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Consolidated report on the conflict in Georgia
(October 2013 – March 2014)

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;
- 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 ninth consolidated report covers the period between October 2013 and March 2014. It builds on the previous consolidated reports¹, as well as Secretariat reports on the human rights situation in the areas affected by the conflict in Georgia² and the report on the Council of Europe activities in the areas affected by the conflict³ and its updates⁴.

4. The Secretariat carried out a fact-finding visit to Tbilisi on 11-12 March 2014 and had the opportunity to discuss the situation with the Georgian authorities, representatives of civil society and 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. For the purpose of this report, despite repeated efforts of the Secretariat, the delegation was not allowed by the respective *de facto* authorities to visit Abkhazia and South Ossetia. The Secretariat, thus, had no opportunity to discuss with the *de facto* authorities the human rights situation on the ground or to reflect on their position on other issues touched upon in the present report. Despite these developments, the Secretary General intends to pursue his efforts in view of fact-finding visits to Abkhazia and South Ossetia for the preparation of future reports. However, it should be noted as a positive development the fact that the Secretariat was able to travel to Sukhumi for the purpose of discussing with various stake-holders possibilities for future Confidence Building Measures (cf. Section IV.5).

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.

¹ 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.

² SG/Inf(2009)7, SG/Inf(2009)9 and SG/Inf(2009)15 final.

³ SG/Inf(2009)5.

⁴ SG/Inf(2009)5 Addendum and SG/Inf(2009)5 Addendum 2.

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 borders⁵.

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 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 27 October 2013 presidential elections, Mr Giorgi Margvelashvili was sworn in as Georgia's new President on 17 November. At his swearing-in ceremony, he vowed to resolve conflicts peacefully, spoke of Georgia's European aspirations and its wish to "deepen dialogue with Russia" and offered the people in Abkhazia and South Ossetia to build a "successful and democratic country together".

10. On 21 November the 5th round of talks between the Georgian Prime Minister's Special Representative for relations with Russia Zurab Abashidze and Russian State Secretary, Deputy Minister of Foreign Affairs Gregori Karasin took place in Prague, the first to be held after the election of the new Georgian President. After the meeting, Mr Karasin expressed satisfaction that a period of constructive interaction had been opened but stressed that over-inflated expectations may cause disillusionment. Mr Abashidze confirmed the willingness of the new Georgian executive to pursue dialogue with Russia with a view to finding an acceptable solution to the existing problems between the two countries. On 5 February, it was announced that the Russian authorities have released two Georgian nationals detained on charges of spying for Georgia in 2008. Special Representative Abashidze commented that the Georgian authorities are working on the release of several persons in a similar situation. The date of the next meeting has not yet been confirmed.

11. Speaking to the media on 19 December 2013, Russian President Putin stated that Russia was ready to start working on restoring a visa-free regime with Georgia, as a step towards normalising relations with Georgia.

12. As a result of the mutual efforts towards a normalisation of relations between Georgia and Russia during the reporting period there has been observed growth in trade and transport co-operation as well as an increase in joint cultural, sport, scientific, religious and other events. This is considered to have been facilitated by Russia's expanded practice of issuing entry visas to Georgian citizens. A group of 19 Georgian athletes participated in the Sochi Winter Olympic Games.

13. In parallel developments, criticised by the Georgian President, on 18 January a temporarily strengthened security regime was announced, by which an 11 kilometre security zone was established, in Abkhazia, for the period 20 January - 21 March 2014 (related to the Sochi Olympic Games). The special security zone was lifted on 19 March 2014.

⁵ 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.

14. In general terms, during the reporting period the issue of “borderisation” along the Administrative Boundary Lines (ABL), especially on the South Ossetia ABL, was marked by the suspension of all fencing and trench-digging activities during the period surrounding the holding of the Sochi Olympic Games. Observers have noted, however, that since the end of the Games such activities have been pursued once more, despite the protests of the Georgian government (for further details cf. section III). “Borderisation” has a negative impact on the improvement of relations in the region, and remains an issue on which the Georgian authorities and the international community consistently express their concerns (for example during the Geneva International Discussions). The Russian authorities continue to consider that the *de facto* authorities of Abkhazia and South Ossetia have the full right to ensure control of their “borders” in the way that they deem necessary.

