



Information Documents
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Consolidated report on the conflict in Georgia
(April – September 2019)

Document presented by the Secretary General

¹ 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 20th consolidated report covers the period between April and September 2019. 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 and 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 9-10 September 2019 and had the opportunity to discuss the situation with representatives of the Georgian central government, the Office of the Public Defender of Georgia as well as representatives of international organisations and civil society. 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 to enjoy access to Sukhumi for the purpose of implementation of Confidence-Building Measures (CBMs) (cf. Section 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](#), [SG/Inf\(2017\)38](#), [SG/Inf\(2018\)15](#), [SG/Inf\(2018\)34 Rev](#), [SG/Inf\(2019\)12](#).

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, 1315th meeting on 2 May 2018, 1345th meeting on 2 May 2019.

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 prejudge 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. The 47th and 48th rounds of the Geneva International Discussions (GID), co-chaired by the EU, OSCE and UN, were held respectively on 3 April and 3 July. Participants have continued to express commitment to the GID as the only platform for discussion to address the security and humanitarian issues. At the same time, the Co-Chairs reiterated their call for a result-oriented approach in order to achieve concrete progress on core issues (the commitment of non-use of force and international security arrangements as well as the return of IDPs and refugees).

10. Participants in Working Group I continued to discuss the security issues and related challenges on the ground, including the death of a Georgian citizen in the custody of Russian Border Guards in Gali, in March, as well as temporary restrictions and closures of so-called crossing points on both Administrative Border Lines (ABL). In this respect, the Co-Chairs and Co-Moderators reiterated that such measures were not justified and noted that they had negatively affected the freedom of movement, especially of persons in need of medical assistance and students. They called for these restrictions to be lifted without delay. During the most recent round in July the overall security situation was described as relatively calm and stable. In this regard, the value of Incident Prevention Mechanisms (IPRMs) and hotlines was also highlighted. In this context, the need to resume the suspended meetings of the Gali IPRM was once again stressed.⁸

11. The GID Working Group II continued to review the humanitarian situation on the ground focusing on issues relating to documentation, humanitarian aspects of freedom of movement, missing persons, public health, education, livelihood and environment challenges. However, as pointed out by the Co-Chairs, walkouts by some participants have precluded discussions on the issue of the return of IDPs and refugees despite agreement on the importance of the issue. In this respect, the Co-Chairs regretted the disruption of the Working Group II round and reiterated their call for constructive engagement on all agenda items.⁹ Interlocutors met by the Secretariat delegation in Tbilisi also stressed the need to revitalise the GID by identifying ways to move forward on substantive issues.

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 Geneva International Discussions, 3 April 2019 and 3 July 2019.

⁹ Ibid

12. During the reporting period, Georgia and the Russian Federation continued to express commitment to the normalisation of bilateral relations. On 13 June, another round of the 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 was held in Prague. The process has led to certain progress on trade and economic relations, transport ties and certain humanitarian exchanges, while allowing both countries to discuss issues of common interest, in the absence of diplomatic relations.

13. This positive dynamic has however remained vulnerable as illustrated by the events of 20 June in Tbilisi, which were followed by a temporary suspension of direct flights to and from Georgia enforced by the Russian government on 8 July. These measures appear to have impacted not only the transport of people and goods between the two countries, but also indirectly the broader economic environment.¹⁰ Both sides nonetheless made efforts to exercise restraint while confirming the willingness to maintain to the extent possible the positive results achieved in the past few years.

14. Regrettably, new security and humanitarian concerns emerged in the conflict-affected regions. On 27 June, the *de facto* authorities in Abkhazia imposed new unprecedented restrictions on freedom of movement at the ABL citing protests in the territory controlled by the Georgian central government. As regards South Ossetia, so-called "borderisation" incidents and the reinforced positions and presence of security actors on the ABL triggered an escalation in August, while the work of the IPRM in Ergneti was disrupted. This was followed by the closure of two so-called crossing points on the ABL by the *de facto* authorities in South Ossetia. More broadly, recent tensions and restrictions have not been conducive to reconciliation efforts.

