to the IDPs must be conducted based on the established criteria, both in cases of the newly-constructed buildings, as well as in case of rehabilitated or other types of accommodation/housing. It is notable that there was no such a regulation before, which created the doubts in relation to the objectiveness of the process. Therefore, the state decision to distribute the spaces based on the pre-established criteria must be positively evaluated. However, there are questions on whether the existing criteria is effective for the identification of the families that need an accommodation most of all.

The evaluation criteria system is the following: for the purpose of the decision-making on providing the durable accommodation, prior to offering a concrete living space, the family is being evaluated on the needs' priority scale, based on the pre-defined criteria. Each criterion

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<sup>26</sup> While defining the minimal standards the court has indicated on the Government decree #575 (dating back to May 11, 2010) that was in force at the time of signing the contract, which has resulted in the amendments to the Decree #403 (May 28, 2009) of the Government of Georgia on the “introduction of the action plan for the implementation of the 2009-2012 state strategy on IDPs”. The amendments have prescribed that: “the rehabilitation standards, introduced by the board of supervisors on September 17, 2009 that were recognized as the basic document by the Government of Georgia on October 30, 2009, represent the primary source in the process of providing durable accommodation, as well as in the process of rehabilitation of the collective centers and the vacant buildings and construction of the new buildings” (2.1.8). According to the mentioned standards, the minimal size of the accommodation for the family consisting of the 6 members is 50-60 square meters.



is defined by a specific number of points. During the needs assessment, the mentioned points are being summarized and the IDP family that has obtained the largest number of the points is being prioritized. If a more than one family have the equal number of points on the priority scale, the priority is given to a family that simultaneously falls within another criterion as well. As an exception, if the points on the priority scale coincide in every criterion, the casting of lots is being conducted to identify the order/sequence of which family will be provided with an accommodation first.

Two types of criteria are applied for establishing the order of a priority: 1. The criterion of evaluating the possibility to live in the accommodation; 2. Social criterion.

It is notable, that in accordance to the established procedure, the evaluation of the families for receiving the housing accommodation and defining the relevant priorities is conducted not on a universal bases (of all the IDPs that need an accommodation), but of those IDPs, that have applied within a specific project. Specifically, following the elaboration of a durable housing project/s, prescribed under the action plan, the commission tasked with an examination of the IDP issues pre-defines the category of the IDPs that will be able to apply within the mentioned project for receiving an accommodation. Therefore, the families that will be able to receive an accommodation are being selected out of the submitted applications, based on the pre-defined criteria. In addition, the minimal number of points that can become a basis for rejecting the request for an accommodation is not defined. Even if a family has 1 point and the accommodation spaces remain vacant on a specific object, the mentioned family has a right to obtain that space.

The commission is also authorized to prioritize and conduct the following activities without a pre-defined criteria:

- Providing a durable accommodation for those IDP families that were rightfully provided with the accommodation spaces (in the former compact settlement buildings) that contain high risks of collapse and that contain the risks for health or life of its residents. Such a condition of a building must be confirmed by the expertise conclusion, conducted under the request of the state or an IDP family.

- Providing durable housing for the specific IDP families, based on the decisions of a higher administrative authority or a court;
- Providing durable housing solutions for those IDP families that were rightfully provided the accommodation in the former compact settlement buildings, which, however, represent an immediate interest of the state, which must be confirmed by a relevant letter from a relevant state agency.

IDP families that, due to the IDP status have already received an accommodation and/or one-time compensation instead, do not have a possibility to submit an application and ask for an additional living space.

According to the information, provided by the Ministry, as of June 27, 2014, up to 1'000 families were provided with the accommodation based on the mentioned criteria. Of those:

- 288 families were provided with an accommodation in Tbilisi;
- 397 families were provided with an accommodation in the Imereti region;
- 106 families were provided with an accommodation in the Samegrelo region;
- 121 families were provided with an accommodation in the Kvemo Kartli region;
- 57 families were provided with an accommodation in Shida Kartli region.

Three buildings/objects were selected for the research purposes; those are the buildings in which the accommodation was provided to the IDP families based on the pre-defined criteria. The detailed information on those buildings was requested from the Ministry based on FOIA. The processing of this information created the possibility to analyze the criteria that dominated in the process of providing the accommodations.

