

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Information Documents

SG/Inf(2018)15

11 April 2018

Consolidated report on the conflict in Georgia
(October 2017 – March 2018)

Document presented by the Secretary General

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;
- the 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 17th consolidated report covers the period between October 2017 and March 2018. It builds on the previous consolidated reports², as well as Secretariat reports on the human rights situation in the areas affected by the conflict in Georgia³ along with the report on the Council of Europe activities in the areas affected by the conflict⁴ and its updates⁵. The Deputies' decisions on the Council of Europe and the conflict in Georgia are also recalled in this respect.⁶

4. A delegation of the Secretariat carried out a fact-finding visit to Tbilisi on 11-12 February 2018 and had the opportunity to discuss the situation with the Georgian authorities, the Public Defender of Georgia, as well as representatives of international organisations and representatives of local NGOs working on conflict-resolution and reconciliation. 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 repeated efforts, the Secretariat was not given authorisation to visit Abkhazia and South Ossetia for the purpose of this consolidated report. The Secretariat consequently had no opportunity to assess the human rights situation on the ground. The Secretary General intends to pursue his efforts in view of 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 (Secretariat members and experts) has continued enjoying access to Sukhumi for the purpose of implementation of Confidence-Building Measures (CBMs) (cf. part IV.3).

² [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](#)

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

⁴ [SG/Inf\(2009\)5](#)

⁵ [SG/Inf\(2009\)5](#) Addendum and [SG/Inf\(2009\)5](#) Addendum 2

⁶ Cf. decisions adopted by the Deputies' at their 1227th meeting on 12 May 2015, 1255th meeting on 4 May 2016, 1285th meeting on 3 May 2017.

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.⁷

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 (GID), nor the implementation of the six-point agreement of 12 August 2008 and the implementing measures of 8 September 2008.

I Update on major developments in the period under review

9. The 42nd round of Geneva International Discussions took place on 12-13 December 2017. According to the GID co-chairs, the round was marked by extensive consultations in Working Group I on a joint statement on the non-use of force. It was also agreed to continue work towards the finalisation of the statement in the next rounds. Other security-related issues including detentions on the Administrative Boundary Line (ABL), as well as transparency of military activities were also discussed.

10. As regards the humanitarian situation, the impact on people's livelihoods as a result of recent environmental challenges and relevant possible mitigating measures, as well as obstacles to the freedom of movement, attracted sustained attention in Working Group II. Property rights, education and personal documentation were among other recurrent humanitarian concerns discussed. Discussions on the issue of Internally Displaced Persons (IDPs)/refugees could not however be completed and the co-chairs expressed regret over the walkout of some participants that disrupted the round. Another round of the GID took place on 27-28 March 2018.

11. In more general terms, the co-chairs have expressed satisfaction with the level of the participants' engagement. It has also been noted that bilateral contacts in the margins of the GID have contributed to the responsibility and ownership of the process and that issues relating to the humanitarian impact and fundamental freedoms are higher on the agenda. At the same time, the need to make progress on agenda issues which have remained elusive, namely the non-use of force and IDPs, has been stressed. However, according to the GID's co-chairs, despite intensive engagement by all participants it did not prove possible to finalise the draft joint statement on non-use of force during the latest March GID round. The co-chairs stated that they will continue their consultations in this regard.

⁷ 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.

⁸ Press Communiqué of the Co-Chairs of the GID following the 42nd round, Geneva, Switzerland, 13 December 2017.

⁹ Address of GID co-chairs at the OSCE Permanent Council, Vienna, 2 November 2017.

