



Information Documents  
SG/Inf(2019)12

27 March 2019<sup>1</sup>

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**Consolidated report on the conflict in Georgia**  
(October 2018 – March 2019)

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Document presented by the Secretary General

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<sup>1</sup> This document has been classified restricted until examination by the Committee of Ministers.

## Introduction

1. At their 1080th meeting on 24 and 26 March 2010, the Ministers' Deputies took the following decision: "*The Deputies, restating the previous decisions of the Committee of Ministers, invited the Secretary General to prepare his consolidated report on the conflict in Georgia based on his outline and taking into account the comments made during the present meeting*".

2. It is recalled that the objective of the report is to take stock of the situation in Georgia following the August 2008 conflict, to report on the related activities of the Council of Europe and to propose further Council of Europe action. The report is composed of four parts:

- update on major developments in the period under review;
- assessment of statutory obligations and commitments related to the conflict and its consequences;
- human rights situation in the areas affected by the conflict; and
- current Council of Europe activities aimed at addressing the consequences of the conflict, their follow-up, as well as proposals for future action.

3. This 19th consolidated report covers the period between October 2018 and March 2019. It builds on the previous consolidated reports<sup>2</sup>, as well as Secretariat reports on the human rights situation in the areas affected by the conflict in Georgia<sup>3</sup> and the report on the Council of Europe activities in the areas affected by the conflict<sup>4</sup> and its updates<sup>5</sup>. The Deputies' decisions on the Council of Europe and the conflict in Georgia are also recalled in this respect.<sup>6</sup>

4. A delegation of the Secretariat carried out a fact-finding visit to Tbilisi on 12-13 February 2019 and had the opportunity to discuss the situation with the Georgian authorities, the Office of the Public Defender of Georgia as well as representatives of international organisations. The Secretariat wishes to express its gratitude to the Georgian authorities for their support in organising the visit and to all interlocutors for their assistance and valuable contributions.

5. Despite continued efforts, the Secretariat was not given authorisation to visit Abkhazia and South Ossetia for the purpose of this consolidated report. The Secretary General however considers it important to pursue efforts to obtain access for fact-finding visits to Abkhazia and South Ossetia for the preparation of future consolidated reports. At the same time, it should be noted that in the period under review the Council of Europe (the Secretariat and experts) continued enjoying access to Sukhumi for the purpose of implementation of Confidence-Building Measures (CBMs) (cf. Section IV.3).

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<sup>2</sup> [SG/Inf\(2010\)8](#), [SG/Inf\(2010\)19-final](#), [SG/Inf\(2011\)8](#), [SG/Inf\(2011\)24](#), [SG/Inf\(2012\)5](#) and [SG/Inf\(2012\)28-rev](#), [SG/Inf\(2013\)13](#), [SG/Inf\(2013\)38](#), [SG/Inf\(2014\)17](#), [SG/Inf\(2014\)41](#), [SG/Inf\(2015\)18](#), [SG/Inf\(2015\)41](#), [SG/Inf\(2016\)14-rev](#), [SG/Inf\(2016\)37](#), [SG/Inf\(2017\)38](#), [SG/Inf\(2017\)38](#), [SG/Inf\(2018\)15](#), [SG/Inf\(2018\)34](#) Rev.

<sup>3</sup> [SG/Inf\(2009\)7](#), [SG/Inf\(2009\)9](#) and [SG/Inf\(2009\)15-final](#).

<sup>4</sup> [SG/Inf\(2009\)5](#).

<sup>5</sup> [SG/Inf\(2009\)5](#) Addendum and [SG/Inf\(2009\)5](#) Addendum 2.

<sup>6</sup> Cf. decisions adopted by the Deputies at their 1227th meeting on 12 May 2015, and at their 1255th meeting on 4 May 2016, 1285th meeting on 3 May 2017 and 1315th meeting, on 2 May 2018 as well as the decisions of the 128th Ministerial Session, 18 May 2018.

6. This report does not replace the monitoring procedures established in the Council of Europe. Nor should it be seen as prejudging any possible decisions in the cases related to the conflict and its consequences, which are currently pending before the European Court of Human Rights.

7. Nothing in this report should be interpreted as being contrary to the full respect of the territorial integrity and sovereignty of Georgia within its internationally recognised borders.<sup>7</sup>

8. This report does not prejudice or infringe upon a possible future political settlement of the conflict within the framework of the Geneva International Discussions, nor the implementation of the six-point ceasefire agreement of 12 August 2008 and the implementing measures of 8 September 2008.