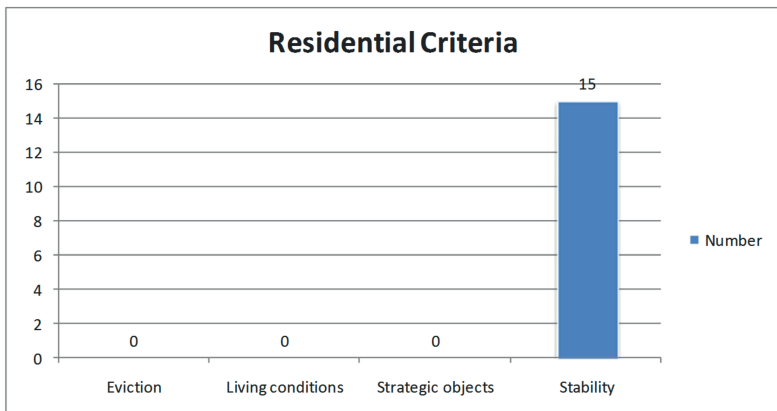
#### **4.2. Batumi, Benze settlement**

Receipt of the applications for the distribution of the ownership of the 48 apartments in Batumi, in the Benze settlement (36 single room, 12 double room apartments) was conducted in three stages.

At first, the receipt of the applications has started on September 19, 2013 and lasted until September 30, 2013. On November 17, 2013 the Commission has examined the issue of distribution of the space and has provided the accommodation spaces for the 34 families at the first stage (the ownership of the 36 apartments was distributed – two families were given two apartments each due to the number of the family members).

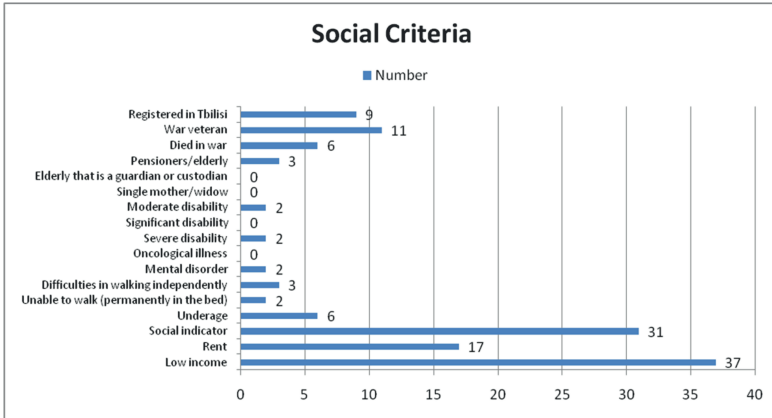
As for the 12 apartments, the commission has made a decision to distribute the ownership based on the examination of the additional materials and based on the submitted applications and points, revealed during an additional call for applications. On December 17, 2013, the commission has examined the issue of distributing the rest of the 12 rooms; however, the vacant spaces were not distributed in this case either. The call for applications for the 4 apartments was made additionally in January, March and April of 2014. Finally, 45 families have received the apartments in the Benze settlement. The maximal number of points was 10, while the minimal was 4.

The table presented below reflects an information on the specific criteria, based on which the IDP families were able to obtain the accommodations in the Benze settlement.