15. On 8 September, in the context of a government reshuffle, the Parliament of Georgia expressed confidence in the cabinet led by new Prime Minister Giorgi Gakharia. In his address to the Parliament of Georgia, Mr Gakharia reaffirmed Georgia's commitment to a peaceful settlement of the conflict, noting that the government would use every available instrument. He also called to utilise in full the existing negotiation formats.¹¹

16. Georgian Foreign Minister Zalkaliani and Russian Foreign Minister Lavrov met on 26 September, in the margins of the 74th UN General Assembly High-Level Segment in New York, through the good offices of Switzerland.

17. So-called presidential elections were held in Abkhazia on 25 August and 8 September. On 9 June, so-called parliamentary elections were also conducted in South Ossetia. Their legitimacy and outcomes were not recognised by the Georgian central government or the international community. The latter have persistently declared support to the territorial integrity and sovereignty of Georgia within its internationally recognised borders.

¹⁰ Decree of the President of the Russian Federation, 21 June 2019.

¹¹ Summary of the plenary session, 8 September 2019, Parliament of Georgia.

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

18. 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.*

19. It is recalled that two Inter-State applications lodged by Georgia against the Russian Federation are pending before the European Court of Human Rights. In the Inter-State application (II) No. 38263/08 relating to the 2008 conflict between Georgia and the Russian Federation and its aftermath, the decision is pending following the Grand Chamber hearing on the merits last year. The consideration of Inter-State application (IV) 39611/18 lodged in August 2018 on the alleged deterioration of the human rights situation along the ABL is underway.

20. As regards individual cases related to the conflict, 900 applications against Georgia were declared inadmissible by a single judge in June and July 2019. As a result, there remain 839 individual applications against Georgia. Nine of them were communicated and the applicant parties should submit their additional observations on the admissibility and merits by December 2019. Their further examination is likely to be co-ordinated with the progress in the Inter-State case *Georgia v. Russia* No 38263/08. Furthermore, 20 of these applications were lodged against both Georgia and the Russian Federation. There also remain 190 applications against the Russian Federation, out of which 186 were communicated to the Russian government for information. The Georgian government was informed about the communication as a third party.

21. The investigation authorised by the International Criminal Court (ICC) and conducted by the ICC Prosecutor into alleged crimes committed in the context of an international armed conflict between 1 July and 10 October 2008 in and around South Ossetia continued during the period under review. It was reported that representatives of the ICC different organs and sections conducted a visit to Georgia in May to meet *inter alia* with relevant actors.

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

22. Efforts to clarify the fate and whereabouts of persons unaccounted for in connection with armed conflicts, facilitated by the International Committee of the Red Cross (ICRC) as a neutral intermediary, advanced during the period under review. The 14th meeting of the Coordination Mechanism bringing together Georgian, South Ossetian and Russian participants under the auspices of the ICRC took place in Ergneti on 19 June focusing on the search for information of burial places. A shared understanding of the need to move the process forward was noted.¹² In June, a new round of excavations started based on a decision taken within the framework of the coordination mechanism established in 2010 under the aegis of the ICRC with Georgian and Abkhaz participants.¹³ At the same time, the need for a coordination body at the level of the Georgian central government was highlighted in view of national capacity-building efforts supported by the ICRC.

23. In addition to work on missing persons, which comprises mental health and psychosocial support to their families, the ICRC remained 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) including through expert recommendations to improve existing legislation (e.g. by introducing a status for families of the missing) as well as trainings of servicemen of various command level.

- 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. In meetings with the delegation, Georgian central government's representatives reiterated support to all actions and channels that facilitate direct people-to-people contacts across the ABL and seek to improve the daily life of conflict-affected communities. The government's peace initiative "*Step to a Better Future*", aimed at promoting dialogue and reconciliation through facilitation of trade, education and mobility opportunities, including through status-neutral solutions, has been broadly welcomed by international actors and financial support is being considered. The delegation was informed by the State Minister for Reconciliation that the trade component of the initiative had generated higher than expected interest resulting in numerous applications. Caution was however expressed that the recent deterioration on the ground could negatively affect the implementation of the initiative.