### *I Update on major developments in the period under review*

9. Following the November 2018 presidential elections, Ms Salome Zourabichvili was elected as the fifth President of Georgia. The elections were not organised in Abkhazia and South Ossetia due to the inability of the Georgian government to exercise there its jurisdiction. In her inauguration speech, Ms Zourabichvili called to find a way forward and to strive for reconciliation with the people in Abkhazia and South Ossetia as the only alternative for the future.<sup>8</sup>

10. The 46th round of the Geneva International Discussions (GID) took place on 11-12 December 2018. According to the press communiqué issued by the Co-Chairs in Working Group I dealing with security issues, the participants reaffirmed their commitment to the principle of non-use of force, agreed to continue discussions on this issue in a comprehensive manner and new proposals were welcomed in this regard. All participants highlighted the importance of the Incident Prevention and Response Mechanisms (IPRMs) over recent years in addressing security-related issues. In this context, the Co-Chairs urged participants to resume the regular meetings of IPRMs, in Ergneti and Gali, without delay.<sup>9</sup>

11. In Working Group II focusing on the humanitarian situation on the ground, participants continued to discuss, in particular, issues relating to missing persons, freedom of movement, health care, documentation, education, livelihoods and environmental concerns. In view of the fact that some participants walked out before the issue of IDPs/refugees could be addressed, the Co-Chairs have renewed their call to the participants to engage constructively on all agenda items.

12. While all GID participants continued to express commitment to the GID as the only forum for engaging in the aftermath of the 2008 conflict, the need to make progress towards conflict resolution has been acknowledged and stressed on several occasions. During the last round, the Co-Chairs reiterated their commitment to working with the participants to revitalise the GID process, to make it more effective and result-oriented.

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<sup>7</sup> It is a fundamental objective of the member States of the Council of Europe to uphold the territorial integrity of Georgia. However, the Russian Federation recognised South Ossetia and Abkhazia as independent states on 26 August 2008.

<sup>8</sup> President Salome Zourabichvili's Inauguration Address, 19 December 2018.

<sup>9</sup> Press *communiqué* of the Co-Chairs of the Geneva International Discussions, 13 December 2018.

13. In meetings with the delegation, representatives of the Georgian central government recalled the momentum achieved in recent years on the issue of non-use of force and emphasised the necessity to concentrate on both reaffirmation and implementation of this principle. They reiterated their position that the implementation of such commitment should be guaranteed through establishing international security arrangements inside Abkhazia and South Ossetia. They also underlined the urgent need to make progress on the issue of safe, voluntary and dignified return of the IDPs/refugees.

14. The overall security situation on the ground during the reporting period was assessed by the GID Co-Chairs and participants as relatively calm and stable. Whereas the IPRM in Gali remains suspended, the Ergneti IPRM restarted in December 2018 following a pause of two months. At the same time, the broader security context continued to be marked by widely divergent views and approaches.

15. The Georgian government along with a large part of the international community continued to object resolutely to Russia's recognition of Abkhazia and South Ossetia, as well as to the increasing Russian military presence in these territories, in violation of Georgia's sovereignty and territorial integrity. Security actors met by the delegation highlighted that in general the number and the frequency of military exercises in the region had regrettably increased.

16. Moreover, the delegation's interlocutors converged in their assessment that the humanitarian and human rights' situation in conflict-affected regions had further worsened, mainly due to increased restrictions on freedom of movement. Serious concerns were raised in particular in connection with the closure for an unprecedented period of the Administrative Boundary Line by the *de facto* authorities in Abkhazia and South Ossetia in January 2019, which – according to interlocutors in Tbilisi - has created an extremely difficult humanitarian situation for the local population, while hampering people-to-people contacts. The so-called "borderisation" process continued to trigger widespread criticism.

17. In meetings with the delegation, representatives of the Georgian central government also raised the issue of impunity for grave human rights violations in conflict-affected areas and referred in this respect to the "Otkhozoria-Tatunashvili" list.

18. Against this background, the death of a 29-year-old Georgian citizen in Abkhazia on 12 March raised serious concerns. According to the *de facto* authorities of Abkhazia the victim committed suicide shortly after his detention for "illegal border crossing" by the Russian border guards on 10 March. The incident is reportedly being investigated.

19. During the period under review, the Government of Georgia adopted a number of legal acts to operationalise the key instruments under the government's "Step to a Better Future" policy that seeks to promote peace and reconciliation through facilitating cross-ABL trade and education opportunities in a status-neutral manner. The process is led by the Office of the State Minister for Reconciliation and Civic Equality (SMR). Efforts are underway to create a financial mechanism in co-operation with foreign donors to cover funding needs. International interlocutors met by the delegation in Tbilisi generally expressed readiness to support the initiative. It was noted however that the level of possible engagement from Sukhumi and Tskhinvali remained to be seen. In general, there was a shared understanding among various interlocutors that the reconciliation process would benefit from more contacts.