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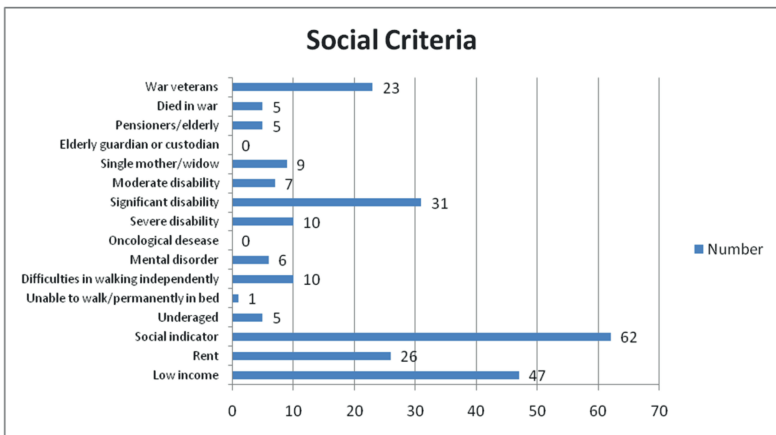
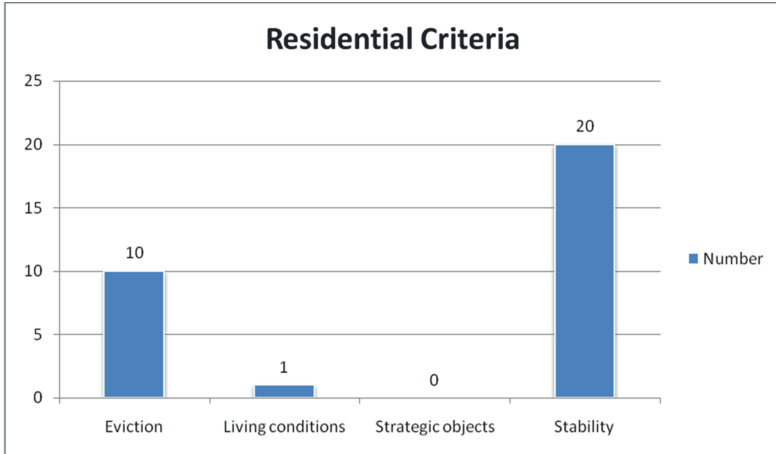
<sup>27</sup> The detailed information on the criteria and the relevant points system is available in the Appendix #1.



#### 4.3. Kvareli str. #101

The first building the ownership of which was transferred based on the pre-defined criteria was located in Tbilisi, at the Kvareli str. #101 (the former school building). The number of the vacant apartments in the mentioned building was 85 (31 single room, 44 double room, 10 triple room apartments). The number of the applications was 1476. It is notable that based on the decision of the commission, the accommodation in this building was provided to 20 families without the application of a criteria (based on the collapsing buildings and guarantee letters). Therefore, the ownership of the 65 apartments was distributed based on the criteria. The maximal number of the points was 13, while the minimal was 7.5.

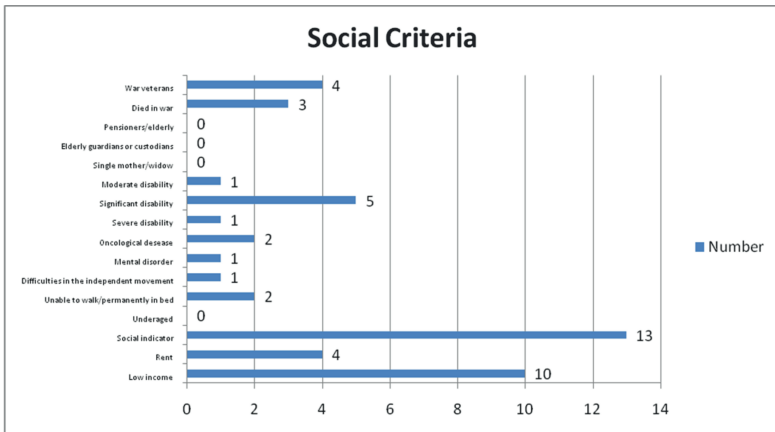
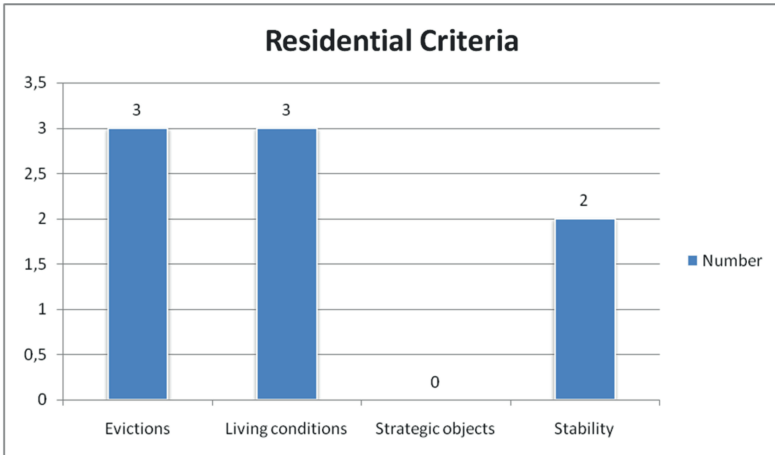
The table presented below reflects the information on the criteria, based on which the IDP families were able to obtain the apartments in the building located at the Kvareli str. #101:



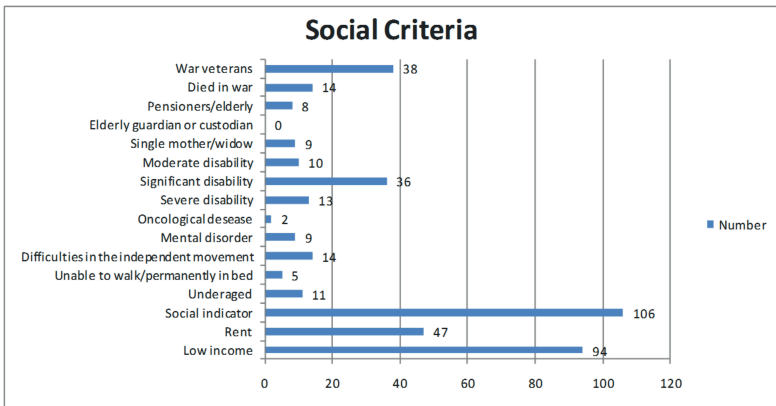
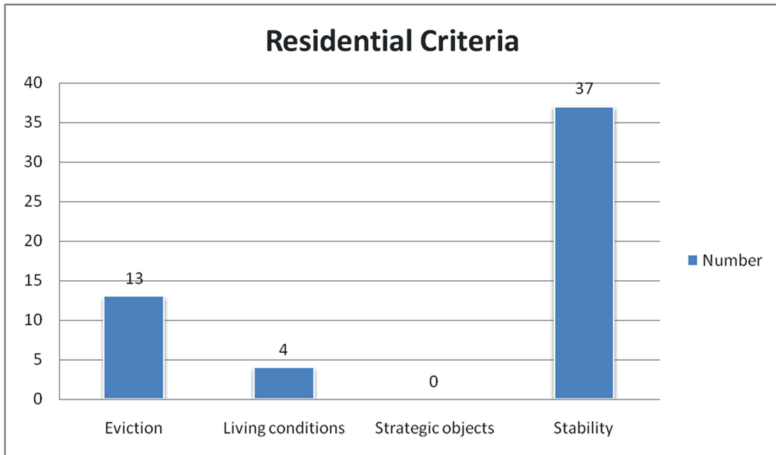
#### 4.4. Gldani, third micro-district, “former police building”

The distribution of the spaces in Gldani, in the former police building was conducted in April 2014. There were total of 14 vacant apartments. The maximal number of the points on those objects was 11, while minimal number was 8 points.

The table presented below reflects the information on the criterions, based on which the IDP families have obtained the accommodation spaces in the former police building.



#### 4.5. Summary analysis of the results on the examined objects



In total, out of the three objects examined during the research, 124 families were provided with the accommodation based on the criteria. Of those, only 54 families have received the evaluation points based on the residential criteria; in the rest of the cases, the accommodation was distributed based on the points obtained through the social criteria. Among others, the “low income” and “social indicator”

were dominating. It has also been revealed that in a majority of the cases, in which a family is given points based on the low-income criterion, the family additionally gets the points based on the social criterion, which increases the probability that a family that falls within the both categories will receive an accommodation. The results of the three objects allows to think that the families have more chances of receiving an accommodation based on the residential criterion in case if they also receive the points based on the social criterion; this raises questions on whether the criteria ensures consideration of the real needs in the process of distribution of accommodations.<sup>28</sup>