25. The Georgian central government also continued to make available healthcare support programmes and services for patients from conflict-affected areas, including medical transportations to specialised healthcare institutions. The Liaison Mechanism established under the United Nations Development Programme (UNDP) and supported by the EU continued to facilitate the delivery of various types of humanitarian and medical aid to Abkhazia. In this regard, concerns were raised that closures of both ABLs affect access to humanitarian and medical assistance of vulnerable groups.

¹² ICRC news release, 20 June 2019.

¹³ ICRC news release, 19 June 2019.

26. International interlocutors met by the delegation continued to plead for the relaxation of the provisions of Georgia's Law on Occupied Territories with a view to allowing a more direct, unhindered and effective operational access for international and local organisations to Abkhazia and South Ossetia. It is noted that no progress has been made on bringing the law further in line with Venice Commission recommendations and that draft amendments to this effect are still pending in the Parliament.

27. International humanitarian organisations, mainly the UN family and NGOs with the support also of the EU and individual states, have been able to implement a range of protection and humanitarian activities while engaging gradually to address broader needs in line with the Sustainable Development Goals (SDG). A number of projects are currently being implemented in the fields of healthcare, agriculture, disaster prevention and women's rights. The delegation was also informed that a new phase of the Confidence Building Early Response Mechanism (COBERM), a joint EU-UNDP project supporting civil society actions towards peace and confidence building would soon be launched.

28. While international engagement in Abkhazia seems to be expanding through new projects and increased donor interest, several interlocutors indicated the operational flexibility was limited by the continued introduction of new requirements from the *de facto* authorities. In addition to already existing stringent requirements on national and local staff, the delegation's attention was drawn to a new decree signed by the *de facto* President on 4 May, obliging all international organisations and NGOs to submit detailed information about programmes/projects to the *de facto* Ministry of Foreign Affairs with a view to obtaining its approval.

29. Throughout the reporting period, no noticeable progress has been made with respect to ensuring access for international actors to South Ossetia, despite efforts and calls to overcome the blockage. The ICRC continued to implement a limited number and small-scale humanitarian actions.

III Human rights situation in the areas affected by the conflict

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

31. The human rights environment reportedly continued to worsen mainly in connection with a growing pattern of unprecedented constraints on freedom of movement on the ABL with both Abkhazia and South Ossetia. In addition to enhanced controls and formalisation of crossings already observed, more frequent and extended closures of the ABL were reported affecting in multiple ways the human rights of the conflict-affected 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. More broadly, this has led to growing uncertainty and alienation in conflict-affected regions.

32. According to all interlocutors met by the delegation, there remains 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 applicable international human rights treaties with a view to enhancing the protection of human rights of the local population. 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. In its resolution on "Co-operation with Georgia", adopted at its fortieth session, in March 2019, the UN Human Rights Council strongly called for immediate and unimpeded access to be given to the international and regional human rights mechanisms.

III.1 Reports on Abkhazia

III.1.i Security

33. In meetings with the delegation representatives of the Georgian central government expressed concerns that the potential for destabilisation had grown in recent months.

34. The Gali IPRM has remained non-operational since June 2018 due to participants' disagreements over agenda issues and ground rules. The necessity for the regular IPRM to again start functioning without delay and without preconditions has been repeatedly stressed at the GID. The delegation was informed that efforts to this end are underway and several months ago an *ad hoc* meeting was also held. In the absence of the IPRM, the EUMM-managed hotline continued to function to diffuse tensions in an enhanced manner. Security observers met by the delegation regretted however that the hotline was not activated to give advance warning of military exercises and to address all detention cases.

35. In addition, the fact that justice has not been served in cases concerning tragic loss of life, which have regrettably recently occurred across the ABL, continues to undermine human security perceptions and more broadly the climate of trust.

III.1.ii Freedom of movement

36. Limited freedom of movement across the ABL remains unfortunately a major issue affecting thousands of people. It continues to be hampered by the so-called "borderisation" process, which is reflected in the installation of fences as well as the creation of earth berms and ditches currently extending up to 49km on the ABL. The Georgian central government and the international community remain firm in their opposition to the so-called "borderisation" activities, including their impact on the local population, particularly as regards the adverse effects on their freedom of movement, livelihood and security perceptions. The issue is regularly raised in the GID format.