15. During the period under review, the President approved the change of name of the State Ministry for Reintegration, to the State Ministry for Reconciliation and Civic Equality, as of 1 January 2014, in a move which officials in Tbilisi say will help with engagement with Abkhazia and South Ossetia. Renaming the state ministry, which is also in charge of the integration process of ethnic and religious minorities, was welcomed by representatives of the international community. The State Minister for Reconciliation (SMR), Mr Paata Zakareishvili, confirmed once more the openness of his Ministry for direct dialogue and confidence-building actions and measures between Sukhumi, Tskhinvali and Tbilisi, welcoming that several such projects are underway.

16. As for the adoption of the legislative amendments to the Law on the Occupied Territories initiated by the SMR with an aim to modify and liberalise the sanctions for entry into Abkhazia and South Ossetia via entry points other than the territory under the control of the Georgian authorities, no further progress has been made since the adoption of the amendments in first reading on 17 May 2013. The delegation was informed that the draft was under consideration in Parliament. The Russian Federation continues to call for the Georgian law on the Occupied Territories to be repealed. It considers in particular that the law hinders the access to and co-operation activities in Abkhazia and South Ossetia. The Venice Commission adopted an Opinion on the draft law in December 2013 (see below).

17. Against this background, during the reporting period the 25th, 26th and 27th rounds of Geneva International Discussions (GID) took place, on 5-6 November, 17-18 December 2013, and 25-26 March 2014, respectively. At the 25th round, freedom of movement and perspectives for a joint commitment on non-use of force (on which the Co-Chairs noted the constructive attitudes of all participants) were the main topics. The Co-Chairs noted that whilst the security situation on the ground remained generally calm, the ongoing fence-installation activities near the ABL, and their negative impact, were a concern. They also reiterated the importance of continuing constructive work in the framework of the Ergneti Incident and Response Mechanism (IPRM), and called for a resumption of the Gali IPRM (suspended on 24 April 2012).

18. Similar issues and concerns were raised at the 26th round (17-18 December 2013), and a similar calm and stable situation on the ground was noted. The Co-Chairs additionally noted their reassurance that the hotline had been used regularly and to good effect, in addition to and as an adjunct to the IPRMs. The IPRMs themselves are considered to remain useful as an exchange mechanism. The OSCE Co-Chair also welcomed reinvigorated approaches to investigate the fate of missing persons, on which positive moves had been noted in the previous round.

19. At the end of the 26th round, EU Co-Chair EUSR Ambassador Philippe Lefort announced his resignation, effective as of the end of January 2014. His replacement has not yet been named.

20. The 27th round of Geneva talks took place on 25-26 March. The Co-chairs, from EU (though a replacement for Ambassador Lefort is still not appointed – see below), UN and OSCE, noted that despite concern over the resumption of installation of fences and other obstacles along the administrative boundary lines, as well as alleged airspace violations, the situation on the ground is relatively calm and stable. UN representative Ambassador Antti Turunen said no progress has been made on the resumption of the Gali IPRM meetings. The meeting was co-chaired for the first time by Ambassador Angelo Gnaedinger, the Special Representative for the South Caucasus of the Swiss OSCE Chairmanship. The next round of Geneva talks will be held on 17-18 June.

21. Issues related to humanitarian aspects of freedom of movement, missing persons and living conditions continue to be raised in the Working Group II of the GID, in which a more positive atmosphere was noted by observers in the 25th and 26th rounds. Progress on OSCE-implemented water projects on both sides of the dividing line were a positive step forward.

22. Participants nevertheless remain committed to continue the discussions within the Geneva Framework as it remains the only platform for discussion in the aftermath of the 2008 conflict.

23. The Georgian authorities stressed to the delegation that, while in line with a constructive and result-oriented approach, the general positions of its participants in the GID remain unchanged.

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

24. 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*

25. Since the last report, the procedure of the European Court of Human Rights continues. There are no major developments to report on the individual applications against Georgia, or against the Russian Federation. In the Inter-State application No. 38263/08 the parties are expected to submit their written observations on the merits by June 2014.