#### 4.6. Rent, as a criterion

Low income represents one of the types of the social criteria. According to the mentioned criterion, if the sum of the family income, considering the number of the family members, is less than half of the subsistence minimum, the family is given 2 points; if the sum of the family income, considering the number of the family members, is more than or equals to the half of the subsistence minimum, the family is given 1.5 points; if the sum of the family income, considering the number of the family members, is more than the subsistence minimum by half of the subsistence minimum, the family is given 1 point. In addition, if an IDP family pays the rent for an accommodation, an additional 1 point is added to the above points.<sup>29</sup>

Therefore, if a person pays rent, an additional point will be given to him/her only if s/he is at the same time falling under the low income criterion. Despite this, in cases examined by us in the three objects, the rent has been applied as an independent criterion in more than 15 cases, which indicates that the commission has interpreted the ordinance incorrectly. Although the rent is given a low point as a criterion (1 point), in the context in which receiving an accommodation depends even on the decisive 0.5 points, it is important for the commission to fully follow with the established criteria.

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<sup>28</sup> Regulations as of September 2014.

<sup>29</sup> Ordinance #320 (dating back to August 9, 2013) of the Minister on “providing an accommodation for IDPs”, Appendix #5, clause “a.a.” (as of October 1, 2014).



#### 4.7. Registration address, as the criterion

According to the amendments introduced to the ordinance #320 in October 2013, in case if an IDP that is registered in Tbilisi, submits an application on rrequesting the durable accommodation in other administrative unit/s (except for Tbilisi), s/he will be additionally given 2 points.

In the process of providing durable housing solutions to the IDPs, particular attention should be paid to the specific needs of the IDP families: such an offer must be made to the IDPs, that would give them a possibility to receive the durable accommodation is such a location where they already have social contacts and income sources. The state approach, providing incentives for the IDP families to move away from the integrated environments to the unknown, non-integrated locations, contradicts the mentioned principle. In addition, such an approach creates unequal opportunities for the IDPs residing in the regions, which might be rejected to be given the local accommodation simply because the family that was registered in Tbilisi will receive additional 2 points for requesting accommodation elsewhere.

#### 4.8. Appeal Mechanisms

According to the existing regulations, “the relevant decision on upholding or rejecting the application for the accommodation is made by the commission and is being expressed in the commission protocol. The IDP family shall be informed of the (negative or positive) decision in writing, which may be appealed in accordance with the legislation of Georgia.<sup>30</sup>”

Despite the fact that the appeal mechanism is provided under the “rules of providing an accommodation for the IDPs”, the Ministry, as a rule, does not ensure timely delivery of the written decision on the rejection to the relevant IDP family, or provides the written decision following the request of a relevant IDP family. It is also notable that the written decisions do not indicate the appeal mechanisms, despite the fact that an administrative body is obliged to indicate the appeal

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<sup>30</sup> Ordinance #320 (dating back to August 9, 2013) of the Minister on “providing an accommodation for IDPs”, clause 12, Article 3.

procedures in the written individual administrative-legal acts that it issues.<sup>31</sup> The broad scale of such actions of the Ministry creates reasonable doubts that the Ministry deliberately violates the mentioned procedures to decrease the probability of appeals of its decisions.

This wrongful practice of the Ministry represents significant obstacles for the IDPs in exercising their procedural rights (to protect and restore their rights through litigation), which is absolutely unacceptable for the administrative body.

## **SUMMARIZING CONCLUSION AND RECOMMENDATIONS**

Despite the fact that in the past years, specific efforts have been made for providing the IDPs with an accommodation, this issue remains one of the major challenges. The effort of the state to create a legal mechanism in this regard must be evaluated positively, as it will make it possible to conduct the process of the accommodation in a transparent manner. However, the analysis of the issues, discussed in the research has demonstrated that a variety of the existing shortcomings impede this process. Therefore, it is important for the state to take the actions to rectify the existing shortcomings.

For the purpose of resolving the problems, identified in the research, GYLA addresses the Ministry of the Internally Displaced Persons from the Occupied Territories of Georgia, Accommodation and Refugees and the Government of Georgia with the recommendations:

### In relation to the privatization:

- To inform the IDPs, residing in the buildings that are subject to the privatization in a timely manner, of the privatization process, its outcomes and other possible alternatives;
- To strengthen the coordinated cooperation among the agencies, engaged in the privatization process, to accelerate the privatization process;
- To create the commission, that would analyze the shortcomings, identified in the privatization process, establish the num-

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<sup>31</sup> Article 52 of the General Administrative Code of Georgia, part 2.

ber of the IDP families that have received the accommodation below the standard of an adequate housing and that would elaborate the plan and mechanisms for rectification of the existing shortcomings.