20. In the absence of diplomatic relations, Georgia and the Russian Federation have remained committed to the process of normalisation of bilateral links in several areas. As a result, a positive and dynamic impact continued to be reported on economy, trade and tourism as well as business and people-to-people exchanges between the two countries. During the period under review, it was also reported that through Switzerland's good offices, the negotiations have been concluded, and conditions to implement the customs agreement signed by Georgia and Russia in 2011, in the course of Russia's accession to the World Trade Organisation (WTO), are now in place.<sup>10</sup>

21. The Prague-based informal dialogue between the Georgian Prime Minister's Special Representative for Relations with Russia Zurab Abashidze and Russian State Secretary and Deputy Foreign Minister Grigory Karasin that started in 2012, remains a valuable track to advance the normalisation process in spite of diverging views on various other questions. On 27 February 2019, both sides held another meeting in Prague and confirmed their readiness to continue contacts in the future.

## *II Assessment of statutory obligations and commitments related to the conflict and its consequences*

22. Below is an update on statutory obligations and specific commitments – as listed in PACE Opinions 193 (1996) and 209 (1999) – which have been selected for the purpose of reporting on the conflict in Georgia and its consequences. This part builds on Part 1 of the first and second consolidated reports on the conflict in Georgia ([SG/Inf\(2010\)8](#) and [SG/Inf\(2010\)19-final](#)).

- i. *To accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and to collaborate sincerely and effectively in the realisation of the aim of the Council of Europe*
- ii. *To settle international as well as internal disputes by peaceful means (an obligation incumbent upon all member States of the Council of Europe), rejecting resolutely any forms of threats of force against its neighbours*

23. There are two Inter-State applications lodged by *Georgia v. Russia* pending before the European Court of Human Rights under article 33 of the rules of the Court. In the Inter-State application No. 38263/08 relating to the 2008 armed conflict between Georgia and the Russian Federation and its aftermath, the Court's decision is pending following the Grand Chamber hearing on the merits on 23 May 2018. There are no developments to report regarding the Inter-State application 39611/18 lodged in August 2018 on the alleged deterioration of the human rights situation along the ABL.

24. As regards individual cases related to the conflict, in December 2018, the Court decided to notify the Georgian government of the complaints brought by one of the applicants under Article 2, 3, 13 and 14. The Court also rejected several other applications against Georgia as inadmissible. The procedure in other individual applications against Georgia, Russia, or both states is ongoing.

25. The investigation authorised by the International Criminal Court (ICC) and conducted by the ICC Prosecutor into alleged crimes committed in the context of an

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<sup>10</sup> Press release of the Federal Department of Foreign Affairs (FDFA) of Switzerland, 5 February 2019.

international armed conflict between 1 July and 10 October 2008 in and around South Ossetia continued during the period under review.

iii. *To respect strictly the provisions of international humanitarian law, including in cases of armed conflict on its territory*

26. The delegation was informed that as part of a government reshuffle in 2018, the issues pertaining to missing persons in the territories controlled by the Georgian central government were transferred within the competence of the Office of the SMR.

27. The International Committee of Red Cross (ICRC) continued to support efforts aimed at clarifying the fate of missing persons. A meeting of the coordination mechanism that brings together Georgian, South Ossetian and Russian participants under the ICRC auspices took place in Ergneti on 16 November 2018 to discuss practical steps in clarifying the fate of 160 unaccounted people during the conflicts of the 1990s, August 2008 and their aftermath. Participants reiterated their strong commitment to support and maintain this process in its strictly humanitarian character.<sup>11</sup> The coordination mechanism comprising Georgian and Abkhaz participants met in Yerevan, on 4 December 2018. Progress in 23 cases within the framework of two mechanisms was reported on 12 March.<sup>12</sup>

28. In addition to the work on missing persons, the ICRC facilitated accompaniment of families of the missing, restoration of family links, protection of detainees as well as transfers for medical treatment of persons living in and around Tskhinvali. It also continued to conduct activities aimed at promoting international humanitarian law (IHL) in Georgia including by supporting the Working Group within the IHL national commission to integrate possible amendments in the criminal legislation as well as delivering pre- IHL training for members of armed forces.

iv. *To co-operate in good faith with international humanitarian organisations and to enable them to carry out their activities on its territory in conformity with their mandates*

v. *To facilitate the delivery of humanitarian aid to the most vulnerable groups of the population affected by the consequences of the conflict*

29. The Georgian authorities continue to reiterate their support to actions and steps beneficial for building trust and direct contacts between divided communities. In meetings with the delegation, they underscored the need not to politicise ongoing humanitarian efforts and people-to-people contacts, including those envisaged under the "Step to a Better Future" peace initiative. The government itself continued to provide humanitarian and medical assistance to residents in Abkhazia and South Ossetia. The delegation was informed that over 350 persons had received health care services under Georgia's State Programme of Referral Assistance during the reporting period. The Liaison Mechanism established under the United Nations Development Programme (UNDP), has remained functional facilitating *inter alia* the delivery of various types of humanitarian assistance to Abkhazia.