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

26. The ICRC remains engaged in South Ossetia where, in addition to its work on clarifying the fate of missing persons, it facilitated the exchange of messages by separated families, organising family reunifications, providing support to families of missing persons, visiting detainees and providing small-scale humanitarian and economic support where needed. It also assisted with medical transfers. The ICRC also chaired the meetings of the tripartite Coordination Mechanism on Persons Unaccounted for in Connection with the August 2008 Conflict and after.

27. It was reported that, following the 40th IPRM on 9 December 2013, the Georgian prosecutor in charge of this file met with the relatives of the missing persons in the IPRM tent. No outsiders were present for this meeting.

- 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*

28. According to the information provided by the Georgian authorities, 32 new confidence-building projects were submitted in the reporting period, bringing the total number of projects submitted by international and local organisations in the framework of the Georgian Government's "Modalities for Engagement" since 15 October 2010 to 197. All of them received non-objection orders.

29. The Georgian authorities continue to reiterate their support to mechanisms and channels beneficial for confidence building, such as the Liaison Mechanism which continues to function.

30. While underlining the importance of continuing to address humanitarian needs, several international interlocutors noted that the climate in Abkhazia is becoming more conducive to co-operation in a wider sense. It has been reported that the *de facto* authorities are willing to work on more sustainable co-operation projects. An international community donor mission to Sukhumi took place on 9-10 December 2013 (UNDP, USAID, UK, Denmark and EU). The Georgian authorities do not object to an increased co-operation of international actors in Abkhazia, as long as the envisaged activities take place with the consent of the competent Georgian authorities.

31. The EU, international organisations and various individual states continue to support humanitarian and other co-operation activities in Abkhazia. These activities are implemented by UN agencies (such as UNHCR, UNICEF, UNDP, which also fund or co-fund these activities) and international non-governmental organisations (such as the Danish Refugee Council, Action Contre La Faim, WordVision and Premiere Urgence), as well as local non-governmental organisations. The activities of international non-governmental organisations are primarily though not exclusively focused on Gali. Since the last report the Norwegian Refugee Council has departed Abkhazia and some of its activities, notably as concerns the provision of legal aid, have now been taken up by DRC. The EU, UNDP and the government of the Netherlands continue to support the work of local non-governmental organisations through COBERM, which aims to facilitate

direct people-to-people contacts across the ABL and seek to improve the environment within divided communities.

The delegation was informed that there are over 1 million Euros of projects underway, to be financed *inter alia* by Swiss Development Co-operation (SDC), the Swedish International Development Agency (SIDA), USAID and the EU.

32. Activities in South Ossetia are by nature and remain more limited due to a more difficult access, though the delegation was informed that attempts are being made to overcome this blockage. The EU continued to fund activities of the OSCE in South Ossetia and adjacent areas on the rehabilitation of water supply systems until the end of 2013.

III Human rights situation in the areas affected by the conflict

III.1 Reports on Abkhazia

33. As mentioned in the Introduction to this report, the Secretariat was not able to obtain the agreement of the *de facto* authorities to visit Abkhazia. The information presented in Chapters *III.1.i – III.1.v* is based on discussions with the Georgian authorities, civil society representatives, international organisations as well as open sources.

III.1.i Security

34. It was reported to the Secretariat by different interlocutors that during the reporting period the overall security situation remained mainly calm.

35. As reported above, during the period under review, the Gali IPRM mechanism remained non-operational; this situation persists, though interlocutors in charge of security and monitoring of the situation met by the delegation remain hopeful that it may resume its work, following the nomination in September 2013 of the new head of the EU Monitoring Mission in Georgia (EUMM). All international interlocutors underlined the necessity for the IPRM to re-start functioning as early as possible. In the absence of the IPRM, the hotline continued to function, indeed in an enhanced and effective manner, notably as regards the question of crossings of the ABL for medical treatment.