37. Concerns were expressed to the delegation about the consequences of the January 2019 restrictions barring ethnic Georgian holders of so-called old Abkhaz "passports" from crossing the ABL. The measure appears to have widened the documentation gap also due to problems in obtaining a so-called "foreign residence permit", which effectively remains the only possibility for those who wish to cross (see part *III.1.iii*). Even though the *de facto* authorities have agreed to yet another prolongation of the so-called old Form No. 9 until the end of 2019, obtaining it is possible only in conjunction with the application for a so-called permit. These measures have apparently resulted in increased numbers of those who are unable to cross and access basic rights and services in territory controlled by the Georgian central government.

38. As it was notified to the delegation, these new restrictions appear to have further impacted the humanitarian situation through disruption of access to livelihood opportunities and creating new difficulties for persons suffering from severe medical conditions; the latter could cross on an exceptional basis provided that they and accompanying persons were in possession of a clearance by the *de facto* security services. Secondary school graduates travelling to take enrolment exams in Georgian universities were reportedly particularly affected.

39. While some freedom of movement appears to have been subsequently allowed, unprecedented restrictions reportedly continued to be enforced. The delegation was for instance informed that men between 16 and 60 years old were barred from crossing while a security clearance was still required for those who need access to medical attention. As pointed out above, the Co-Chairs and other international players have called for these restrictions to be lifted without delay.¹⁴

40. Meanwhile, ABL crossings outside the so-called crossing points and/or due to lack of relevant "documents" continued to result in arbitrary detentions. Concerns have been raised that not all cases are notified through the hotline. Those apprehended are released after paying a "fine", however recurrent "violations" reportedly continued to result in the levelling of "administrative charges" and longer detention periods.

III.1.iii Identity documents issues

41. Access to documentation remains a principal concern for the ethnic Georgian population in Abkhazia. A considerable part of this population that resides in Gali, Tkvarcheli and Ochamchira does not possess relevant "documents" necessary to exercise freedom of movement and effectively enjoy other human rights and continues to live in a protracted legal limbo.

42. In their overwhelming majority, ethnic Georgians are not eligible for the new so-called Abkhaz "passports" but can be issued so-called "foreign residence permits" under the amended 2016 so-called "Law on the Legal Status of Foreigners in Abkhazia". However, the process of issuance of this type of documentation continues to be problematic not least due to lengthy procedures and unclear application criteria. Not everyone has equal access to such "documents", while a part of the local residents in Gali are unwilling to accept the foreigner "status" in their native land. Moreover, the so-called "foreign residence permits" do not confer on the holder a complete range of rights from the standpoint of international standards applicable in such cases.

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

43. In meetings with the delegation, representatives of the Georgian central government reiterated strong concerns about the obligation enforced on schools in the Gali district to gradually use Russian as the language of instruction allowing only for limited access to the native language for school children of ethnic Georgian descent. Presently, in Lower Gali instruction at all grades except for grades from IX to XI is offered in the Russian language, whereas the Georgian language along with Georgian literature are taught as separate subjects (two hours per week). In general, access to the Georgian language is reportedly even more limited in the Upper Gali as well as in Ochamchira and Tkvarcheli inhabited predominantly by ethnic Georgians. According to the Georgian

¹⁴ Press Communiqué of the Co-Chairs of the Geneva International Discussions, 3 July 2019.

authorities, restrictions on instruction in the native Georgian language have also been enforced in kindergartens.

44. Furthermore, the growing restrictions on freedom of movement appear to be increasingly interfering with the effective enjoyment of right to education in the mother tongue. In addition to the overall drastic reduction in the numbers of Georgian school children who cross to attend school on the opposite side of the ABL, university students appear to be negatively affected too. Due to the recent closure of the ABL applied from 27 June, as noted above, many were unable to attend university entry exams in the Georgian central government-controlled territory. The delegation was informed that special measures were put in place for their enrolment.

45. The Georgian authorities have consistently and resolutely protested against such discriminatory practices while raising the issue in all available platforms, including the GID. The delegation was informed that various state support programmes are available to school children and teachers from Gali. It is also noted that international actors continue to pursue efforts to support mother-tongue-based multilingual education.