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<sup>11</sup> Searching for missing persons in connection with 1990s and August 2008 conflicts, ICRC news release, 16 November 2018.

<sup>12</sup> Missing in connection with 1990s, 2008 conflicts: Remains of 23 more people identified, ICRC news release, 12 March 2018.

30. At the same time, no developments have been reported as regards amendments to Georgia's Law on Occupied Territories, in line with the recommendations of the Venice Commission (VC). As previously reported, draft amendments remain pending in the Parliament. Notwithstanding the flexibility in applying the law, some international interlocutors continued to point at constraints posed by certain provisions in the law.

31. The United Nations' (UN) agencies and funds as well as several development agencies of individual states and international NGOs, continued to implement a range of humanitarian assistance and development activities in Abkhazia. Various UN programmes have been implemented in light of UN Sustainable Development Goals (SDG) and seek to cover all the population. The European Union (EU) continues to support actions in line with its engagement without a recognition policy. International interlocutors spoke of an improved ability to implement programmes in Abkhazia but noted that operational challenges remain in view of expanded security controls.

32. As regards access to South Ossetia, no progress has been observed in terms of access since the last report. Consequently, international engagement remains very limited in terms of both actors and the scale of activities. During the reporting period, the ICRC continued to implement small-scale humanitarian actions.

### *III Human rights situation in the areas affected by the conflict*

33. As indicated above, the Secretariat continued to face lack of access to Abkhazia and South Ossetia and consequently had no opportunity to assess the human rights situation on the ground. The information presented in chapters *III.1 to III.2* is based on discussions with the Georgian authorities, representatives of the international community, as well as on open sources.

34. As stated earlier, the majority of the delegation's interlocutors noted a deterioration of the human rights environment in conflict-affected areas mainly as a result of growing limitations on the freedom of movement. This affects in multiple ways the fundamental rights of the local population, including but not limited to the right to liberty and security, social and economic rights, the right to property and family life as well as the right to education in the native language. The Georgian authorities also drew the delegation's attention to how the closure of the ABL in connection with the presidential elections in Georgia had affected the exercise of voting rights.

35. Regrettably, no progress has been made in terms of access of international human rights monitoring mechanisms, including those of the Council of Europe, to Sukhumi and Tskhinvali.

#### *III.1 Reports on Abkhazia*

##### *III.1.i Security*

36. According to the assessments by the GID participants, the security situation on the ground has remained relatively stable. It was underlined to the delegation that detentions and other violations of human rights, including reported cases of violations of the right to life, coupled with the continued military activities and ABL installations have a direct impact on the safety of the conflict-affected population and are understood to contribute to the perception of a generally fragile and unstable environment.

37. Moreover, the Incident Prevention and Response Mechanism in Gali remains suspended, depriving participants of the only instrument on the ground to engage on security and other type of incidents. The process continues to be hampered by disagreement on the IPRM rules on the type of issues that can be put on the agenda, notably as regards the killing of a Georgian civilian in 2016, which the Abkhaz participants reportedly refuse to discuss. Representatives of the Georgian central government underlined to the delegation that the undermining of negotiation formats was fraught with the risk of destabilisation and escalation. With the IPRM on hold the hotline managed by the EU Monitoring Mission (EUMM) continued to be activated, even in an enhanced manner. However, there are concerns that not all incidents are actually reported.

### *III.1.ii Freedom of movement*

38. According to security observers, the so-called "borderisation" activities, albeit in a more limited manner as reported by the international observers, continued during the period under review resulting in new earth berms and installation of surveillance cameras. The main critical development relating to freedom of movement concerned, however, the temporary closure for over one month of the ABL, pursuant to a decision of the *de facto* authorities, arguably in response to a perceived public health risk from reported cases of the H1N1 (swine flu) virus in Georgia. The decision became effective on 11 January and applied to the main crossing point on the Inguri Bridge and the one in Saberio. The ABL was re-opened on 5 February, reportedly on a temporary basis, depending on the evolution of the situation.

39. It was reported to the delegation that the restrictions had led to a full ban on cross-ABL movement although the workers of the Inguri power plant and those in need of medical evacuations were exceptionally allowed to cross. However, delays and impediments were reported as regards the latter. Moreover, the closure resulted in a massive reduction of cross-ABL trade. All interlocutors underscored the important humanitarian impact of such measures in view of the fact that approximately 2,500 crossings per day reportedly take place in both locations. Concerns were also raised that the decision was the latest in a series of constraints that ethnic Georgians in Gali have faced in recent years regarding access to rights and services. Taking into account the growing poverty in the region, some interlocutors referred to the overall situation as a "creeping crisis".

40. As regards crossing documents, the delegation was informed that the new rules introduced by *de facto* decree with effect throughout 2019 represent a regression from the previous situation. They envisage *inter alia* that the old – declared invalid – *de facto* Abkhaz passports can no longer be used for crossing. Conversely the validity of the so-called Form Nr. 9 has been prolonged until the end of 2019 provided that its holders apply for the *de facto* "foreign residence permit". It is understood that the changes will prevent several thousands of ethnic Georgians who were still using the invalidated *de facto* passports but had not yet applied for a "foreign residence permit" (see also *III.1.iii* on Identity documents) to travel to territory controlled by the Georgian central government. Some 3 000 elderly and infirm persons may also be affected by the formal invalidation of the old Soviet internal passports.

41. ABL crossings outside the "authorised" points and/or due to lack of valid documents continued to result in detentions. It is moreover noted that not all cases are reported via the hotline. Those apprehended are released after paying a "fine", however

recurrent “violations” reportedly still result in the levelling of “administrative charges” and longer detention periods.

42. The so-called “borderisation” process and the related constraints on freedom of movement continued to elicit sharp criticism by the Georgian government, international organisations as well as some states. International humanitarian actors have strongly advised against such restrictions.

### *III.1.iii Identity documents*

43. The documentation gap continued to have an adverse impact on the status and effective enjoyment of rights of the ethnic Georgian population living in Gali but also Oчамchira and Tkvarcheli. It was reported to the delegation that over 14,000 people had applied for the so-called “foreign permanent residence permit” and approximately 6,000 documents had already been issued by February 2019. It is however estimated that over 10,000 people have not yet done so and that, moreover, not all of the ethnic Georgians are eligible. The delegation was also informed that only a few applications have been submitted for the new *de facto* Abkhaz “passport”. It is understood however that the large majority of ethnic Georgians are not entitled to obtain this document if they also possess Georgian citizenship.

44. Ethnic Georgians in Abkhazia thus appear to face the difficult choice between declaring themselves foreigners in their ancestral land and accepting a limited level of rights attached to the foreign residency on the one hand, and the prolongation of the status limbo on the other. It was reported that the new documentation rules introduced in December 2018 sparked objections and protests in Gali. The *de facto* ombudsperson of Abkhazia has warned about further alienation of the local ethnic Georgian population and has called for a long-term and depoliticised solution.<sup>13</sup> The delegation’s interlocutors in Tbilisi did not rule out the risk of new displacement from the region due to growing perceptions of isolation and ethnic discrimination.

### *III.1.iv Access to education, including teaching of/in the native language*

45. As regards the situation of education in the Georgian language in schools in the Gali district, no major developments have been noted since the last report. Concerns persist on access to education in the native language, in particular in the schools in Lower Gali in view of the gradual transition of instruction to Russian. Presently, schoolchildren in grades 1-7 are taught fully in Russian with limited access to classes in the Georgian language and literature. According to the Georgian authorities, instruction in Upper Gali continued to be offered fully in Russian with Georgian being taught as a foreign language in eight out of nine schools, whereas schoolchildren in Tkvarcheli and Oчамchira reportedly have no access to education in their native tongue.

46. The Georgian authorities continue to consider this policy as highly discriminatory and have consistently raised the issue in various international formats, including in the GID. Notwithstanding the unfolding situation in Abkhazia, representatives of the Georgian central government reiterated their commitment to fulfil the country’s positive obligation to ensure implementation of the right to education in the mother tongue. In this respect, the delegation was informed about various support programmes, including the training of teachers, incentives for students as well as the recognition of partial and complete education received in non-government controlled territories.

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<sup>13</sup> Commentary of *de facto* Ombudsperson of Abkhazia, 24 January 2019.

47. The vulnerable situation of the Abkhaz language has continued to sustain attention. In her inauguration speech, the newly elected President of Georgia underlined among other things the need to protect the Abkhaz language and identity. In meetings with the delegation, representatives of the Georgian central government reiterated their support for bilingual education initiatives and programmes but stressed the need for them to follow the mother-tongue based approach.

### *III.2 Reports on South Ossetia*

48. The security environment across the ABL remained relatively stable during the reporting period. At the same time, security observers were cautious in relation to the occurrence of military activities affecting security perceptions such as violation of airspace controlled by the Georgian central government. In a positive development, following a pause of several months, the IPRM in Ergneti resumed on 18 December 2018 enabling participants to discuss security, freedom of movement and humanitarian issues as well as some individual cases. The delegation's interlocutors also underlined the importance of the EUMM-managed hotline, which continues to function as an effective early warning mechanism and is actively used by all participants to address security concerns and exchanging information on incidents.

49. As regards the so-called "borderisation" process, the delegation received information about partial fencing and the reconstruction of an observation tower in the village of Khurvaleti in January 2019 as well as installation of metal poles in the village of Atotsi in November 2018 leading to further restrictions on freedom of movement and potential loss of livelihoods for the local population. The representatives of the central government of Georgia expressed particular concerns about new markings in the vicinity of two villages in the Khashuri municipality in January 2019 in what appears to be a continuation of attempts to "delimitate" the ABL. Interlocutors responsible for monitoring the security on the ground warned that the fact that some of the markings are deep into territory controlled by the Georgian central government increases the likelihood of the proximity of security actors from the opposite sides and consequently the potential for incidents. The delegation was informed that the EUMM had increased patrolling in the area. The delegation's attention was also drawn to a recent public statement of the *de facto* Minister of Foreign Affairs of South Ossetia advancing claims to areas currently situated in the territory controlled by the Georgian central government.

50. The Georgian central government and the international community remain firm in their opposition to the so-called "borderisation" activities and their impact on the local population, particularly as regards adverse effects on their freedom of movement, livelihood and security perceptions. The issue is regularly raised in the Geneva and IPRM formats.

51. The large majority of ethnic Georgians who cross the ABL with South Ossetia continue to do so through the Odzisi/Mosabruni point to the district of Akhagori, from which they were displaced following the 2008 conflict. An aggravating development as regards freedom of movement was reported as of 12 January when the *de facto* authorities ordered the closure of the ABL allegedly to prevent the spread of H1N1 (swine flu) virus cases from territories controlled by the central government of Georgia. The measure remained in force until 15 March. While most interlocutors in Tbilisi maintained that the public health risk was likely overstated, referring also to specialised international institutions' assessments, some of them also questioned whether the

health care capacities of South Ossetia could cope with the situation. It was also reported to the delegation that the closure practically isolated the ethnic Georgian population in Akhagori, which had to endure a sharp reduction in the supply of food, medicine and other goods due to the region's complicated transport connection to Tskhinvali in the winter and lack of access for international humanitarian organisations. The delegation was informed that in addition to professional groups such as teachers and nurses, restrictions also affected freedom of movement for 21 schoolchildren who remained in Akhagori without access to education and in some cases were unable to join their families. In meetings with the delegation, representatives of the Georgian government denounced the restrictions in the strongest terms and called for them to be lifted as a matter of urgency.

52. Generally, alleged violations of the "border" regime by the local population keep resulting in "detentions" raising major issues from a humanitarian and human rights perspective. Those detained are normally released after paying a "fine", even though cases of longer periods of deprivation of liberty have also been reported. According to security observers, 100 detention cases were reported in 2018, although these figures refer generally to ethnic Georgians and the total number could admittedly be higher.

53. It is reported that only those in possession of a valid document would be allowed to cross following the enforcement of new rules effective from February 2019. The new regulations stipulate that ethnic Georgian population should apply for a new "permission" issued by the local *de facto* security services. In this regard, concerns were raised that changes to the documentation regime happen without prior information and notification creating significant uncertainty.

54. As regards access to education in the native language, representatives of the Georgian central government submitted that approximately 100 schoolchildren are affected by transition to Russian in grades one to four of the formerly Georgian-language schools in Akhagori, Znauri and Sinaguri. They qualify this practice as discriminatory, noting that the ethnic Georgian population in Akhagori is deprived of access in native language.

### *III.3 The situation of internally displaced persons*

55. During the period under review, no progress could be reported as regards the voluntary, safe, dignified and unhindered return of internally displaced persons (IDPs) and refugees on the basis of internationally recognised principles. While the issue remains on the agenda of the GID, as mentioned above, substantive discussions could not be held due to longstanding divergences. Representatives of the Georgian central government stressed in meetings with the delegation that the issue is at the core of the solution of the conflict. More specifically, they also expressed concerns over developments in South Ossetia relating to demolitions and new construction projects in places formerly inhabited by ethnic Georgians that were displaced as a result of the conflict. On the other hand, the *de facto* authorities of Abkhazia and South Ossetia continued to protest at Georgia's initiatives to raise the issue in other international formats, in which they do not participate. The Russian Federation has generally supported this stance.