36. Though the effect of the increased security presence surrounding the holding of the Sochi games appears to have had a deterrent effect in 2014, two kidnapping incidents have taken place this year, according to international interlocutors. Also, according to various interlocutors, kidnappings in general appear to be conducted as purely criminal acts undertaken for financial gain through payment of ransom money for the release of those kidnapped.

III.1.ii Freedom of movement

III.1.ii.a Borderisation

37. According to several interlocutors met in Tbilisi, freedom of movement continues to be affected by the on-going process of "borderisation", which is reflected in particular by the creation of ditches and embankments along 7 km of the ABL since early June 2013. The delegation was informed, that the "borderisation" process continues to affect

not only freedom of movement and livelihood conditions of the local population but also the property rights of the residents, restricts access to their farming lands, creates obstacles for people's contacts, for medical care and access to education.

38. There remain 5 crossing points (4 of which are foot crossings, and one of which is a road bridge).

39. The Georgian authorities reiterated to the Secretariat that they categorically oppose the work for "borderisation"; the government continues to make statements condemning the process, calling upon the Russian Federation to stop and reverse the process. However, the Russian side continues to claim that the issues of "border crossing" and "border regime" are exclusively within the competence of the *de facto* authorities of Abkhazia and South Ossetia. Georgia's concerns over the "borderisation" process are raised during the Geneva International Discussions. The Georgian government also keeps on emphasising the importance of the access of international human rights monitoring mechanisms in Abkhazia and South Ossetia.

III.1.ii.b Documentation

40. Lack of appropriate crossing documents and/or crossing outside the "authorised" crossing points result generally in short-term detentions, which occur regularly, and may well increase in future with increased surveillance of the ABL zone. Usually those held are released after paying fines. Administrative requirements seem to particularly affect freedom of movement. The crossing regime continues to affect the collection of pensions, salaries and state subsidies provided by the Georgian authorities, as well as medical care. Under more recent rules, people crossing the ABL may only have with them baggage weighing less than 50 kg; this limitation is strictly enforced. The delegation was informed that passports of the former Soviet Union remain valid for crossing the ABL.

III.1.ii.c Identity documents issues

41. According to various interlocutors, ID delivery problems and difficulty in crossing the ABL remained a pressing concern for the majority of the ethnic Georgians in Gali. Under the amended "Law on the citizenship of the Republic of Abkhazia", "citizenship of the Republic of Abkhazia" would become void for all persons who obtained citizenship of other States in violation of the provisions of this "law" (which is retroactive to November 2005). In implementing these provisions, the *de facto* Deputy Prosecutor General in Abkhazia reported that in the period 23 September to 15 November, 8,476 passports had been checked and that out of those 435 cases had been sent to the *de facto* Ministry of Internal Affairs, to have them "withdrawn" and destroyed as they had been illegally issued. Verification continues for passports issued to those who were not residing on the "territory of the Republic of Abkhazia during the period from 1994 to 1999". This process is estimated to concern some 20,000 passport holders; some 1,000 passports, by mid-march 2014, had been revoked.

42. The media reported on 11 January 2014 that the Abkhaz *de facto* Parliament had prolonged the deadline for verification of the legality of Abkhaz passports in Gali, Tkvarcheli and Ochamchire to 27 February 2014 (the deadline was initially set for the end of 2013). The Parliament reportedly also called upon the *de facto* Prosecutor's Office to launch legal proceedings against those suspected of having issued false passports.

43. This situation is likely to have a severe impact not only on their freedom of movement, but also on the daily exercise of their basic rights (social, property and other) since the enjoyment of those rights and benefits require an ID.

Concerns persist amongst some interlocutors that, should implementation of the new regulations be pursued, a large number of people would seek to leave the Gali district, swelling the population of IDPs, and creating a situation whereby thousands of ethnic Georgians could potentially be deprived of any legal status in Abkhazia.

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

44. According to the Georgian authorities, the issue of education in general remains an acute problem, in particular in relation to freedom of movement. Also, according to various interlocutors, it is understood that children of a specific grade are in principle allowed to cross the ABL in either direction to attend school. There is apparently still some lack of clarity over approval or otherwise by the *de facto* authorities in Gali of a list of names of schoolchildren who should be allowed to cross the ABL to attend school. The Georgian authorities also drew the attention of the delegation to some cases where pupils have to use longer routes to attend school, which in their view impacts on their freedom of movement and access to education. According to the Georgian authorities, the government brings up this issue regularly during the Geneva International Discussions.