In relation to the rules of providing an accommodation:

- To revise the content of the criteria and the system of the evaluation points, based on the analysis of the existing experience;
- The Ministry, to follow the law-prescribed procedures on sending the written decision to the relevant IDP and on the explanation of the appeal mechanisms;
- To specify the number of the IDPs that have purchased an accommodation through their own means and to elaborate the plan on the activities that the state can offer them in the future;
- For the Ministry to present the proposals on the alternative accommodation activities that it can offer the IDPs, based on the information obtained as a result of the re-registration process.

## Appendix #1

№	The criteria for evaluating the possibility to live in the accommodation	Points
a	IDPs, residing in the buildings that represent private property and the owner is applying the legal procedures for evicting the IDPs.	3
b	The living conditions are particularly grave and radically contradict the minimal living conditions (an IDP family lives in the garage, in the storage under the staircase, in the guard booth, in the self-made wooden construction, in the earthworks, etc.)	3
c	The IDPs living in the accommodation provided to them temporarily (former compact settlement objects); however, the building is of the importance for the state and/or local self-government interests. Such an importance must be clearly and publicly declared by the self-governments (if they are the owners) or by other public agencies that own the mentioned building.	2
d	Stability of the accommodation. The duration of stay in the current accommodation is less than 1 year and in the past 5 years, the family has moved more than twice.	1

№	Social criteria	Points
a	<p><b>a.a) low income</b>  if the sum of the family income, considering the number of the family members, is less than half of the subsistence minimum, the family is given 2 points; if the sum of the family income, considering the number of the family members, is more than or equals to the half of the subsistence minimum, the family is given 1.5 points; if the sum of the family income, considering the number of the family members, is more than the subsistence minimum by half of the subsistence minimum, the family is given 1 points.  In addition, if an IDP family pays for the rent of the accommodation, 1 point is added to the above points.</p> <p><b>a.b) enrollment in the social programs</b>  if a family is registered in the universal database of the families below the poverty line, the points are distributed in the following way:  for those with the rating below 57001: 3 points  for those with the rating in-between 57001- 70000: 2 points  for those with the rating in-between 70000 – 100'000: 1 point</p> <p>during the calculation for the evaluation, the a.a.) and a.b) points are summarized</p>	1-6
b	The family includes 3 or more persons below the age of 18. One point is added per 3 family members below 18 and an additional 0.5 point is added per each additional family member below 18.	Sum of the relevant points
c	Heavily ill family member/s. Permanently unable to get up (3 points), has difficulties in walking independently (1 point), mental disorder (2 points). This requires the doctor's conclusion. Oncologic illness, which must be proven by the relevant medical conclusion (form N50/2) (1 point).	Sum of the relevant points
d	Family member or members have acute (3 points), significant (2 points) or moderate (1 point) disability (deviation from the normal work condition, resulting from the health problems, characterized by limitation of the ability to serve oneself, to move/walk, to control oneself, to study or work), which must be proven by the document, confirming the relevant status (the record of the medical-social expertise examination). Each family member with such a status is given a relevant point.	Sum of the relevant points

e	Parent or a widow, who has to take care of the child or children, alone.	2
f	Elderly person/s that take care of the child/children or grandchild/grandchildren under the custody or guardianship, in accordance with the legislation.	1
g	Pensioner that lives alone and the family, consisting of the elderly member/s. The family consists only or mainly (more than half) of the members that are pensioners.	1
h	The family, whose member/s have died in the fight for the territorial integrity of Georgia (1.5 points for each of the deceased family members).	Sum of the relevant points
i	The family, the member/s of which are the veterans of the war for the territorial integrity of Georgia (each veteran is given 1 point).	Sum of the relevant points

**Note: if a person falls within both the categories “c” and “d” of this Appendix, then that person is given points based on the criteria that prescribes a higher evaluation (more points).**