III.2 Reports on South Ossetia

46. Regrettably, the so-called "borderisation" process continued during the period under review, restricting freedom of movement, depriving the local population from livelihoods and undermining human security. New "borderisation" activities, involving the installation of new fences in the village of Gugutiantkari were reported on 7 August and resumed on 20 August. The delegation was informed that the new barriers immediately affected two households of returnees from the 2008 conflict, effectively cutting their access to property and agricultural land and forcing them to abandon their homes. The GID Co-Chairs warned of an increase of tensions on the ground and called on all actors to make full and responsible use of existing mechanisms to resolve concerns.¹⁵

47. The delegation was informed that four so-called crossing points exist on the ABL with South Ossetia. So far, the highest number of crossings – approximately 400 per day – occurred at the Odzisi-Mosabruni, which connects the Akhagori district inhabited mainly by the ethnic Georgian population to the territory controlled by the Georgian central government. Other so-called crossing points are used only for a small and strictly defined number of people. A "document" issued by the *de facto* authorities is necessary for crossing; in this respect the delegation was informed that so-called "internal passports" were not accepted as of 1 April 2019, and that only crossing "permissions" remained valid. Although no problems have recently been reported in obtaining such documents, concerns persist about lack of clarity and information.

48. A strict arbitrary detention practice continues to be enforced for those who cross outside authorised points and violate the crossing "rules", raising major issues from a human security and human rights perspective. The delegation's attention was drawn to an incident affecting seven people who were detained while visiting a graveyard on the other side of the ABL on 17 August near the village of Artsevi. They were later released. Typically, these cases continue to be handled through the EUMM-managed hotline. The Georgian authorities maintain that a higher number of people are detained while attempting to cross into territory controlled by the central government.

¹⁵ Press statement of the Co-Chairs of the GID, 28 August 2019.

49. The negative effects of “borderisation” became evident in the recent serious escalation of tensions in the Tsnelisi-Chorchana area in the Khashuri municipality. As reported to the delegation, in August 2019, further to earlier “borderisation”-type occurrences conducted within the territory controlled by the central Georgian government, a build-up of security personnel and equipment was observed in the area. The IPRM meeting in Ergneti, on 28 August, was also disrupted and has since remained suspended. Relevant international interlocutors met by the delegation underlined the importance of using existing communication channels in such cases.

50. Amid the international community’s calls for restraint, tensions appear to have subsided, including through active efforts by the EUMM and the OSCE and an enhanced use of the EUMM-managed hotline. However, security observers have continued to report a concentration of armed personnel in the area, which, along with multiple new positions on the ABL, increases the potential for encounters. In meetings with the delegation representatives of the Georgian central government assessed the impact of these developments on the security environment and the humanitarian situation as worrisome and unprecedented.

51. At present, efforts towards, hopefully, a more permanent de-escalation are underway in extraordinary technical IPRM meetings, facilitated by the EUMM and the OSCE. It was reported that four such meetings had taken place in a professional atmosphere with participants reaffirming their commitment to basic principles to avoid further escalation. It has been noted however that the participants’ positions remain irreconcilable, highlighting the need for commitments to be reflected in the actual presence and activities on the ground.¹⁶

52. In connection with these developments, the *de facto* authorities of South Ossetia closed without prior notification two so-called crossing points on the ABL, including the main one in Odzisi-Mosabruni allegedly for security reasons. The measure was initially applied on 4 September, following which it was temporary lifted but was reintroduced on 9 September and reportedly remains effective to date. The GID Co-Chairs have warned about additional hardships and further tensions resulting from these new restrictions. They have called on all relevant actors to refrain from taking unilateral steps and fully respect the human rights of the conflict-affected people, including freedom of movement.¹⁷ Moreover, in meetings with the delegation, representatives of the Georgian central government and international community raised concerns that repeated and protracted closures of the ABL inflict unbearable humanitarian costs on the local population in Akhgori and ultimately lead to further isolation.

53. The delegation’s attention was also drawn to the situation regarding access to education in the native language, due to restrictions imposed on all Georgian schools in the Akhgori since 2017. According to the Georgian authorities, these measures affect around 100 schoolchildren.

III.3 The situation of internally displaced persons

54. According to the information provided by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, 284,935 persons (90,354 families) with IDP status had registered as of September 2019. No progress has been reported as regards the voluntary, safe, dignified and unhindered

¹⁶ EUMM press release, 16 September 2019.

¹⁷ Press statement of the Co-Chairs of the GID, 15 September 2019.

return of IDPs and refugees on the basis of internationally recognised principles. Although the return of IDPs and refugees is one of the two core issues of the GID, regrettably it has been impossible to address it in substance due to, as indicated by the GID Co-Chairs, repeated walkouts by some participants leading to a disruption of the rounds.

55. On 4 June, the UN General Assembly (UNGA) by a vote of 79 in favour to 15 against, with 57 abstentions, adopted a resolution on the status of Georgia's internally displaced persons and refugees. In addition to recognising their right of return, the UNGA stressed the need to respect their property rights and to ensure unimpeded humanitarian access to all those residing in conflict-affected areas. In meetings with the delegation, representatives of the Georgian central government reiterated strong concerns about the ongoing construction in the Eredvi village formerly inhabited by the ethnic Georgian population, in South Ossetia.

56. In the absence of conditions conducive to return, the government in co-operation with the international community has continued to undertake efforts to locally integrate the IDPs in line with a legal framework, which generally respects international human rights standards and the UN Guiding Principles on Internal Displacement. The new Action Plan (AP) 2019-2020 on the implementation the State Strategy on IDPs pursues three major objectives: improving the living conditions of the IDPs by ensuring durable housing solutions (DHS); improving social-economic conditions through reforming financial assistance and addressing livelihood opportunities; increasing awareness of IDPs on the rights and services they are entitled to as well as improving their participation in decision-making through provision of information. The AP objectives reflect Georgia's commitments under the Global Protection Cluster Plan of Action (GP20).

57. Provision of DHS represents the bulk of the government's support to IDPs through a variety of accommodation programmes, funded jointly with donors, that prioritise those who reside in buildings unfit for living. It was reported to the delegation that 960 IDP families had been provided with durable housing during the first half of 2019 and that in total 6000 families would be accommodated under the new Action Plan by the end of 2020. Though progress is acknowledged, the process appears to be slow due to limited budgetary allocations, reduced donor contributions (owing to humanitarian crises elsewhere) and the increased number of IDPs and their needs. It is estimated that more than half of the IDPs (over 50,000 families) still in need of a durable housing solution, with large numbers living in inadequate conditions.

58. In addition to addressing IDPs housing rights, the government (the Livelihood Agency) with the support of international organisations and NGOs continued to implement initiatives focused on improving their access to livelihoods. Significant challenges however remain as regards the implementation of socio-economic rights of the IDPs notably as regards their access to employment, education and healthcare. In view of the magnitude of the needs, it is widely recognised that IDP issues can be addressed in a more sustainable way via further mainstreaming into broader development plans.

59. The delegation was informed that the planned reform aimed at delinking financial allowance to IDPs from their status and tailoring it to their needs is still being considered. While it is broadly understood that reform is politically challenging, international humanitarian actors have advocated to relaunch consultations in order to find the most suitable solution for the reform and with a view to initiating relevant legislative

amendments by the end of 2019. The need for better coordination and effective communication between all parties is also emphasised.

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

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

60. PACE co-rapporteurs for the monitoring of obligations and commitments by Georgia Titus Corlatean (Romania, SOC) and Claude Kern (France, ADLE), made a fact-finding visit to the country from 17 to 18 September. The co-rapporteurs discussed *inter alia* developments on the ABL. Prior to that, the co-rapporteurs reacted to the so-called presidential elections in Abkhazia, on 26 August, and so-called parliamentary elections in South Ossetia, on 12 June. On both occasions, the co-rapporteurs reiterated their full support for the territorial integrity and sovereignty of Georgia within its internationally recognised borders stating that the so-called elections were neither legal nor legitimate.