45. One of the activities taken over by the DRC from the NRC concerns the provision of assistance on the provision of documentation to allow children access to schooling. Concerns also persist about teaching of/in the Georgian language in the Gali district.

III.2 Reports on South Ossetia

46. The appropriate conditions were not met for the Secretariat to visit Tskhinvali. Therefore, it had no opportunity either to discuss with the *de facto* authorities the human rights situation on the ground or to reflect on their position.

47. According to many interlocutors, the main critical development over the reporting period concerns the increasing pace of the "borderisation", which is reflected by the continued installation of fence extensions and barbed wire along the ABL. The period under review has been marked by a continuation and indeed an increase in fencing activities, despite a brief suspension of such activities during the Sochi Games. As reported to the Council of Europe delegation, along with the fencing, an increase has been noted in so-called state border signs (173 in number as of mid-February 2014) and in surveillance equipment (floodlights, cameras).

48. The Georgian government estimates that the total length of the barbed wire installations along the ABL with South Ossetia is currently around 50 km. It has been reported by various international interlocutors that a number of households along the ABL have their agricultural lands either cut off by fencing, or do not cultivate the land anymore for fear of detention. The "borderisation" process also affects grazing lands and therefore has a negative effect on herders, in terms of the risks of detention and of grazing areas being inaccessible. Access to churches and cemeteries is also, according to the authorities, an issue of concern.

49. On 10 October, Georgian Minister for Foreign Affairs Panjikidze addressed the OSCE Permanent Council and expressed her "extreme concern over the critical situation"

with regard to the "borderisation" of the South Ossetian ABL. The Minister called on the OSCE community to "undertake appropriate measures and concrete steps in response to the deteriorating security and human rights situation" along the ABL.

In addition to this firm opposition to the "borderisation" process, the Georgian government shared with the delegation its strong concerns with the fact that the process has allowed for the ABL to be moved further into the territory under control of the Georgian authorities in several locations.

50. The "borderisation" process and its impact on the local population, particularly as regards adverse effects on their livelihood, are regularly raised in the Ergneti IPRM meetings of which 43 have been held to date, the most recent being on 21 March 2014.

51. As for incidents, the EUMM continues to monitor the situation on the ABL. The hotline has been regularly activated to draw attention to possible incidents along the ABL; these concern such issues as the alleged beating of residents in the area, illegal entry by security personnel into private property, incursions by border guards into areas outside their remit, reinforced checkpoints and patrols.

52. As far as freedom of movement is concerned, the entry into force of a new regulation regarding the crossing of the ABL (adopted on 18 June by the *de facto* South Ossetian authorities) was postponed until 1 December. The new regulations risk worsening the humanitarian situation in South Ossetia and especially access to Akhagori, though for the present, according to the Georgian government interlocutors, they do not appear to be fully implemented. Difficulties might however arise over cases of medical crossing.

53. As far as passports are concerned, the *de facto* authorities of South Ossetia will continue to permit the usage of former Soviet Union passports until 31 December 2014.

54. Alleged violations of the "border" regime by the local population keep resulting in short-term detentions by the *de facto* authorities. The issue is regularly addressed within the framework of the Ergneti IPRM.

55. Moreover, according to the Georgian authorities, in the reporting period no prisoners were exchanged between the Georgian side and the *de facto* authorities. It has been reported that on 31 December, the *de facto* President of South Ossetia Tibilov pardoned a former Georgian official who had been convicted by the court in Tskhinvali in April 2010 to 13 years' imprisonment for "seizing or holding of power with force".

III.3 *The situation of Internally Displaced Persons*

56. As regards the right of refugees and Internally Displaced Persons (IDPs) to a safe, dignified and voluntary return, no progress can be reported.