56. In the absence of the option for IDPs to return, the Georgian central government, in co-operation with international organisations, continued efforts to put in place alternative durable solutions that provide the opportunities for IDPs to integrate locally or, in separate cases, resettle elsewhere in the country. Under the

new law, which entered into force in 2014, and the IDP Action Plan 2017-2018, the authorities have been credited for improving the IDPs' protection and generally following a human-rights approach. During the period under review, a system facilitating IDPs' access to public services was put in place thanks to co-operation between the MRA and the Ministry of Justice.

57. The government continued to concentrate mainly on addressing the IDPs accommodation needs through a range of durable housing solutions (DHS) programmes that consist in the construction and purchasing of new accommodation as well as transfer of ownership (privatisation) of living spaces where IDPs already live. Different types of financial support to IDPs, including on covering rental costs, remain available. The delegation was informed that over 1,800 IDP families benefitted from various accommodation programmes in the period October-December 2018. However, it was reported to the delegation that more than half of the IDPs (over 50,000 families) are still in need of a durable housing solution, with large numbers reportedly living in inadequate conditions in old collective centres or private accommodation.

58. Strengthened efforts are also needed to address socio-economic conditions of IDPs. While the Livelihood Agency, under the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia, in co-operation with foreign donors continued to implement projects to increase IDPs' economic self-reliance, access to employment and other income-generating opportunities remain among the most pressing issues faced by displaced persons. The scale of needs is compounded by the generational aspect of internal displacement resulting in increased numbers of IDPs due to the automatic inheritance of the status, as well as inadequate funds. In this context, the government and donors have been encouraged to approach the question of durable solutions from both a humanitarian and development perspective.

59. A reform providing for the end of the IDP status and its inheritance – as recommended by some international bodies – that would allow for more efficient targeting of those who still have clear displacement-related needs is not under consideration. The delegation's interlocutors emphasised the strong value of the IDP status linked to the perspective of return. As previously reported, the government is working instead on amendments to the law on IDPs that would see the gradual shift from status-based to needs-based state assistance to IDPs by mainstreaming it within the social welfare system.

#### *IV Activities of Council of Europe organs and institutions and their follow-up*

##### *IV.1 Parliamentary Assembly of the Council of Europe (PACE)*

60. On 10 October 2018, the PACE adopted resolution 2240(2018) on "Unlimited access to member States, including 'grey zones', by Council of Europe and United Nations human rights monitoring mechanisms".

61. PACE Co-rapporteurs for Georgia Kerstin Lundgren (Sweden, ALDE) and Titus Corlăţean (Romania, SOC) on 16 November 2018 issued a statement condemning the ongoing "borderisation" of the ABL.

62. At its meeting on 24 January 2019, the Committee on Legal Affairs and Human Rights decided to discontinue work on its report on "the human rights situation in the occupied parts of Georgia".

## *IV.2 Operational activities*

### *DGII/Women's rights*

63. Georgia benefits from a project on preventing and combating violence against women, which also takes into account specific vulnerabilities of the conflict context and aims to increase the national capacity to implement the standards of the Council of Europe's Istanbul Convention. The project will run until the end of September 2019. It will strengthen the prosecution's response to cases of violence against women and enhance the skills of legal professionals and the staff of the Public Defender's Office when dealing with such cases. Georgia is also one of the EU Eastern Partnership countries involved in a regional project on facilitating access to justice for victims of violence against women.

## *IV.3 Operational activities on confidence-building measures (CBMs) and their follow-up*

### *(a) Activities organised during the reporting period*

64. During the period under review, the Council of Europe continued the implementation of CBMs under a politically neutral and impartial frame. CBM activities have continued to focus on building dialogue and trust between all parties involved, and on supporting the protection of human rights of people from conflict-affected communities.

65. All activities are identified jointly with relevant actors and are closely co-ordinated with the Georgian authorities (SMR and MFA), the UNDP Liaison Mechanism as well as international actors. In meetings with the delegation, the representatives of the Georgian central government reiterated the importance of the continuation of CBMs for the broader reconciliation process.

### *CBMs with Abkhazia*

66. Within the second phase of the project on archives materials on victims of the 1937-38 repressions in Abkhazia, historians and archive specialists from Tbilisi and Sukhumi continued to work on a series of historical events on which little information has so far been published, notably the 1931 Duripsch uprisings. During the reporting period, two meetings took place, in Venice, Italy, on 7-8 November 2018, and in Paris, France, on 31 January-1 February 2019. Another meeting of the working group on archives is planned in May 2019 in Rome, Italy. It is planned to organise a publication on the "*Anti-Soviet uprisings of 1931 in the village of Duripsh in the Gudauta district*", from the archives of the Ministry of the Interior of Georgia, complemented by photos from private collections in Abkhazia and newspaper articles.

67. Professionals from Tbilisi and Sukhumi have engaged within the programme on reinforcing drugs prevention and treatment capacities. All participants have registered with the common digital workspace that was developed and launched in the course of the summer 2018 and has been extended throughout 2019 to enable discussions on possible common activities in the field of drugs prevention.

68. A new project relating to health care and focusing on the training of doctors in the treatment of tuberculosis and viral co-infections was launched in November 2018, in partnership with the French Embassy in Tbilisi and French doctors from the Paris region

and the department of Yonne, who are already involved in a similar project in the country. A planning meeting with the participation of ten doctors coming from Tbilisi, Gurjaani and Sukhumi, as well as a group of French doctors was organised in Paris on 26-27 November 2018. On 11-14 February 2019, the same group carried out a joint study visit to major hospitals in Paris, as well as a penitentiary hospital in Fresnes. It is planned that French doctors will visit the main hospitals in Sukhumi and Tbilisi (or Batumi) in the course of the spring.

69. The CBMs facilitated the follow-up to recommendations made by the participants of the first study visit on the topic of bilingual education in the Basque country, Spain, from 31 May to 3 June 2017. It organised a second study visit in Wales, United Kingdom, from 21 to 24 January 2019, focusing on the impact of bilingual education on the safeguard of rare languages, based on the example of Wales. Proposals have been formulated to organise the training of trainers (ToT) in bilingual education as well as to develop school textbooks in the Abkhaz language.

70. In the media field, young journalists from South Caucasus are being trained in writing/conflict reporting, photography and video production/documentary filmmaking. Two training sessions involving eleven young reporters from different parts of the Caucasus have already taken place in Istanbul, Turkey, on 14-16 October 2018, and Sarajevo, Bosnia and Herzegovina, on 14-16 December 2018.

#### *CBMs with South Ossetia*

71. Various factors, not least stringent conditions of access for the international community to South Ossetia, continued to prevent a meaningful involvement of participants from Tskhinvali in the CBM programme. The Secretariat was consequently unable to obtain access in order to develop and implement CBMs during the reporting period.

#### *(b) Plans for further action*

72. Proposals for several initiatives are currently under discussion with the Georgian central government and stakeholders in Sukhumi (via the Liaison Mechanism). The non-exhaustive list below outlines some of the proposed activities. In order to maintain an appropriate level of contact between professionals across dividing lines, as well as to step up the efforts of dialogue in different domains, the CBM programme will require adequate resourcing. While a voluntary contribution under the Action Plan enabled the implementation of the CBMs in 2018, funding needs remain for 2019.

73. As regards the archives project, professionals from Tbilisi and Sukhumi have already started working on a third publication, focusing on missing members of armed forces during World War II. The presentation of this publication, along with the one mentioned above, is planned in October in both Tbilisi and Sukhumi.

74. In the framework of the drugs prevention and treatment programme a meeting will be organised in the autumn to take stock of the discussions in the digital common workspace and decide on concrete actions for next year. Furthermore, in 2019, specialists from Tbilisi and Sukhumi will continue to participate in the Executive Training on Drug Policy of the Pompidou Group focusing on gender dimensions. The training course consists of two modules that will be conducted during two in-residence seminars on 2-4 April, in the Netherlands, and on 25 – 28 June, in Israel.

75. The next joint meeting of doctors from Tbilisi, Sukhumi and France is planned in Paris in the autumn in order to define jointly further steps in the project.

76. Following previous meetings in Cardiff, Wales, the UK, and in Vitoria, Basque Countries, Spain, the Secretariat will facilitate a training of trainers on a modern methodology and approach to teaching in a bilingual education system in the summer, possibly at the European Centre for Modern Languages (ECML) in Graz, Austria.

77. In the meantime, efforts are underway to reactivate previous components of the CBM dialogue, which had been put on hold for a number of reasons, such as the simultaneous interpretation from/to the Abkhaz language, the dialogue on human rights issues between ombudspersons and professional groups from Tbilisi and Sukhumi, as well as health care in prisons. A project on the role of women in a democratic society, including the areas of culture, economics and public life is also being given consideration.