12. *In meetings with the delegation, the Georgian central government's participants in the GID echoed the need for tangible progress. They expressed hope for a joint statement on the non-use of force to be agreed on in the upcoming sessions. At the same time, they underlined that the creation of international security arrangements on the ground guarantee the implementation of the non-use of force principle, and that that meaningful discussions of such mechanisms should start.*

13. *According to the GID participants' assessments, the overall security situation on the ground has remained stable and calm, thanks also to the work of the Incident Prevention and Response Mechanisms (IPRM) in Gali and Ergneti which continued to convene regularly. It is however, understood that military exercises on both sides of the ABL have given rise to certain concerns. As on previous occasions, the relevance of the non-use of force statement and reinforced confidence instruments on the ground to address such cases has been emphasised.*

14. *Security perceptions however remained vulnerable to incidents on the ground. In this regard, the tragic death of a Georgian citizen in custody in South Ossetia, on 22 February, prompted grave concerns and was firmly condemned by international organisations, including the Parliamentary Assembly of the Council of Europe rapporteurs on Georgia and the President of the Congress of Local and Regional Authorities, as well as a number of Council of Europe member states (cf. part III.2).*

15. *In another development, during consultations with different parliamentary groups in December 2017, Georgian Prime Minister Kvirikashvili spoke in favour of reinforcing the GID format and raising the engagement level with a view to facilitating peaceful conflict resolution. In a statement issued on 9 March, Mr Kvirikashvili reiterated his readiness to engage personally in the talks. Other GID participants have expressed the view that higher-level representation would have to be matched with tangible results.*

16. *Furthermore, the Georgian central government has consistently reaffirmed the principled position to engage in a direct dialogue with the "Abkhazians and Ossetians".¹⁰ On 12 February, the Russian Ministry of Foreign Affairs welcomed the relevant statement of Georgian Prime Minister Kvirikashvili in this respect, and the readiness to launch such direct dialogue.¹¹ In meetings with the delegation, representatives of the Georgian central government however expressed concerns that the Russian Federation continues to hinder dialogue and engagement between the communities across dividing lines.*

¹⁰ Statement by the Prime Minister of Georgia Giorgi Kvirikashvili, 9 March 2018.

¹¹ Comment by the Information and Press Department of the Russian Ministry of Foreign Affairs, 12 March 2018.

17. As regards Georgia-Russia bilateral discussions, on 31 January, the Georgian Prime Minister's Special Representative for relations with Russia Abashidze and *Russia's Deputy Foreign Minister Karasin held yet another round of informal exchanges*, in Prague. The growing dynamism in trade, tourism, transport and humanitarian exchanges between the two countries continued in 2017, with both sides acknowledging the impact of a pragmatic approach in the normalisation of ties, in view of the absence of diplomatic relations.

18. On 24 January, the Russian State Duma unanimously ratified an "agreement" on the integration of separate armed units of South Ossetia into the armed forces of the Russian Federation, forming part of the so-called "*Treaty on Alliance and Integration*". The Georgian central government, as well as several international organisations, strongly condemned this step. As regards other developments, Georgia has equally protested against the opening of a customs point on the ABL with South Ossetia as well as *Russian Federation's* customs office in Sukhumi.

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

19. 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*

20. The examination of the second Inter-State application Georgia v. Russia (II) (no 38263/08) by the Grand Chamber of the European Court of Human Rights in connection with the armed conflict in 2008 is underway. A hearing on the merits is scheduled on 23 May 2018. In the meantime, the interim measure adopted by the Court on 12 August 2008, inviting both Governments to respect their obligations under the Convention remains in force. The individual applications in relation to Convention breaches resulting from the armed conflict remain pending.

21. It is recalled that the International Criminal Court (ICC) Prosecutor is conducting a *proprio motu* investigation on the situation in Georgia, in relation to crimes against humanity and war crimes within the jurisdiction of the Court, in the context of an international armed conflict between 1 July and 10 October 2008.

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

22. *During the period under review, progress was reported in the clarification of the fate and whereabouts of persons unaccounted for in connection with armed conflicts, facilitated by the ICRC as a neutral intermediary. Notably, in October 2017, human remains of 25 persons that went missing in the context of the conflict in the 1990s were transferred from Sukhumi to families in Tbilisi. On 8 February 2018, Georgian, South Ossetian and Russian participants held their 12th meeting of the Tripartite Coordination Mechanism under the ICRC auspices in Ergneti, to discuss practical steps – locating burial sites and collecting additional information – regarding 173 missing persons. It was also reported that during the 42nd GID round in December 2017, the participants welcomed plans for further work by an OSCE-commissioned independent expert on a case of missing persons.*

23. *In addition to the work on missing persons, the ICRC remains engaged inter alia in the protection of detainees, restoration of family links as well as medical transfers across the ABL for patients living in and around Tskhinvali. It has also continued to implement activities aimed at promoting international humanitarian law (IHL). A study aimed at establishing the level of integration of IHL norms into national legislation of Georgia was presented in November 2017.*

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*

24. *As mentioned above, direct dialogue with the communities in Abkhazia and South Ossetia is considered by the Georgian Government as key to reconciliation. In meetings with the delegation, the Georgian authorities and the international interlocutors maintained that there was a need to increase direct contacts and their effectiveness.*

25. *Since the last report, the Georgian Government has continued to work on a legislative package on the basis of the 8-point peaceful policy objectives developed by the State Minister for Reconciliation and Civic Equality (SMR). The State Minister informed the delegation that the new initiatives seek to foster cross-ABL trade, further facilitate access to documentation and create new education opportunities both internally and externally whilst providing status-neutral solutions to this end. Representatives of the Georgian central government informed the delegation that the package would be soon submitted to the Parliament, having been beforehand subject to consultations with the opposition, civil society and international actors, whose support is considered to be crucial.*

26. The delegation was also informed by the Georgian authorities about new corresponding draft amendments *to Georgia's* legislation, some of which are also pertinent in the context of the "Law on Occupied Territories". Their aim is to enable the implementation of the above-mentioned proposals, by modifying existing financial and economic regulations. At the same time, *some of the delegation's international* interlocutors reiterated the view that the "Law on Occupied Territories" could be modified to the benefit of engagement with the conflict-affected communities. It is hereby recalled that earlier draft amendments in line with Venice Commission recommendations providing, *inter alia*, for decriminalising first time violations of entry procedures in respect of the territories, which are not under control of the central government of Georgia, are still pending in the Parliament. In meetings with the delegation, Georgian Government representatives emphasised that the "Law on Occupied Territories" considers the human rights and humanitarian needs of the local population and provides many flexibilities in this regard.

27. The Liaison Mechanism established under the United Nations Development Programme (UNDP), with the support of the European Union, continued to function facilitating *inter alia* the delivery of various types of humanitarian and medical aid. According to the information submitted by the Georgian authorities, during the period under review, 428 persons from Abkhazia and 129 persons from South Ossetia benefitted from free healthcare service under the State Referral Service Program, run by the Georgian central government.

28. In Abkhazia, the European Union and international organisations continue to support humanitarian and other types of co-operation projects. These activities are implemented by UN agencies (UNDP, UNHCR, UNICEF and FAO) but also other international non-governmental organisations (such as the Danish Refugee Council, *Action Contre La Faim*, WordVision etc.) in co-operation with local partners. As the largest donor, the EU continues to support people-to-people, civil society as well as improvement of socio-economic conditions *programmes within the "engagement without recognition"* policy. In general terms, it is noted that international engagement is broadening to longer-term development projects.

29. At the same time, concerns have been raised about new cases of operational constraints, in particular in respect of the staff allowed to work/access Abkhazia. It was also reported that local NGOs funded by foreign donors continues to face stringent conditions, against a background of recent political volatility. *The delegation's* international interlocutors stressed the need to ensure a free and enabling environment in this respect.

30. As regards the Confidence Building and Response Mechanism (COBERM), designed and funded by the EU and implemented by the UNDP, the delegation was informed that an evaluation would be conducted after the completion of the project cycle by end of 2018. In this regard, civil society interlocutors in Tbilisi expressed hope that opportunities for joint reconciliation work for NGOs across dividing lines would remain available in the future.

