

Questionnaire

A. Distribution of responsibilities related to the right to adequate housing:

1. Please identify the levels of government (national, provincial/state, municipal) primarily responsible for the following: (where primary responsibility is shared please check more than one):

	National	Provincial/State	Municipality	
Housing programme	X			
Income support (e.g.: transfer payments to individuals, welfare, social security and/or rent subsidies/supplements)	X			
Tenancy and security of the tenure legislation	X			The rights to property is recognised and protected by the Constitution of Georgia which subdues all other national legislative or by-law acts. According to law, tenure legislation does not belong to responsibilities of local municipalities or autonomous republics. According to Article 3 of the “Law of Georgia on public registry” the sole responsible agency for running the public registry (the state registry of titles on real estate) and ensuring access to information on the subject is the National Agency of Public Registry (NAPR), which is a legal entity of public law (LEPL) operating under the authority of the Ministry of Justice of Georgia. According to the same law, NARP may exercise its functions through its territorial offices and authorized offices, which may be located throughout the country, including on territory of municipalities and autonomous republics.

Infrastructure (e.g. water/sanitation, electricity)	X			
Prohibition of discrimination in housing	X			

2. What are the primary bases for the allocation of responsibilities among different levels of

government? Please identify the appropriate provision(s) and provide a copy or link, if possible:

- Constitutional
- X National framework legislation or housing strategy
- Sub-national level legislation or housing strategy
- Inter-governmental agreement
- Other – Please explain

Competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees in providing housing for IDPs, migrants, individuals affected or internally displaced by natural hazards – eco-migrants, asylum seekers and individuals with humanitarian or refugee status is determined by the “Regulations of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees” approved by the #34 Resolution of the Government of Georgia (February 22,2008).

Activities for provision of the Durable Housing Solutions for the IDPs is determined by the “State Strategy for the IDPs”, approved by the #47 Decree of the Government of Georgia (February 2, 2007) and by the “2012-2014 Action Plan for implementation of the IDP State Strategy” approved by the #1162 Decree of the Government of Georgia (June 13, 2012).

The term “Adequate Housing” is defined in article 4, sub-clause “n” of the Georgian Law “On Internally Displaced Persons from the Occupied Territories” which states: “An “Adequate Housing” is a housing granted to the IDP in ownership or lawful possession, which has all necessary conditions for the dignified life, including satisfactory safety and sanitary conditions and infrastructural accessibility”.

Rules and Procedures for provision of IDPs with the durable housing are regulated by the Order #320 of the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia (August 9, 2013). It defines housing standards, as well as procedures and criteria for distribution of housing units and transfer of property/titles to the IDPs.

Rules, procedures, criteria and distribution of housing units for individuals affected or internally displaced by natural hazards, so called “eco-migrants”, is regulated by the normative act – Order #779 of the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia (November 13, 2013).

The rule for accommodation of the asylum seekers at the reception center and/or other destination, selected by the Ministry is regulated by article 18, clause 1, sub-clause “b” of the Georgian law “On Refugee and Humanitarian Status”, which states: “An asylum seeker holds the right to receive an appeal for temporary housing and live free of charge in the reception center and in exclusive cases – other destination, allocated by the Ministry”.

The rule for accommodation of the individuals with refugee or humanitarian status at the reception center and/or other destination, selected by the Ministry is regulated by article 19, clause 1, sub-clauses “a” “b” of the Georgian law “On Refugee and Humanitarian Status”, which states: “Individuals with refugee or humanitarian status, has a right to reside at the reception center 3 months after receiving the status, and in some exclusive cases – live at other destination, allocated by the Ministry and use all the rights, determined by article 18 of this law; besides, for 3 months after receiving the status he/she can choose a place allocated by the Ministry as his/her residence or reside at some other place, at his/her own expenses; rules for accommodation, behavior and eviction from the reception center are approved by the Order #718 of the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia (April 1, 2014).

3. What role does the national level government play in relation to housing and related programs? How is compliance with the right to adequate housing structured between the national and sub-national levels? If possible, please kindly provide concrete examples of how these roles and compliance mechanisms are operationalized.

Competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees in providing housing for IDPs, migrants, individuals affected or internally displaced by natural hazards – eco-migrants, asylum seekers and individuals with humanitarian or refugee status is determined by the “Regulations of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees” approved by the #34 Resolution of the Government of Georgia (February 22, 2008).

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4. Where sub-national governments hold key responsibilities in relation to the right to adequate housing, please describe how programs and policies are coordinated nationally and what responsibilities remain with national level institutions.

Sub-national levels of the government do not hold any legislative responsibility in relation to the right to adequate housing.

5. Where housing and related programs are administered by sub-national level governments, by whom and how are these programs funded? Are conditions attached to the funding which seek to ensure the resources are spent in a way that protects the right to adequate housing? How is this monitored?

Housing and related programs are funded from the annual State Budget, within the assignments allocated to the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees for these means.

B. Accountability of Sub-National Governments

1. Are sub-national governments legally accountable to the right to adequate housing on the basis of any of the following?
 - International human rights law (Yes/No)
 - Constitution/National Bill of Rights (Yes/No)
 - National or sub-national legislation (Yes/No)
 - State level or municipal level Bills of Rights/Charters (Yes/No)
 - Inter-governmental agreements (Yes/No)
 - Conditional financing (e.g.: budget transfers from national level to sub-national) (Yes/No)
2. With respect to the above and where applicable, please identify:
 - i. The relevant provision.
 - ii. The sub-national levels of government to which the legal provision applies.
 - iii. The means of enforcement (e.g.: courts, tribunals, national human rights institutions, including ombudsman, administrative mechanisms, etc.) and examples of how these means have been applied.
3. Are sub-national governments involved in State reporting to international human rights monitoring mechanisms and in implementing recommendations? (e.g.: UN treaty monitoring body, Universal Periodic Review). If so, how? Please, kindly provide an example.
4. Apart from the legal and international accountability described above, what political or institutional accountability mechanisms are in place in your country through which sub-national governments are held accountable to standards or requirements linked to the implementation of the right to adequate housing (e.g.: Government review procedures, ombudsman/national human rights institution, local human rights councils). Please, provide any useful examples of how these have been used and, if possible, assess the outcome.
5. Please kindly identify what in your view may be the three most significant challenges in your country to effective accountability of sub-national governments to the right to adequate housing as guaranteed under international human rights law and identify key strategies or ideas for addressing these challenges?