57. On 3 October 2013, the Interim Governmental Commission for the Needs of Villages located near the Dividing Line (established on 1 October 2013) held its first meeting. This inter-agency body is established to deal with issues related to, *i.a.* the provision of gas or other fuel materials, the regulation of social assistance, construction of medical facilities, property registration, education and school rehabilitation. The MoJ's National Agency of Public Registry, for example, has started a process of registration of land parcels for the populations of such villages, starting with a pilot project in Ditsi. The authorities estimate the costs of implementing the Commission's agenda as being in the

order of 20m GEL. On 15 November, Minister of Regional Development and Infrastructure Narmania told the Parliament that the government plans to spend at least 40M GEL next year to address the urgent needs of the population living in the areas adjacent to the ABL with South Ossetia.

58. Regarding housing, according to information provided by the Georgian authorities, 32,636 IDP families have, since 2007, been provided with a durable housing solution (i.e. the rehabilitation of collective centres and privatisation, converting idle buildings into apartments and distribution to IDPs, new cottage type settlements, purchasing rural houses in villages, cash assistance - so-called compensations - and newly constructed apartment blocks). From October 2013 until March 2014 approximately 1,877 IDP families were provided with a housing solution.

59. The accommodation process is still ongoing and will continue until all IDP families will be provided with a durable housing solution. The government is planning to launch the construction of additional buildings for 7,000 families in Tbilisi, 2,100 families in Kutaisi and 3,000 families in Batumi. Funding for these projects has been secured through the State budget and international donors.

60. The authorities informed the delegation that it had purchased four collective centres, putting them into private ownership (for 215 IDP families); it had also purchased 70 rural houses with the land plots for the same purpose. Negotiations with 10 – 12 collective centres in view of the transfer of ownership to the government continue; the Ministry of the Economy has already purchased three of these centres during the reporting period.

61. Alongside the provision of housing, the main issues concern employment, health and education. A particular issue, bearing in mind the period of the year covered by the report, concerned the programme for the winter season; 200 GEL vouchers for covering fuel costs were given to 23,000 IDPs families settled in collective and private sectors.

62. The revised Law on IDPs has been in force since 1 March 2014. As previously noted, the text was drafted in a consultative manner, through working groups that included several ministries, NGOs and international experts.

63. One of the main novelties of the law is the definition of IDPs which now would also be applicable to people who are not from Abkhazia and South Ossetia, but have been displaced from areas along the ABL. The law also regroups all previously existing categories of IDPs under a single revised definition and substantially increases the allowances to be allocated to IDPs. The law also sets criteria for access to durable housing solutions, through a more transparent approach and with the creation of a redress mechanism.

64. The law also contains provisions on family unity, to prevent a false splitting up or unification of families; there are also provisions concerning the property of IDPs that they have had to leave, including as regards inheritance rights. The right to ownership of property is also covered.

65. Under the new law, the allowance for registered IDPs (and refugees) has been raised to 45 GEL (from 28 GEL) per month; this allowance is not paid, however, to an IDP earning 1,250 GEL or more per month. The restriction does not apply to other family members earning less than 1,250 GEL.

66. The MRA informed the delegation that the main process of re-registration of IDPs was concluded on 27 December 2013.⁶ The process aimed at obtaining a clearer picture of the IDP population, their placement and their property, in view of providing more targeted support measures. Re-registration is mandatory.

In case an IDP fails to re-register, his/her status will not be renewed following the entry into force of the new law.

67. The MRA indicated that individuals who falsely benefited from the IDP status until now will not be prosecuted. Doubts exist over the documentation of about 3,000 IDPs, 300 of whom have been deprived of IDP status. A special commission will address the situation of those IDPs who do not enjoy the legal IDP status for various reasons. Those who do meet all the requirements began receiving allowances by 5 March 2014, including missed debt (accumulated as IDP was unable to receive until his/her status was confirmed).

68. Despite the fact that the twelve administrative commissions previously deployed in the field to proceed with the re-registration process are no longer operational, IDPs will still be able to register; a specific unit within the Ministry will work on this issue. The re-registration process will continue until 1 June 2014.