IV.2 Operational activities

DG II/Women's rights

61. Georgia continued to benefit from a regional 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 is part of the joint CoE-EU Partnership for Good Governance (PGG) and will run until the end of December 2019. It will strengthen the prosecution's response to cases of violence against women and enhance the skills of legal professionals and other public officials when dealing with such cases. Georgia is also one of the EU Eastern Partnership countries involved in a regional project on improving 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

62. During the period under review, the Council of Europe continued the implementation of CBMs. CBM activities have continued to support the protection of human rights of people from conflict-affected communities, by discussing possible solutions in several areas relying on the expert technical support provided by the Council of Europe and individual member States.

63. CBM priorities are identified jointly with relevant actors and are closely coordinated with the Office of the Georgian State Minister for Reconciliation and Civic Equality and the Liaison Mechanism established under the United Nations Development Programme (UNDP). The Permanent Representation of Georgia to the Council of Europe is regularly kept informed of progress and new developments. It is recalled that CBMs also draw on the Secretary General's annual reports on the state of democracy, human rights and the rule of law. This pragmatic approach has enabled dialogue and trust to be built between all actors concerned. The Secretariat and experts involved in these projects continued to enjoy access and were able to organise activities in Sukhumi.

CBMs with Abkhazia

64. In the framework of the drugs prevention and treatment programme, the Council of Europe enabled the participation of professionals from Tbilisi and Sukhumi in the Executive Training on Drug Policy of the Pompidou Group on *"Incorporating gender dimensions in drug policy practice and service delivery"*. The training course took place from 2 to 4 April, in the Netherlands, and from 25 to 28 June in Israel. Furthermore, the common digital workspace, which was developed and launched in the course of the summer 2018, will continue to function throughout 2019. Discussions on the platform have resulted in proposals for a new joint project in the field of drugs prevention. The initiative will be considered during a joint meeting in Istanbul in December 2019.

65. The new CBM strand related to health, focusing on joint trainings of medics on treatment of tuberculosis and viral co-infections launched in partnership with the French Embassy in Tbilisi, gained momentum. Two joint study visits were organised during the reporting period. The first visit, involving the Secretariat and a group of French doctors, took place in Sukhumi and Tbilisi from 13 to 17 May and the second one was conducted in Batumi and Kutaisi from 1 to 3 July. The outcomes of the two study visits will be discussed with participants from Sukhumi, Gurjaani, Tbilisi, Batumi and Kutaisi in a joint meeting to take place in Paris in November, with a view to jointly defining further steps of the project.

66. 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. The second publication on *"Anti-Soviet uprisings of 1931 in the village of Duripsh in the Gudauta district"*, based on archives of the Ministry of the Interior of Georgia, complemented by photos from private collections in Abkhazia and newspaper articles, was finalised during a meeting in Rome on 22-23 May. The third publication focusing on *"Missing persons from Abkhazia during the Second World War"* will be finalised in a meeting due to take place in Paris on 6-7 November. A presentation of this work will take place at the end of 2019 or early in 2020.

67. Following the Secretariat's mission to Tbilisi and Sukhumi this May, it was agreed to launch a project on safeguarding the Abkhaz language through translation techniques. A preparatory meeting was held in Istanbul on 2 September to finetune objectives and modalities before the start of the project planned towards the end of the year. At the same time, the Secretariat will continue the training programme for simultaneous interpreters for the Abkhaz language with the two tracks complementing each other.

CBMs with South Ossetia

68. The Secretariat was unable to obtain access in order to develop and implement CBMs during the reporting period in South Ossetia. 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.

(b) Plans for further action

69. The Secretariat will continue to build on the substantial results of the CBMs carried out since 2010 to maintain the level of trust and contacts between communities on both sides of the dividing lines to promote reconciliation through respect for human rights. At the same time, options will be explored to increase the impact and extend dialogue to new domains with a pragmatic approach relying on the technical support of experts from other member States.

70. In addition to planned follow-up to previous and current initiatives in the field of drug prevention and treatment as well as psychosocial support to women and children suffering from conflict-related violence, efforts will focus on relaunching the dialogue on human rights issues between ombudspersons and professional groups. Other proposals are currently under discussion with the Georgian central government and stakeholders in Sukhumi (via the Liaison Mechanism).