31. It is noteworthy that several humanitarian initiatives to address the needs of the conflict-affected communities in Abkhazia and South Ossetia have been developed in the framework of the GID format. Notably, extensive joint efforts were undertaken during the reporting period to address the consequences of agricultural pests, severely affecting the livelihoods of people across the ABL with Abkhazia and beyond.

32. Throughout the reporting period, no noticeable progress was made with respect to ensuring access for international actors to South Ossetia, despite efforts to overcome the blockage. A limited number of activities were implemented by the ICRC.

III Human rights situation in the areas affected by the conflict

33. Regrettably no progress has been made in ensuring access for international human rights mechanisms, including those of the Council of Europe, to Abkhazia and South Ossetia. Numerous interlocutors continue to underline an urgent need for regular and standard-based assessments of the application of principles and standards of the European Convention for Human Rights and other international human rights treaties.

34. The information presented in Chapters *III.1 – III.2* is based on the delegation's discussions with the Georgian authorities, civil society representatives, international organisations as well as information from open sources in Tbilisi, Sukhumi and Tskhinvali.

III.1 Reports on Abkhazia

III.1.i Security

35. Though the security situation on the ground remained relatively stable as reported by various relevant interlocutors involved in the monitoring of the situation, it was reported to the delegation that the general crime situation had worsened in Abkhazia during the period under review.

36. During the period under review, the IPRM under the auspices of the UN co-chair of the GID continued to convene regularly in Gali, with the most recent, the 53rd round taking place on 27 February. All participants recognise the value of the mechanism, and the associated hotline managed by the EU Monitoring Mission (EUMM), in ensuring exchange of information, increasing confidence and predictability and addressing humanitarian concerns on the ground.

37. Regrettably, no progress was made in delivering justice in the case of the murder of Georgian civilian, Mr Giga Otkhozoria, on 19 May 2016, in the vicinity of the village of Khurcha, on the ABL with Abkhazia (see previous consolidated reports). Representatives of the Georgian central government underlined to the delegation that they remained gravely concerned by the impunity for this criminal act and continued to raise the issue at the GID and IPRM. The media reported that in January 2018, the Georgian Young Lawyers Association, a prominent Georgian NGO, lodged an ECtHR application on behalf of the victim's relatives.

III.1.ii Freedom of movement

38. Freedom of movement continued to be severely affected by the so-called “borderisation” process. The delegation’s interlocutors noted that the period under review was marked by gradual reinforcement of so-called “borderisation” activities, displayed in new earth berms, ditches and new surveillance equipment including in and around “crossing points” that were closed down last year. The Georgian authorities continue to resolutely protest against the so-called “borderisation” process and condemn it in strong terms.

39. An average of 3,000 ABL crossings per day are reported on the main bridge over the Inguri River, marking an increase in comparison to previous periods, presumably as a result of the closure of other points. Whilst some interlocutors noted that the situation with crossings had relatively stabilised due to certain steps taken by the *de facto* authorities and international humanitarian agencies, other argued that these measures were insufficient and that the most vulnerable groups of the population such as elderly and disabled people, schoolchildren and patients in emergency medical evacuations were affected the most. Though a second crossing point remains in place, preparations to close it are reported as ongoing.

40. As regards crossing documentation, the delegation was informed that the *de facto* authorities in Abkhazia had temporarily extended the validity of use of the so-called “Form Nr. 9”, arguably in view of the low number of so-called “residence permits” issued so far (cf. also part *III.1.iii*).

41. The so-called “borderisation” and other freedom of movement restrictions along with the reported lack of crossing documents continue to complicate access to livelihoods, healthcare and education as well as family links. Several interlocutors met in Tbilisi, including from civil society, raising concerns that the humanitarian and economic situation in the Gali district is primarily and particularly affected even though restrictions appear to affect not only the ethnic Georgian population but also members of other communities.

42. Concerns persist also in relation to the detention of persons who are accused of “violating” crossing rules. On a more positive note, the delegation was informed that two Georgian citizens who were earlier detained for “illegal crossing” and subsequently sentenced on other charges (cf. 16th consolidated report) had been recently released.

III.1.iii Identity documents

43. As of the time of the visit, it was reported that the *de facto* authorities had issued 1,500 new so-called “residence permits” to ethnic Georgians in the Gali district under the so-called “Law on the legal status of foreigners”. The delegation was informed that some 5,000 applications were filed compared to over 20,000 persons who had their *de facto* “passports” removed or invalidated in 2013. According to some interlocutors, the applications take excessive time to process in part due to security checks.

44. In addition, the local *de facto* authorities in Gali have indicated that some 4,000 individuals would not be entitled to a so-called “foreign residence permit”. The decision purportedly affects people who have moved to reside in adjacent areas under the control of the Georgian central government but periodically cross to Abkhazia to access their land and agricultural livelihoods.

45. As previously reported, the scope of the rights and entitlements attached to this new “legal status” is marked by ambiguity, giving rise to concerns about the rights of the local population. Effective implementation of property rights during property transfer transactions seems to be particularly problematic. The delegation was informed that the *de facto* authorities have undertaken to amend the *de facto* legislation in the near future. However, little information seems to be available in this respect creating further uncertainty.

46. It is recalled that the UN has sought assurances with regard to returnees’ rights relating to permanent residence, freedom of movement, birth registration and property ownership and more generally has called for access to political rights, equal protection before the law, social security, health care, work and employment, education, freedom of thought, conscience and expression, and cultural life.¹²

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

47. Concerns persist as regards access to education in native language in the Gali district. The Georgian central government continued to object to the rules which oblige schools to use Russian as the language of instruction allowing only for very limited access to the Georgian language. In meetings with the delegation, Georgian central government officials reiterated that the practice was essentially discriminatory whilst also violating the right to quality education. They informed the delegation that according to data from December 2017 the school attendance in the region during 2017-2018 academic year had decreased in comparison with the previous year. Despite existing barriers, the Georgian central government continues to provide qualification trainings and financial assistance for Georgian teachers as well as various forms of support to the schoolchildren from the Gali district.

48. The delegation was also informed that by the end of 2017 the *de facto* authorities had closed down one school in the village of Tagiloni (Lower Gali) due to a reduced number of schoolchildren, whilst the teachers and remaining pupils had been reassigned to neighbouring schools. In this respect it was reported that low attendance of schoolchildren was also a consequence of the switch to the Russian language.

¹² Status of internally displaced persons and refugees from Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia, Report of the Secretary-General to the UN General Assembly, seventy-first session, 3 May 2017.

49. Issues relating to access to education and schooling in the Gali district continued to sustain attention in the framework of the GID and IPRM. The delegation's international interlocutors expressed hope that the ongoing reflections and evolving initiatives on mother tongue based multilingual education could help to improve gradually access to quality education for the different ethno-linguistic groups in Abkhazia. Representatives of the Georgian central government however conveyed scepticism in this regard.

50. It was reiterated to the delegation that the freedom of movement of schoolchildren who attend schools in central government-controlled territory remained problematic in the aftermath of the closure of two "crossing points" in 2017, even though no detentions seem to have recently occurred. Currently, only 16 children are reported to be crossing, which appears to be a considerably lower number in comparison to previous years.

III.2 Reports on South Ossetia

51. The general security situation along the ABL during the reporting period was assessed by observers on the ground as relatively calm. Security incidents continue to be discussed in the IPRM in Ergneti and are effectively dealt with through the activation of the associated Hotline. It was reported that in this framework the EUMM has proposed to enlarge the list of activities conducted by military/security services near the ABL that could be pre-announced via the Hotline. At the same time, representatives of the Georgian central government underlined the necessity of creating international security arrangements to address security challenges on the ground.

52. The period under review was regrettably marked by a continuation of so-called "borderisation" activities. In addition to the 60km which have been fenced off, ploughed lines continue to be used, apparently in an effort to "demarcate" the ABL, according to the interlocutors met by the delegation. The human rights and humanitarian dimensions of the so-called "borderisation" were unfortunately reflected in the inability of the local population to move freely, access livelihoods or collect firewood during the winter season remain of serious concern.

53. As previously reported, approximately 500 people are estimated to cross daily through the Mosabruni/Odzisi "crossing point" to the Akhagori district inhabited by ethnic Georgians. It was reported that since January 2018 a *de facto* customs office has been functioning at this crossing point. According to the *de facto* authorities, who have justified this measure with the need to control the flow of agricultural goods to South Ossetia, Akhagori residents would be allowed to transport goods (except meat and dairy products) of up to 50 kilograms monthly for personal use. Goods beyond that limit are declared and a fee is levied. Georgia's Ministry of Foreign Affairs condemned the opening of the post as another "illegal step" by the Russian Federation and warned about the aggravation of the humanitarian situation of the local people.

54. It was reported to the delegation that the number of detentions related to “unauthorised” crossings seemed to be lower than in previous periods, although no comprehensive statistical data exists in this regard. The Georgian authorities and the EUMM possess information only about detentions of ethnic Georgians who are subsequently handed back to the Georgian side, whilst it is understood that the community in Tskhinvali is also affected. It was also reported that a case involving a Georgian long-term detainee in Tskhinvali, referred to in the previous consolidated report, had been positively resolved in November, leading to his “pardon” and release. At the same time, in the meeting with the delegation, the Georgian Public Defender expressed concerns about the allegations of ill-treatment in Tskhinvali detention facilities.

55. In a grave development, on 23 February, Mr Archil Tatunashvili, a Georgian citizen residing in the Akhalkgori district was detained and later died in custody in South Ossetia. This tragic incident led to a wide outcry in Georgia and to broad international condemnation. Moreover, the *de facto* authorities’ decision to delay the transfer of the victim’s body to the Georgian central government and the family, for almost one month, until 20 March, on the grounds of conducting forensic procedures gave rise to additional concerns. Meanwhile, two other persons who were detained with the victim were released only 11 March. The Co-chairs of the GID have called for a thorough investigation into the case, as well as for co-operation among relevant actors, including in the IPRM framework.¹³ Other international actors have made similar calls.

56. As regards access to education in the native language, the new rules that incorporate switching to Russian as the instruction language in Georgian schools in the Akhalkgori district have been applied since September 2017. It was moreover reported to the delegation, that the affected schools are faced with an insufficient supply of textbooks in the Russian language. As of October 2017, over 60 children have reportedly been affected by the change.

III.3 The situation of Internally Displaced Persons

57. During the period under review, no progress could be reported as regards the voluntary, safe, dignified and unhindered return of IDPs and refugees on the basis of internationally recognised principles. It was reported that GID discussions in this respect continued to face an impasse.

58. In the absence of conditions conducive to return, the Georgian Government continued its efforts to provide IDPs with alternative durable housing solutions, based generally on their vulnerability. According to information provided by the Georgian authorities, 1,117 IDP families were settled into newly constructed apartment blocks whilst another 1,680 were able to privatise their living spaces including in rehabilitated collective centres. IDPs also benefit from other accommodation programmes, including purchasing of rural houses in villages as well as various types of financial assistance to pay mortgages and rents. Concerns however persist about the precarious living conditions of a considerable number of IDPs, who still reside in deteriorating collective centres, as well as insufficient information about those who live in private accommodation.

¹³ Press Communiqué of the Co-Chairs of GID, Geneva, Switzerland, 28 March 2018

59. By comparison, fewer opportunities appear to be available in terms of the socio-economic integration of IDPs, the large majority of whom continue to depend on state assistance. It was reported that a 2-year project funded by the EU and implemented by the UN agencies which assisted the government in developing livelihoods for some 800 vulnerable IDP families mostly in the field of agriculture, was just completed in January. Access to employment but also some healthcare services and education continue to remain pressing problems often compounded by a lack of awareness regarding rights and entitlements (for example in relation to private healthcare insurance). Representatives of the MRA emphasised that IDPs have the same access to education and healthcare as other Georgian citizens. They also informed the delegation about the government's information campaigns as regards livelihoods programmes.

60. At the same time, it is understood that the engagement of international donors in other major humanitarian crises elsewhere have led to a reduced funding of the government's efforts. It is recalled that international humanitarian agencies have recommended that the government ends the "*internally displaced person status*" and implements the reform of the IDP assistance system while mainstreaming IDP priorities and needs into broader national, regional and local development plans.

61. As regards plans to switch the state assistance to IDPs from a status-based to a needs-based approach, the MRA informed the delegation that while several policy options have been elaborated, it has been decided to postpone the adoption of draft legal amendments to a later stage. The MRA emphasised the need to ensure a participatory process and secure stronger public support.

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

IV.1 Parliamentary Assembly of the Council of Europe

62. The Committee of Migration, Refugees and IDPs organised a fact-finding visit to Georgia on 27 November 2017, carried out by Killian Munyama (Poland, EPP/CD) in his capacity as rapporteur for the report "Addressing the humanitarian needs of internally displaced persons: recent lessons and future challenges in Europe". Mr Munyama called on the EU and the United Nations to increase their efforts in order to ensure that the humanitarian situation of IDPs is improved and their human rights are respected by all parties to the conflict. The above-mentioned report is scheduled for debate at the Assembly's plenary session in Strasbourg in April 2018.

63. During their visit to Georgia, on 20-22 November 2017, the PACE Co-rapporteurs Kerstin Lundgren (Sweden, ALDE) and Titus Corlăţean, (Romania, SOC) visited the ABL along the Akhagori district, jointly with the EUMM. The Co-rapporteurs have expressed the intention to visit Abkhazia and South Ossetia during a visit in the near future.

IV.2 Operational activities

Youth

64. Preparations for the annual Youth Peace Camp that will take place at the European Youth Centre Budapest, from 26 June to 3 July 2018 are underway. The Youth Peace Camp should involve three groups of participants from Tbilisi, Tskhinvali and Sukhumi. Meetings with the facilitators of these three groups are currently being organised.

Roma and conflict

65. The situation of the Roma in Abkhazia was part of a broader evaluation of the situation and challenges of Eastern Roma Groups (Eastern Roma, Dom, Lom, Abdal) carried out by *ad hoc* Committee of Experts on Roma Issues (CAHROM). Following a visit to Georgia in June 2017, CAHROM discussed findings relating to the challenges faced by Roma in Abkhazia including lack of access to social benefits and healthcare, school dropouts, separation of families as well as increased difficulties relating to freedom of movement across the ABL.

Internally Displaced Persons

66. The CoE continued to work on improving national and regional capacities to address the situation of IDP women in the frame of an ongoing regional project focusing on protection of violence against women, including those with a vulnerable background. It is recalled that the Istanbul Convention entered into force in respect of Georgia on 1 September 2017.

IV.3 Operational activities on Confidence-Building Measures (CBMs) and their follow-up

(a) Activities organised during the reporting period

67. During the reference period, the Secretariat continued to implement CBMs, driven by the specific human rights needs of the conflict-affected communities and all activities are identified jointly with relevant actors and are closely co-ordinated with the Permanent Representation of Georgia to the Council of Europe, the Office of the Georgian State Minister for Reconciliation and Civic Equality, the UNDP Liaison Mechanism as well as international actors. Follow-up was ensured for several initiatives.

68. In meetings with the delegation, the Georgian authorities expressed full support for the CoE engagement. They confirmed their strong interest in the CBMs' continuation as a valuable contribution to reconciliation and the conflict resolution. Civil society actors in Tbilisi also stressed the importance of continued action in a context where fewer opportunities to preserve contacts and mutual trust seem to be available, notably due to diminishing attention from donors.

CBMs with Abkhazia

69. The Secretariat has started to implement the second phase of the archive project based on the joint decision of stakeholders to continue their dialogue on publication of archive documents. Professionals from Sukhumi and Tbilisi met on two occasions, 15-16 November 2017, in Venice, and 24-25 January, in Budapest, to discuss the directions of joint work on publication of archives materials relating to the historical period of the 1930s. A third meeting is planned for April in Rome with the aim to refine the research focus. Moreover, in co-operation with the stakeholders the Secretariat has facilitated the distribution of three volumes of archives materials relating to the 1937-38 repressions in Abkhazia, along with a CD with lists of the repressions' victims in public and university libraries in Sukhumi and Tbilisi, where they can be freely consulted by the local population.

70. Professionals from Tbilisi and Sukhumi continued to benefit from CoE programmes on reinforcing drugs prevention and treatment capacities. During the reporting period, they were involved in the Pompidou Group Executive Training on "Evaluating the development, implementation and impact of drug policy", which was conducted in Lisbon on 20-22 February 2018. The second programme module will be held in Venice on 22-25 May 2018. In conjunction, a separate training session on drugs prevention and treatment for 25 professionals from Tbilisi and Sukhumi was organised in Venice, at the Venice International University (VIU) on 14-15 February 2018. The participants confirmed their strong interest to continue this successful CBM track also in view of the planned development of a common digital workspace for dialogue.

71. The Secretariat has continued to use ongoing thematic CBMs as opportunities for training on simultaneous interpretation from/to the Abkhaz language, notably during the presentation of the book on Archive Materials in Sukhumi on 4 October 2017 and during the training session on drugs prevention and treatment in Venice on 14-15 February 2018. In addition, a fourth technical working session for simultaneous interpreters was conducted in Venice on 15-17 February 2018.

72. In the field of protection of women and children's rights, a training and exchange of views between psychology and psychiatry specialists from Sukhumi and Tbilisi based on the Protocol NICHD-International Evidence-Based Investigative Interviewing of Children (forensic interviewing and child witness testimony) took place in Istanbul, Turkey, from 21-23 March 2018. As in previous occasions in 2017, the training focused on the enhancement of interviewing skills and techniques.

CBMs with South Ossetia

73. Regrettably, the environment in South Ossetia has remained generally non-conducive to international engagement, including in the field of confidence building. Consequently, the Secretariat was unable to obtain access in order to develop and implement CBMs. Possibilities to ensure access for a limited number of participants from South Ossetia in the existing CBMs activities are currently being considered.

(b) *Plans for further action*

74. Proposals for several initiatives are currently under discussion with the Georgian Government and stakeholders in Sukhumi (via the UN Liaison Mechanism). Strong interest has been expressed in developing activities focused on specific trainings on healthcare issues, in parallel with the continuation of activities on drug prevention and addiction.

75. Consideration is also being given to expanding CBM activities in the field of human rights awareness, taking into account the needs and feedback expressed during the meetings of Ombudspersons and civil society representatives from Tbilisi and Sukhumi. The new Georgian Ombudsperson, who was elected in December 2017, expressed to the delegation her commitment to continue initiatives in this respect.

76. At the same time, it is planned to conduct further work with psychology and psychiatry specialists working with traumatised children. In addition, future activities could focus on education issues, interpreters and translators from/to the Abkhaz language, historians and museum management professionals along with action focusing on architectural heritage, domestic violence and human rights in places of detention.

77. In order to maintain a minimum, appropriate level of contacts between professionals across dividing lines, as well as stepping up the efforts of dialogue in different domains, adequate and adapting resources, both human and financial, should be considered. In this respect, it is recalled that the CBMs form part of the CoE Action Plan for Georgia 2016-2019.