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Consolidated report on the conflict in Georgia  
(October 2016 – March 2017)

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Document presented by the Secretary General

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

## *Introduction*

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

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

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

3. This 15th consolidated report covers the period between October 2016 and March 2017. It builds on the previous consolidated reports<sup>2</sup>, as well as Secretariat reports on the human rights situation in the areas affected by the conflict in Georgia<sup>3</sup> and the report on the Council of Europe activities in the areas affected by the conflict<sup>4</sup> and its updates<sup>5</sup>. The Deputies' decisions on the Council of Europe and the conflict in Georgia are also recalled in this respect.<sup>6</sup>

4. A delegation of the Secretariat carried out a fact-finding visit to Tbilisi on 20-21 February 2017 and had the opportunity to discuss the situation with the Georgian authorities, the Public Defender of Georgia as well as representatives of international organisations. The Secretariat wishes to express its gratitude to the Georgian authorities for their support in organising the visit and to all interlocutors for their assistance and valuable contributions.

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

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

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

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

<sup>6</sup> Cf. decisions adopted by the Deputies' at their 1227th meeting on 12 May 2015, and at their 1255<sup>th</sup> meeting on 4 May 2016

5. Despite continued efforts, the Secretariat was not given authorisation to visit Abkhazia and South Ossetia for the purpose of this consolidated report. Notwithstanding 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 consolidated reports. At the same time, it should be noted that in the period under review the Council of Europe (the Secretariat and experts) has continued enjoying access to Sukhumi for the purpose of implementation of Confidence-Building Measures (CBMs) (cf. Section IV.3).

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

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

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

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

9. Following parliamentary elections in Georgia in October 2016 and his confirmation as the Head of the Government, Prime Minister Giorgi Kvirikashvili pledged to undertake steps towards reconciliation and to create favourable conditions for improving people-to-people contacts with Abkhazia and South Ossetia.

10. In February 2017, the State Minister for Reconciliation unveiled a renewed policy plan aimed at reconciliation, confidence building, and improvement of the situation of conflict-affected communities, transformation of the current situation and creation of a basis for a peaceful and full-scale resolution of the conflict. The plan pursues eight objectives: a peaceful conflict-resolution process; "de-occupation" and "de-escalation" with regard to relationships with the Russian Federation; direct dialogue, confidence building and reconciliation with Abkhazia and South Ossetia; status-neutral and humanitarian co-operation based on mutual interest; addressing the needs of conflict-affected people; facilitating access for residents of Abkhazia and South Ossetia to Georgian Government services and opportunities; sharing the new benefits of co-operation with EU and other partners; mobilisation of international support and co-operation. During the meeting with the delegation, the State Minister for Reconciliation stressed the need for the peace process to acquire more dynamics and a reinvigorated dialogue with communities in Abkhazia and South-Ossetia.

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

11. On 30 December, the new Parliament adopted with bipartisan support a resolution affirming EU and NATO membership as the country's top foreign policy goals. The resolution also states that Georgia will continue to pursue a "rational and principled" policy towards Russia "using international mechanisms" aimed at "minimising threats, strengthening Georgia's sovereignty, de-occupation, restoring territorial integrity and promoting regional stability".

12. The thirty-eighth round of the Geneva International Discussions (GID) took place on 14 December 2016. In Working Group I dealing with security issues, deliberations continued on a potential joint statement on the non-use of force on the basis of a draft by the Co-Chairs. The Georgian authorities expressed hope that some progress in this respect could be made during the forthcoming round, on 28-29 March 2017.

13. In Working Group II focusing on the humanitarian situation, participants continued to discuss issues relating to documentation, crossings, multilingual education, missing persons and cultural heritage. According to the Co-Chairs' diverging views on ways and means to address issues relating to IDPs and refugees, as well as the unwillingness of some participants to engage in a discussion on a matter, however led to the suspension of the round. The Co-chairs reiterated their call to the participants to overcome the differences and engage constructively on all agenda items. All participants nonetheless continued to express commitment and support to the GID as the only forum for relevant stakeholders in the aftermath of the 2008 conflict.<sup>8</sup>

14. While the overall security situation was assessed as relatively stable and calm, new restrictions on freedom of movement enacted by the *de facto* authorities in Abkhazia and recurrent detentions across both Administrative Boundary Lines (ABLs) continued to trigger serious concerns during the reporting period, also in terms of their negative impact on human rights and safety. Several interlocutors in Tbilisi were worried that the most recent developments in this respect risk undermining established trust and improvement of relations in the region.

15. During the period under review, Georgia and Russia continued the process of normalisation of bilateral relations through the informal dialogue between Georgian PM Special Representative for Relations with Russia Zurab Abashidze and Russian Deputy Foreign Minister Grigory Karasin. On 7 February, another round of Abashidze-Karasin consultations was held in Prague. As a follow-up, progress is expected on the implementation of the 2011 Agreement on Key Principles of Monitoring Mechanisms for Customs Administration and Trade in Goods between the two countries. The positive impact of policy of normalisation is particularly noted in the areas of economy, trade, business exchanges and tourism.

16. At the same time, the Georgian Government, as well as large parts of the international community, continued to object resolutely to Russia's "treaty"-based relationships with Abkhazia and South Ossetia respectively in the framework of the so-called "Treaty on Alliance and Strategic Partnership" and "Treaty on Alliance and Integration". The implementation of both so-called "treaties" advanced during the period under review. Notably, on 22 November 2016, the Russian authorities finalised the procedures for the creation of Combined Group of Forces that will consist of Russian and Abkhaz troops in Abkhazia, while on 14 March 2017, the Russian President endorsed a proposal to integrate certain South Ossetian armed units into the makeup of the Russian Armed Forces.

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<sup>8</sup> Press Communiqué of the Co-Chairs of the Geneva International Discussions, 14 December 2016

17. *De facto* parliamentary elections in Abkhazia were held on 12 March. The Georgian Government as well as several international organisations and member states of the Council of Europe condemned them declaring them to be null and void from an international law perspective. During the delegation's visit in Tbilisi, several international interlocutors also pointed at the negative impact of political volatility in Abkhazia on the reconciliation process.

18. In addition, in meetings with the delegation, the Georgian authorities raised serious concerns on the planned *de facto* presidential elections, on 9 April, in South Ossetia, along with a *de facto* referendum on the new name "*Republic of South Ossetia-State of Alania*".

19. In February 2017, the European Union (EU) finalised procedures to lift visas for Georgian citizens travelling to the countries of the Schengen Agreement, effective as of 28 March. On this occasion, the Georgian Government reiterated readiness to make available visa-free travel to the population of Abkhazia and South Ossetia. It is understood that residents of Abkhazia and South Ossetia could be extended this benefit upon acceptance of Georgian citizenship.

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

20. 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*

21. At this stage, there are no further developments to report on the individual applications against Georgia, or against the Russian Federation before the European Court of Human Rights. As regards the second Inter-State application No. 38263/08, in January 2017, the parties filed the written submissions relating to the hearing of witnesses which was held at the Court in June 2016.

22. Since the last report, the investigation authorised by the International Criminal Court (ICC) and conducted by the ICC Prosecutor has continued. On 18 February, Georgian PM Kvirikashvili met with ICC Prosecutor Bensouda and reassured her of the full and active support of the Georgian Government in the course of the ongoing investigation.

23. Also, in January 2017, the International Federation for Human Rights (FIDH), its member organisation in Georgia, the Human Rights Center (HRIDC), and the Norwegian Helsinki Committee (NHC) called on the Georgian authorities to take concrete steps towards accountability for crimes committed during the 2008 conflict, including, by renewing investigation, ensuring access of victims to their national case file and renew communication with the victims in order to respect their rights to effectively participate in national proceedings based on the ICC complementarity principle. The organisations also pointed out that most of the victims contacted by them in Georgia are not aware of the ICC proceedings.<sup>9</sup>

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

24. The International Committee of Red Cross (ICRC) continues to support efforts aimed at clarifying the fate of missing persons. It is recalled, that according to the figures made public by the ICRC, 126 people remain missing as a result of the armed conflict that took place in the 1990s, and 42 as a result of the 2008 conflict.<sup>10</sup> The tenth meeting of the Tripartite Coordination Mechanism on clarifying the fate of the persons unaccounted for took place under the ICRC auspices in Versoix, Switzerland, where the sides agreed, among other things, on a plan for excavations of potential gravesites in 2017. The positive atmosphere of the meetings and the progress made since the Mechanism resumed in February 2016 have been acknowledged. The ICRC new five-year strategy has as a focus to accelerate the work on clarification of the fate and whereabouts of missing persons.

25. In addition to the work on missing persons, the ICRC facilitated family visits to places of detention in South Ossetia, as well as providing small-scale assistance and psychosocial support programmes to vulnerable groups, including the families of the missing and mine victims. The ICRC also assisted with medical crossings for persons living in and around Tskhinvali.

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*

26. The Georgian authorities continue to reiterate their support to actions and steps beneficial for building trust and direct contacts between divided communities, including the Liaison Mechanism established under the United Nations Development Programme (UNDP), which continues to function, facilitating *inter alia* the delivery of various types of humanitarian assistance.

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<sup>9</sup> FIDH press release, 11 January 2017

<sup>10</sup> ICRC news release, 16 December 2016

27. It was reported to the delegation that discussions on the possibility to introduce changes to the "Law on Occupied Territories" resumed after the constitution of the new Parliament. It is recalled that, in 2013, the Parliament adopted in first reading draft amendments that provide, *inter alia*, for decriminalising first time violations of entry procedures to the territories that are not under the control of the central government by treating them as administrative offences.<sup>11</sup> Their adoption in second reading is pending.

28. The Public Defender of Georgia (PDO) has in the meantime called on the government to consider the possibility of a more substantial revision of the Law. On 9 February, the PDO issued a special report<sup>12</sup> and recommended that violations related to entry be fully decriminalised and treated as administrative offences, in particular in view of the lack of information regarding entry procedures. In particular, the Public Defender believes that in special cases serving Georgian state interests and humanitarian purposes, access to Abkhazia and South Ossetia from points other than those allowed in the Law should not be considered "illegal". He also recommended that more enabling procedures and mechanisms are developed with a view to ensuring the long-term and unhindered operation of international organisations working on humanitarian, human rights protection and confidence-building activities in Abkhazia and South Ossetia, as well as with a view to encouraging cross-ABL economic and trade activities. At the same time, the PDO has proposed establishing a mechanism that would enable easier access for their residents to Georgian citizenship, including if necessary through recognition of *de facto* documentation. During the delegation's visit, many international interlocutors welcomed these recommendations.

29. Against this background, the UN agencies and funds as well as several development agencies of individual states along with international NGOs have pursued their engagement through various co-operation activities in Abkhazia. The EU continues to support these actions in line with its engagement without recognition policy.

30. In addition to the humanitarian response activities, it was highlighted to the delegation that co-operation was expanding specifically in the areas of agriculture and education. Operational constraints, however, were mentioned in relation with the registration requirement for NGOs in Abkhazia but also transfer assistance-related funds from the government-controlled territory to Abkhazia in view of the restrictions under Georgia's Law on Occupied Territories. Support to local civil society actors in addressing the conflict consequences is provided under the Third Phase of the Confidence Building and Response Mechanism (COBERM) programme, funded by the EU and implemented by the UNDP.

31. As far as infrastructure projects are concerned, the EU also continued to provide funding to a large part of reparations of the Inguri Hydropower Plant, Abkhazia's main energy supplier. The rehabilitation of the Inguri bridge infrastructure was recently completed under a UNDP initiative supported by the EU.

32. As regards access to South Ossetia, no major progress has been observed in terms of access since the last report. By consequence, international engagement remains limited both in terms of actors and scale of activities, though the delegation was informed that attempts are being made to overcome this blockage.

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<sup>11</sup> Cf. 9<sup>th</sup> Consolidated report on the conflict in Georgia SG/Inf(2014)17

<sup>12</sup> According to the report, since 2009, some 395 foreigners have faced criminal charges for violating the Law. Fifty-one were imprisoned and the rest paid a fine.

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

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

34. In several statements and comments during the period under review the Georgian authorities maintain that the human rights situation in Abkhazia and South Ossetia has deteriorated, notably in view of the new restrictions of freedom of movement. The Ministry of Foreign Affairs of Georgia continued to express strong concerns on the human rights violations in its quarterly reports.<sup>13</sup>

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

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

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

36. According to the assessments by the GID participants, the security situation has remained relatively stable and calm.<sup>14</sup> However, in meetings with the delegation, the Georgian authorities identified detentions related to ABL crossings as a critical security concern for the local population.

37. Since its resumption in May 2016, the Incident Prevention and Response Mechanism (IPRM) in Gali facilitated by the UN Geneva co-chair has continued to function as the only format on the ground to alleviate security tensions and address incidents. All interlocutors positively assessed the process and the commitment of the participants. A regular and enhanced activation of the hotline is reported in connection to the IPRM resumption.

38. It is understood that lack of progress regarding the investigation conducted by *de facto* authorities into the murder of an ethnic Georgian in the vicinity of the ABL, in May 2016, represents a challenge for joint efforts to sustain security and build trust between the sides. A large part of the Gali IPRM agenda is consecrated to this issue. The Georgian authorities stressed the need to bring the perpetrator to justice and informed the delegation that they had transmitted the necessary information to the Abkhaz side. However, no agreement on the matter was reached as of the time of the delegation's visit. It was also reported to the delegation that a general insecurity feeling persists among the local population in Khurcha in the aftermath of the incident.

39. Meanwhile, the identified suspect was tried *in absentia* on murder charges by a Georgian court, which sentenced him to 12 years' imprisonment in December last year. On 10 March, the court of appeal reportedly increased the sentence to 14 years. On 17 March, Interpol issued a red notice warrant on the suspect.

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<sup>13</sup> Fourth quarterly report of the Ministry of Foreign Affairs of Georgia covering the period October-December 2016

<sup>14</sup> Press Communiqué of Co-Chairs of Geneva International Discussions, 14 December 2016



### III.1.ii Freedom of movement

40. The main critical development over the reporting period concerns the closure of two additional crossing points on the ABL, namely Khurcha/Nabakevi and Meore-Otobaia/Orsantia, pursuant to a decision of the *de facto* authorities adopted on 28 December 2017, which became effective on 5 March 2017.

41. Although anticipated, the decision prompted severe negative reactions both at the national level and internationally. The UN, the OSCE and the EU advised against such unilateral steps while warning about the detrimental effect on the freedom of movement, cross-ABL trade, access to healthcare and education as well as other aspects of daily lives of the local population, and more broadly on the security situation in the region. In this context, they called upon all actors to engage constructively in the Geneva International Discussions. On 10 March, the *de facto* authorities in Abkhazia reiterated that the decision was not subject to revision and that "it met the security needs of all its citizens".<sup>15</sup> In meetings with the delegation, all international interlocutors converged on the important humanitarian impact of the closures also in view of the fact that approximately 600 crossings per day reportedly take place in each location. The Georgian central government and international interlocutors expressed very strong concerns about the consequences of the decision.

42. While the road linking villages adjacent to the ABL with the main crossing point over the Inguri bridge has been repaired and a shuttle service is in place, these measures are deemed to be insufficient to cope with the needs of the local population. It would appear that the new rules will have a particularly worrying effect on schoolchildren and humanitarian crossings. Crossing itinerary in some cases is extended to over 50 km. Moreover, the purported closure of yet another crossing point has been announced in the future, leaving only the Inguri road bridge where over 1,500 crossings are reported on a daily basis. The local residents in the Gali district peacefully protested against these measures, on 25 January.

43. Freedom of movement continues also to be very negatively affected by the ongoing so-called "borderisation" process, which according to information provided by the Georgian central government, has resulted in a 48 km stretch of fencing along the ABL. It was reported to the delegation that the so-called "border zone" with a specific regime adjacent to the ABL inside the territory of Abkhazia had been expanded since November 2016.

44. It is anticipated that the reduction in the number of crossing points will inevitably lead to an increased number of detentions, which continue to occur regularly in case of crossings in "unauthorised" points and/or due to lack of valid documents. According to the Georgian Security Service, 190 detention cases were reported in the course of 2016 across the ABL with Abkhazia. While as a rule those apprehended are released after being shortly detained and paying a "fine", the delegation continued to receive reports about instances of ill-treatment. A drastic increase in "fines" – up to ten times higher – for recurrent "violations" is reported to be recently enforced.

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<sup>15</sup> Comments of the *de facto* Ministry of Foreign Affairs of Abkhazia, 7 March 2017

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

45. It was reported to the delegation that in December 2016, the *de facto* Parliament of Abkhazia adopted changes to the *de facto* law on the status of foreign citizens that regulates, among other things, the status and rights of the ethnic Georgian population in the Gali district. At the time of the delegation's visit to Tbilisi and as reported to the delegation by international interlocutors, the distribution of the new residence permits had not yet started.

46. The new changes reportedly foresee that the majority of Gali district residents who have Georgian citizenship will be granted "permanent residency" rights, however, it is understood that these changes do not address all outstanding issues. While it is anticipated that one improvement might purportedly concern crossings along the ABL, lack of clarity persists with respect to other rights attached to the permanent resident status, such as property rights. In discussions with the delegation, representatives of the Georgian central government expressed concern that restrictions for receiving the temporary and permanent "residence permits" remain unchanged.

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

47. As regards the situation with the Georgian language education in the Gali districts schools, no major developments have been noted since the last report. It is recalled that Russian has replaced Georgian as the language of instruction in all 11 schools in Lower Gali in the grades from one to five, following the practice enforced in the Upper Gali where all schools shifted to Russian language curricula since 2008. In these grades, access to the native Georgian language has been reduced to two classes per week of Georgian as a foreign language, which are taught in addition to one class of Georgian literature per week. In discussions with the delegation, representatives of the Georgian central government also expressed concerns that training of Gali teachers has become more difficult in view of stricter controls and that Georgian textbooks provided by the Ministry were confiscated on several occasions.

48. The Georgian authorities continue to consider this policy as highly discriminatory and have consistently raised the issue in various international formats. Both Georgian and international interlocutors also pointed to a growing dropout rate believed to be due to the combined effect of reduced access to native language and the growing restrictions on freedom of movement of schoolchildren in spite of the assurances provided in this latter respect by the Abkhaz side in the beginning of the 2016 school year.

49. At the same time, it was reported to the delegation that in January 2017 the Georgian central government had proceeded with approving legal amendments aimed at easing the recognition of education documents issued by the *de facto* authorities with the aim of encouraging students from Abkhazia and South Ossetia to pursue higher education studies in government-controlled territory as well as abroad, through international education programmes.

### III.1.v *Cultural heritage*

50. On 3 January 2017, in Abkhazia a multi-layered archaeological site forming part of the cultural heritage in the region was reported to sustain serious damage as a result of construction works in the vicinity of Russian military training grounds located in the Tsebelda village. It was also reported that the *de facto* authorities promptly intervened and were able to stop the works preventing larger damage of the site and later set up a joint commission with the Russian authorities to address the issue. The Georgian authorities strongly condemned the incident and informed the delegation that the matter had been referred to UNESCO and would be raised in the next round of Geneva International Discussions.

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

51. Following the so-called "borderisation" phase that resulted in installation of fences and barbed wire stretching over 52 km along the ABL, ploughing of furrows and deep ditches along the ABL were pursued during the period under review. As a result, local residents continued to be unable to access their agricultural and grazing lands in particular during the harvesting period.

52. At the same time, the delegation was informed that the *de facto* authorities had eased some of the restrictions in terms of access to the so-called "border zone" adjacent to the ABL, following several protests and criticism by South Ossetia residents who were unable to visit villages situated within the designated area. In particular, on 27 January 2017, the *de facto* government removed special permissions required to enter the so-called "border zone". Other restrictions including the requirement of a permission to carry out livelihood activities within 100 m distance from the ABL reportedly remains in force.

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

54. International observers estimate that over 500 crossings per day take place along the ABL, out of which 400 at the Odzisi/Mosabruni main crossing point to Akhagori; a region populated mainly by the ethnic Georgian population, a part of which continues to commute to and from government-controlled territories after being displaced as a result of the 2008 conflict. Notwithstanding the stable crossing rates, some interlocutors maintained that the crossing point is regarded as "temporary" by the *de facto* authorities and continues to operate in view of the still complicated transport connection between Akhagori and Tskhinvali. Reportedly, the previous weight restriction on merchandise (50 kg) allowed through the ABL was lifted during the period under review.

55. Alleged violations of the "border" regime by the local population keep resulting in short-term detentions by the *de facto* authorities who keep imposing "fines" on the persons concerned. It was reported to the delegation that at least 10 cases of detentions per month could be ascertained by observers on the ground, although similar to Abkhazia, admittedly the number could be higher.

56. In discussions with the delegation, representatives of the Georgian central government expressed fears that the practice of longer-term detentions could be reinstated. In this respect they once again drew the delegation's attention to the case of a Georgian IDP from the Gori district that was detained in June 2016 for "illegal border crossing", and sentenced to over 20 years of imprisonment on 3 February 2017 allegedly on crimes relating to "illegal possession of weapons" during the August 2008 conflict. The delegation was also informed that another person had been recently released after a relatively long detention period in Tskhinvali.

57. As far as identity documents are concerned, the delegation was informed that new "permissions" valid for three years were being distributed to the ethnic Georgian population in Akhalkalaki as replacement for long expired documents. While this measure is thought to improve the situation with freedom of movement and the conduct of daily activities, the Georgian authorities have reported cases when "permissions" were issued with a much shorter validity period of three months. Separation of family members appears to remain a pressing concern for the local population in Akhalkalaki, in particular as not everybody has been able to obtain the new ID documentation.

58. Meanwhile, according to media reports, the *de facto* authorities have also started to re-issue "passports" to the local Georgian population for the first time since 2014, in a move that appears to be related with *de facto* presidential elections scheduled for 9 April. On 1 March 2017, *de facto* President of South Ossetia Tibilov declared that ethnic Georgians could be hired to serve in local administration posts.

59. During the period under review, the participants from the Georgian central government and South Ossetia continued to meet regularly in the presence of the European Union Monitoring Mission (EUMM) and the OSCE Geneva Co-Chair in the framework of the IPRM in Ergneti to address security concerns and incidents. The continued readiness of the participants to address jointly security concerns by effectively using the hotline to manage incidents on the ground has been valued by the international co-facilitators.

### *III.3 The situation of Internally Displaced Persons*

60. During the period under review, no progress could be reported as regards the voluntary, safe, dignified and unhindered return of internally displaced persons (IDPs) and refugees on the basis of internationally recognised principles. While the issue remains in the agenda of the GID, as mentioned elsewhere in this report, diverging views and objections expressed in particular by some participants have prevented substantive discussions.

61. Pending return to areas of habitual residence, the Georgian central government has continued to invest considerable efforts and resources in the local integration of IDPs in co-operation with international partners. In early 2017, the government adopted a new Action Plan to implement the State Strategy on IDPs for the period 2017-2018. It encompasses three main objectives: provision of durable housing solutions (DHS), improvement of socio-economic conditions as well as improving awareness and outreach.

62. Provision of durable housing continued to receive enhanced attention from the government and the implementation of various programmes focusing on construction, rehabilitation and purchasing of accommodation, as well as its transfer to IDP ownership, advanced during the reporting period. Under the new Action Plan, it is planned that over 2,000 families will benefit from the state housing programme and an additional 2,000 families from the privatisation programme during 2017. In a positive step, the MRA is also seeking to address the situation of IDPs living in destitute conditions in dilapidated collective centres. Around 18 such facilities have been designated as unfit for living and will be closed while the evaluation of additional 50 will be conducted in 2017.

63. While the government's efforts have been acknowledged, the process of local integration and improving of living conditions of IDPs undoubtedly remains a task of a daunting scale also in view of the generational aspects of displacement reflected in their growing numbers. It is recalled that over 50,000 IDP households still need durable housing. In terms of improvement of socio-economic conditions, the IDP Livelihood Agency, funded by the EU and Georgian state budget, has continued to support vulnerable IDP households with programmes focusing on agriculture and vocational training under the Livelihood Action Plan 2016-2017. It is however evident that access to sustainable livelihoods, quality education and social and medical services is becoming predominantly a broader development question that needs to be addressed within national and regional development plans.

64. Against this background, in consultation with IDPs, the UNHCR and other stakeholders, the government has initiated the long-awaited reform of state assistance to IDPs by mainstreaming it within the general social welfare score-based system, thus shifting from a status-based to a needs-based approach. It is planned that once the new policy becomes effective, the released funds will be reallocated to accelerate housing and other socio-economic programmes and allow for prioritising and enhancing support to the most vulnerable IDP households.

65. While this critical change is strongly supported by the international community, in meetings with the delegation several interlocutors noted the process was politically sensitive and the measure had been challenged by some political parties. For its part, the MRA confirmed that it was determined to achieve consensus of all stakeholders through consultations with the Public Defender, experts and civil society organisations before the adoption of the relevant amendments to the Law on IDPs.

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

##### *IV.1 Parliamentary Assembly of the Council of Europe*

66. On 7 December 2016, the Assembly's Committee on Migration, Refugees and Displaced Persons designated a new rapporteur, Mr Killion Munyama (Poland, EEP), for a report on "Addressing the humanitarian needs of internally displaced persons: recent lessons and future challenges in Europe", which will draw on the conclusions of the Committee's discussions in Tbilisi in March 2016 with the Georgian authorities, the Ombudsman of Georgia and international experts. The debate on internal displacements in the South Caucasus will continue in Baku on 15-16 March 2017. The report will examine the humanitarian needs of IDPs in the region, with a view to drawing general policy conclusions and making recommendations to member states for improving their management of such situations in future.

The rapporteur will carry out fact-finding visits to the countries concerned, including in Georgia, with the view to presenting the report for debate at the PACE autumn part-session.

#### *IV.2 Operational activities*

##### *DGII/Women's rights*

67. The CoE continues to address the situation of IDP women in the framework of the ongoing regional project focusing on protection from violence against women, including those with a vulnerable background. In March 2017, the Secretariat and the Government of Georgia plan to hold a seminar dedicated to this subject in Tbilisi in order to raise awareness about existing international standards, in particular the Istanbul Convention, as legislative amendments related to its ratification that were approved by the government are under consideration by the parliament. A project on preventing and combating violence against women and children will be launched later in 2017.

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

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

68. During the period under review, the CBMs programme continued to evolve both in terms of the diversity of thematic issues and participants, driven by a need to respond to concrete problems faced by the populations in conflict-affected areas as identified jointly by different actors across the conflict divides. At the same time, follow-up was ensured for a number of previous initiatives in order to maintain the mutual trust already established between participants.

69. All activities during the reporting period were closely co-ordinated with the Office of the Georgian State Minister for Reconciliation and Civic Equality and through the UNDP Liaison Mechanism, as well as other international actors active on the ground. In meetings with the delegation, the Georgian authorities acknowledged the special role of confidence-building actions and measures in the framework of wider reconciliation efforts and expressed a strong interest in their continuation.

##### *CBMs with Abkhazia*

70. The fourth meeting between Public Defenders and civil society representatives from Tbilisi and Sukhumi took place in Venice on 14-16 December 2016. The meeting took stock of the situation concerning the themes previously discussed. The appointment of a new Ombudsman in Sukhumi, with changed responsibilities in line with the recently adopted *de facto* law, was welcomed as an excellent opportunity to envisage concrete follow-up actions.

71. As a follow-up, a training session on international standards and practices for members of public defenders offices and prison staff from Tbilisi and Sukhumi was held for the first time at the Council of Europe Youth Centre in Budapest from 1-3 March 2017 with the participation of both Ombudsmen. The possibility of additional training sessions in the coming month is being considered based on the clear interest expressed by the participants. The meeting also served as an opportunity to raise common issues of concern with respect to prisons and detentions.

72. As regards the ongoing project focusing on architectural heritage, the main development to report is the field assessment phase conducted by the Secretariat and experts in Gudauta, during 16-21 October 2016. This activity, which involved the training of local experts in carrying out on-site assessment on the basis of elaborated methodology, was crucial for the completion of the pilot study in Gudauta. The possibility of presentation of the study findings by Abkhaz experts is currently under discussion.

73. Following two successful activities on “Drugs prevention and treatment” for professionals from Tbilisi and Sukhumi, the Secretariat organised expert missions to Tbilisi and Sukhumi from 21 to 25 November 2016, preceded by a self-assessment exercise that mapped existing drugs prevention and treatment options. Experts and Secretariat visited relevant facilities on the ground and assisted the beneficiaries in finalising a mapping exercise and provided recommendations for further joint work in this area.

74. The publication on archives material concerning victims of repressions in 1937-38 in Abkhazia was finalised at a meeting in Paris on 8-9 December 2016. The publication is currently being printed and it is expected to be available in May 2017. It is planned that it will be presented to special and interested audiences in Tbilisi and Sukhumi before summer.

75. A training session aimed at developing professional competences on human rights education of children on the basis of the CoE handbook “Compassito” was conducted in Budapest on 23-27 November 2016, in co-operation with the Youth Educators. It benefited 24 educators and other professionals working with children in Tbilisi and Sukhumi both in the formal and non-formal educational contexts.

76. The Secretariat has used several thematic CBMs as training opportunities for beneficiaries of its programmes on simultaneous interpretation from/to the Abkhaz language. In parallel, the second and third technical working sessions for simultaneous interpreters were conducted respectively on 22 November 2016 and 28 February 2017.

#### *CBMs with South Ossetia*

77. Various factors, not least the difficult access to South Ossetia, continue to prevent a meaningful involvement of participants from Tskhinvali in the CBMs programme. The Secretariat will nevertheless continue to make available the ongoing CBMs to a limited number of beneficiaries. The Secretariat is in particular working to help South Ossetian young people to participate for the first time in the Youth Peace Camp, which will take place at the European Youth Centre in Strasbourg from 30 April to 7 May 2017.

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

78. Regarding CBMs with Abkhazia, proposals for several initiatives are currently under discussion with the Georgian central government and stakeholders in Sukhumi (via the Liaison Mechanism). Notably, preparations are going on in view of the development of new activities focusing on protection of rights of persons with disabilities, as well as a new project on education as follow-up to the completed training sessions on an interactive, multicultural approach to language teaching.

79. The initiatives for psychology and psychiatry specialists working with traumatised children, interpreters from/to the Abkhaz language, historians and museum management professionals are planned to be further developed, along with action focusing on architectural heritage, drug addiction, domestic violence and human rights in prisons. A stronger involvement of journalists in the CBMs programme continues to be explored, including activities on the role of media in addressing questions related to women's rights and empowerment of women.

80. Taking into account substantial feedback generated during the meetings of the Public Defenders and civil society representatives from Tbilisi and Sukhumi, it was agreed that CBMs would be expanded in the field of human rights awareness.

81. It is recalled that the CBMs form part of the existing Council of Europe Action Plan for Georgia and until now the programme has been financed through the Ordinary Budget, with the exception of a meeting between ombudspersons of 14-16 December 2016 that was supported by a voluntary contribution.