

## NATIONS UNIES

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POUR LES REFUGIES

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**UNITED NATIONS**  
HIGH COMMISSIONER  
FOR REFUGEES  
*Regional Office  
for the Benelux  
and the European Institutions*

## VERENIGDE NATIES

HOOG COMMISSARIAAT  
VOOR DE VLUCHTELINGEN

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### **Background note on the Protection of Asylum Seekers and Refugees in Georgia**

#### **1. Legal Framework and Refugee/Asylum Policy**

Georgia passed national legislation concerning refugees in February 1998 and then signed the 1951 Geneva Convention on the status of refugees and its Protocol in August 1999.

##### Legislative Framework

The national Law on Refugees contains several provisions which are not in line with the 1951 Convention. Of note are:

- deviations from the 1951 Convention in the refugee definition (Art. 1);
- pre-screening, resulting in prevention of registration of refugee applications (Art. 2);
- insufficient protection against *refoulement* (Art. 3, 5, 7 and 8);
- deprivation of refugee status when temporarily remaining outside Georgia (Art. 10);
- negative consequences of suspension of social and economic rights when temporarily remaining outside Georgia (Art. 11).

Some declared rights of asylum seekers and refugees are not secured under the law and practice (right to housing, right to financial assistance). The Georgian laws and regulations on aliens do not have special provisions or exemptions which take into consideration the specific situation of refugees. Such gaps contribute to the difficulties faced by refugees in Georgia.

The Department for Refugees and Asylum Seekers within the Ministry of Refugees and Accommodation of Georgia is responsible for refugee status eligibility procedures (recommendations on granting or denying refugee status), as well as for registration of *prima facie* Chechen refugees. However, the refugee department has reportedly processed few asylum applications, recognizing only four asylum seekers from outside the Commonwealth of Independent States (CIS) as refugees since 1998, and processing no

applications between 2000 and the end of 2002.<sup>1</sup> During 2003-04, six asylum seekers from outside CIS applied for the registration of their claims, three of them were registered (one after UNHCR intervention). No refugee status was granted, two appeals with UNHCR support are pending at present.

Discussions have taken place with regard to the drafting of revised legislation on refugees. Indeed the Ministry of Refugees has indicated its wishes to consult UNHCR with regard to its contents.

## **2. Populations of concern in Georgia**

More than 262,000 persons remained internally displaced in Georgia by June 2004. The overwhelming majority (about 249,000) were ethnic Georgians displaced from Abkhazia from 1991 to 1993, of whom about 80,000 originated from the Gali district and about 52,000 from Sukhumi.

Since 1998, an estimated 40,000 and 60,000 IDPs have spontaneously returned to Gali, with part of the population migrating seasonally between Georgia proper and Abkhazia. About another 12,400 ethnic Georgian IDPs remained displaced from the South Ossetia region.

About 40 percent of Georgia's internally displaced population (104,000 persons) live in the Samegrelo region adjacent to Abkhazia. About 92,000 displaced persons, 35 percent of the total, settled in Tbilisi, and 31,000 settled in Imereti. About 48 per cent of the displaced population live in collective centres and the rest - in private homes.

In addition, Georgia hosts about 3,800 *prima facie* refugees in need of protection, all of whom originate from the neighbouring embattled republic of Chechnya in the Russian Federation.

## **3. Specific issues**

### Abkhazia

Since 1993, more than 249,000 persons remain internally displaced as a result of the Georgian-Abkhaz conflict. Since Abkhaz de-facto authorities won control of Abkhazia, approximately 300,000 ethnic Georgians fled the province in 1993. Following the 1994 cease-fire up to 60,000 displaced ethnic Georgians returned spontaneously to their homes in Gali district, but tens of thousands were displaced again when fighting resumed in the district in 1998. Individual shelter and infrastructure rehabilitated by UNHCR was also destroyed.<sup>2</sup> Of importance to note is that many of those displaced remain dependant on humanitarian assistance.

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<sup>1</sup> World Refugee Survey 2003, <[http://www.refugees.org/world/articles/wrs03\\_europe2.cfm.htm#georgia](http://www.refugees.org/world/articles/wrs03_europe2.cfm.htm#georgia)>

<sup>2</sup> It is reported by the Government of Georgia that current figures may be inflated due to migration of numbers of these IDPs outside Georgia.