69. Whilst figures vary slightly between the government and other interlocutors, UNHCR figures give as 246,974 the number of registered IDPs as at present. The IDP registration process was closely monitored by the relevant international and national NGOs. At the time of the visit, all interlocutors expressed a general satisfaction with the implementation of the registration strategy.

70. The Georgian authorities informed the delegation that a framework for a new Action Plan on IDPs is under preparation, to be discussed by the government and to be ready by the end of May 2014; a new Action Plan would be in harmony with the revised Law.

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

IV.1. Parliamentary Assembly of the Council of Europe

IV.1.i Monitoring Committee

71. The Monitoring Committee had a specific item on its agenda at its meeting in Paris on 7 November 2013 on the "Current situation with regard to the consequences of the war of 2008 between Georgia and Russia". Members heard an oral report on the meeting between the co-rapporteurs on Georgia and the Russian Federation with representatives of the Office of the Prosecutor of the International Criminal Court in The Hague (Paris, 6 November 2013).

IV.1.ii Committee on Migration, Refugees and Displaced Persons

72. The Committee on Migration, Refugees and Displaced Persons organised a fact-finding visit to Georgia (3-5 November 2013) carried out by Mr René Rouquet (France, SOC) in the framework of the preparation of a report on "Alternatives to Europe's sub-

⁶ The process is being regulated by MRA Order #287, 16 July 2013.

standard IDP collective centres". Partners involved in the visit were the Norwegian Refugee Council, and the UNHCR. In terms of outcomes, there are to be a scheduled debate and adoption of a Resolution (to be presented at the Standing Committee, taking place in Baku on 23 May). Follow-up: to follow if there is any progress on this issue, especially with the Council of Europe Development Bank.

IV.2 Commissioner for Human Rights

73. The Commissioner continued to follow up human rights issues related to the August 2008 armed conflict in Georgia, including the situation of Internally Displaced Persons (IDPs) and other persons affected by the conflict. He pursued his dialogue with the Georgian authorities with a view to addressing the consequences of the conflict, including the cases of missing persons. The Commissioner carried out a country visit to Georgia on 20-25 January 2014 which focused on issues related to the protection of human rights in the justice system and the situation of minorities as well as the promotion of tolerance and non-discrimination. During the visit, the Georgian authorities provided information about the situation of persons affected by the conflict, in particular difficulties faced by those living close to the ABL with Abkhazia and South Ossetia.

IV.3 Venice Commission

74. At the request of the authorities of Georgia, in December 2013 the Venice Commission adopted an opinion on the draft amendments to the law on the occupied territories of Georgia, the administrative code and the criminal code of Georgia.

75. These draft amendments have the effect of relaxing the regime of sanctioning the violations of the rules on entry in the occupied territories of Georgia. As a result of these, a first breach will attract only an administrative fine and only a second or following breach will attract criminal liability, which will consist only of a criminal fine unless the breach is committed collectively, with violence or threat of violence, or repeatedly.

76. These amendments directly address previous concerns expressed by the Venice Commission, and as such they were welcomed by it.

77. Other issues highlighted in previous opinions of the Venice Commission have remained unaddressed (notably the meaning of the formula "emergency humanitarian aid"); this matter could be raised in future contacts with the Georgian authorities.

IV.4 Operational activities on Confidence-Building Measures and their follow-up

(a) Activities organised during the reporting period

78. During the reference period, the implementation of CBMs was continued and developed. Three activities took place, on multicultural education, language learning and architectural heritage management. The last two topics were new areas for the programme and allowed for new contacts between groups of professionals.

79. A group of 19 civil society representatives from Tbilisi and Tskhinvali took part in a study visit to Bosnia and Herzegovina from 9 to 13 December 2013 on the contribution civil society can bring to the implementation of a conflict settlement agreement, especially in its interaction with local authorities. Exchanges with NGOs and local

authorities were held in Sarajevo, Banja Luka and Mostar. This activity was the first one carried out with representatives from South Ossetia. A follow-up to this activity could be organised in the course of 2014.

80. The activity on multicultural education for representatives of civil society, took place in Istanbul on 12 December 2013. Eight representatives of NGOs from Sukhumi involved in education issues participated. The activity was aimed at reviewing possible contributions civil society can make to support multicultural education and dialogue between different population groups in the region.