### South Ossetia

Conflict between ethnic Georgians and ethnic Ossetians in the breakaway Georgian region of South Ossetia—bordering Russia’s North Ossetia—during 1991 and 1992 also produced tens of thousands of refugees (who fled to Russia) and internally displaced persons. At the time, thousands of ethnic Georgians fled their homes in South Ossetia to other regions of Georgia, and thousands of Ossetians in Georgia fled to North Ossetia and South Ossetia.

In 2002, a Joint Control Commission (JCC) of the Organization for Security and Cooperation in Europe adopted a draft Russian-Georgian Interstate Program for “return, accommodation, integration, and reintegration of refugees, displaced persons, and other persons who suffered as a result of the Georgian-Ossetian conflict.” However, little progress has taken place as yet.

During 2003, South Ossetian authorities did little to support the return of internally displaced ethnic Georgians to South Ossetia, and little progress was made either toward resolving the underlying conflict or restoring the property rights of displaced persons. Consequently, few ethnic Georgians returned to South Ossetia during the year.

In 2004, UNHCR received an extra-budgetary contribution of €800,000 from the European Commission to implement an 18-month project to provide support to refugees and Internally Displaced Persons (IDPs) in South Ossetia. UNHCR is providing shelter assistance and repatriation kits to refugee and IDP returnee families, of which an estimated 250 families will be assisted in 2004 and 150 families in 2005. UNHCR expects to assist a total of 400 families (approximately 1,800 persons) who will voluntarily return to the areas of their previous residence in South Ossetia.

### Chechen Refugees

The Georgian authorities continued to extend prima facie recognition to Chechen refugees. The MRA has registered 3,856 Chechen refugees as of April 2004. Newcomers and newborn babies were registered by the MRA and cases recognized previously were re-registered. No cases of refoulement of registered Chechen refugees have been reported to UNHCR in 2003.

The majority of the Chechen refugees fled between October 1999 and January 2000. Georgia does not conduct any individual status determinations for Chechens. Since early 2000, UNHCR has coordinated assistance on behalf of Chechen refugees in the Pankisi Valley and provided food and non-food items to meet all basic, life-sustaining needs.<sup>3</sup>

Since 2003, UNHCR has increased its effort to resettle some of the refugees with urgent protection problems or vulnerable families. In the course of 2004, UNHCR expects to explore local integration for a number of Chechen refugees who meet criteria for

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<sup>3</sup> UNHCR currently provides food items to complement the WFP food basket, hygiene items, firewood, woodstoves and blankets to the Chechen refugees. Projects implemented in cooperation with UNHCR include emergency and primary health care, school supplies distributions, water chlorination, small scale income generation activities, pre-schools, human waste disposal, psycho-social rehabilitation, legal services, a community centre offering such activities as English, computer, cooking, dance/music classes, and sports activities.

citizenship under the Georgian citizenship law. UNHCR does not assist in the return of any Chechens to the Russian Federation since it does not consider conditions in Chechnya such that return in safety and dignity is feasible.

#### Meskhethians

Georgia continued to oppose the return of the Meskhethians, who were deported en masse from southern Georgia to Central Asia during the Stalin era. Thousands fled persecution or were expelled a second time from Central Asia at the time of the break-up of the Soviet Union and were living as stateless persons in Ukraine, Azerbaijan, and elsewhere in the CIS.<sup>4</sup>

#### **4. Main points for consideration**

- Assisting in creating an asylum system which is in accordance with international law and standards;
- Continue to provide support to the refugees and internally displaced persons returning to South Ossetia;
- Assist Chechen refugees within Georgia and seek durable solutions for them;
- Support the MRA for the verification of internally displaced persons from Abkhazia and South Ossetia.

**UNHCR  
June 2004**

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<sup>4</sup> When Georgia joined the Council of Europe in 1999, the government agreed to pass a bill to repatriate the Meskhethians over a period of several years. President Shevardnadze issued a decree in 1999 to begin a ten-year, phased Meskhethian repatriation beginning within three years, but it had not begun by the present time. UNHCR is also not aware of any returns since 2002.