81. The seminar on foreign languages learning was held on 2-4 October 2013 at the CoE European Centre for Modern Languages (ECML) in Graz (Austria) and looked notably at pluralistic approaches to languages and cultures. The Secretariat would like to thank the Austrian authorities for their assistance in the organisation of the seminar. Five teachers from Tbilisi and Sukhumi took part, and participated in a number of practical exercises in addition to receiving lectures from European experts from the ECML. This seminar allowed for intense exchanges and involvement of all participants. The seminar underlined that there is a need for modern European methodologies and approaches in teaching and learning of foreign languages in the region as languages remain a relevant vehicle for exchanges.

82. The seminar on architectural heritage management was organised on 16-18 December 2013, in Venice (Italy) in co-operation with the Venice International University (VIU) and the Council of Europe Programmes Office in Venice. Fourteen architects, town planners, conservationists, and art historians from Tbilisi and Sukhumi participated in the event. The Secretariat would like to thank the Italian authorities for their support in the organisation of the seminar and the VIU for the high quality scientific input in the programme, recognised and appreciated by all participants. The seminar provided lectures from European experts with on-site study of architectural heritage management projects illustrated by Italian professionals involved in their elaboration and implementation. This combination of academic presentations illustrated by practical examples proved very successful and conducive to exchanges within the group.

(b) Plans for further action

83. As noted above, a member of the Secretariat travelled to Sukhumi on 18-19 February 2014 to discuss with different stake-holders possible follow-up activities in 2014, their content, format and participation. The local decision-makers met indicated that the themes addressed by the CBMs of the Council of Europe are of interest to them since expertise and awareness of modern European standards and techniques in these areas are not yet widely known in Abkhazia.

84. However, they reiterated their strong desire to see activities organised with a larger range of participants or only with Abkhaz participants to increase skills of the local professional groups. They expressed their view that a purely bilateral frame as proposed so far is not attractive for them.

85. Proposals for five projects are currently under discussion with the Georgian authorities (State Ministry of Reconciliation) and the stake-holders in Sukhumi (notably via the Liaison Mechanism). Three projects represent a follow-up to activities implemented in 2013 whilst two are new initiatives.

86. Concerning the continuation of the work on multicultural education, a follow-up in the format of a series of round tables and seminars is being considered for 2014

aiming at formulating more concrete proposals, notably in terms of teaching tools for a multicultural approach to out-of-school education in the region.

87. Concerning the teaching of foreign languages, a second more specialised seminar is proposed, as well as a replication of the initial seminar to reach out to a larger number of teachers. The Secretariat, in consultation with the Georgian Ministry for Reconciliation, is considering holding of such a seminar in Sukhumi at one of the training centres UNDP that has set up in various locations in Abkhazia.

88. Following the seminar on architectural heritage management, some participants discussed the possibility of updating and modernising the existing information on cultural heritage in Abkhazia, information which has not been updated since the end of the USSR. The Secretariat is currently examining how this process could be implemented in a transparent, professional and scientific manner to support mutual trust among the experts involved.

89. The two new initiatives at present under examination aimed at developing awareness of European institutions and in particular on the functioning of the Council of Europe and its activities. These initiatives should also cover through a series of lectures and traineeships the standards which are elaborated, adopted and implemented in Europe for a number of professions (e.g. teachers, journalists, architects or civil society).

90. The experience of the past 12 months indicates a need to make CBM-programmes more diverse, as regards participation (different groups of professionals) from both sides, substance and themes.

Appendix

List of acronyms and abbreviations

ABL	Administrative Boundary Line
COBERM	Confidence-Building Early Response Mechanism
DRC	Danish Refugee Council
EU	European Union
EUMM	European Monitoring Mission in Georgia
IDs	Identity Documents
IDPs	Internally Displaced Persons
IPRM	Incident Prevention and Response Mechanism
MRA	Ministry of Internally Displaced Persons from the occupied Territories, Accommodation and Refugees of Georgia
NRC	Norwegian Refugee Council
PDO	Public Defender's Office
SMR	State Minister for Reintegration
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund