

Information Documents

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**Consolidated report on the conflict in Georgia
(April – September 2023)**

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 armed conflict between the Russian Federation and Georgia in August 2008, to report on the related activities of the Council of Europe and to propose further Council of Europe action. The report is composed of four parts:

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

3. This 28th consolidated report covers the period between April and September 2023. It notably builds on the previous consolidated reports and on the related decisions by the Deputies.

4. From 30 June to 2 July 2023, the Secretary General paid a working visit to Georgia, including to the Occupation Line (OL) in Odzisi and to the village of internally displaced persons (IDPs) in Tserovani. In addition, a delegation of the Secretariat carried out a fact-finding visit to Tbilisi on 12-13 September 2023 and had the opportunity to exchange with the Georgian authorities, as well as with representatives of international organisations. On this occasion the delegation also visited the OL. The Secretariat wishes to express its gratitude to the Georgian authorities for their support in organising the visits and to all interlocutors for their assistance and valuable contributions.

5. The Secretary General continues to call for access in view of fact-finding visits to the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia for the preparation of consolidated reports. The Secretariat was not given access on this occasion. In the period under review, the Secretariat and experts continued to have contacts for the purpose of the implementation of Confidence-Building Measures (CBMs) (cf. Section IV.1.ii).

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 at the European Court of Human Rights.

7. It is a fundamental objective of the member states of the Council of Europe to uphold the territorial integrity of Georgia. In their successive decisions, the Deputies have reiterated their unequivocal support for the sovereignty and territorial integrity of Georgia within its internationally recognised borders.¹ The Deputies have called upon the Russian Federation to stop and reverse illegal processes and to comply with its international obligations and commitments. 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.

8. This report does not prejudice or infringe upon a possible future political settlement of the conflict, nor potential progress within the framework of the Geneva International Discussions (GID) on the implementation of the six-point Ceasefire Agreement of 12 August 2008 between the Russian Federation and Georgia under the auspices of the European Union, and the implementing measures of 8 September 2008.

I. Update on major developments in the period under review

9. The 57th and 58th rounds of the GID were held on 4 and 5 April 2023 and on 11 and 12 July 2023 respectively, under the co-chairmanship of the United Nations (UN), the European Union (EU) and the Organization for Security and Co-operation in Europe (OSCE). In a continued highly challenging regional and geopolitical environment, the participants reiterated their commitment to the process and interest in ensuring the continuity of the GID as the only platform where the conflict consequences are addressed. The key role played by the GID as a platform for predictability and dialogue, for the benefit of security and stability, as well as the well-being of conflict-affected populations has also been underlined.²

10. Concerning discussions on core issues, in their press communiqué, the Co-Chairs noted that following intense exchanges on the non-use of force and international security arrangements at the 57th round, the participants could not reach a common understanding on this core item on the agenda.³ According to the Co-Chairs, the participants actively engaged on the issue during the 58th round. As in previous rounds, the issue of IDPs and refugees could not be fully covered due to the walkout of some participants.⁴ During exchanges in Tbilisi, the delegation was informed that humanitarian and human rights issues, including freedom of movement, documentation, education and missing persons remained high on the agenda. The 59th GID round is scheduled to take place in December 2023.

11. The Georgian authorities assessed that amid the ongoing Russian military aggression against Ukraine, the security environment had continued to deteriorate, and the risk of escalation remained elevated. Several interlocutors noted that the war in Ukraine continued to have an adverse impact on the discussion in Geneva. At the same time, representatives of the Georgian Government emphasised to the delegation the importance of the GID as the only format addressing Russia's international obligations relating to the armed conflict.

¹ CM/Del/Dec(2022)1433/2.1 (latest decision of the Ministers' Deputies of 4 May 2022).

² Press communiqué of the Co-Chairs of the Geneva International Discussions, 5 April 2023.

³ *Ibid.*

⁴ Press communiqué of the Co-Chairs of the Geneva International Discussions, 12 July 2023.

12. As regards developments in the region, the Georgian authorities expressed concerns over recent statements by the authorities in control regarding the stated intention to establish a permanent Russian naval base in the Georgian region of Abkhazia, as well as to join the Union State of Russia and Belarus. They also underlined their deep apprehension in relation to the announced “agreement” regarding the transfer of the facilities of the Sukhumi airport to a Russian legal entity for reconstruction and future operation, in yet another apparent violation of Georgia’s independence, sovereignty and territorial integrity.

13. The events marking the 15th anniversary of the August 2008 armed conflict between the Russian Federation and Georgia were held in a calm environment without any reported incidents on the OL. Various international reactions on this occasion broadly reaffirmed strong support to Georgia’s independence, sovereignty and territorial integrity within its internationally recognised borders, condemned Russia’s violation and emphasised the need for a peaceful resolution on the basis of international law. On 10 August, the UN Security Council (UNSC) held a closed-door discussion of the situation in Georgia requested by UNSC members Albania, France, Japan, Malta, the United Kingdom and the United States, followed by a joint statement of these states at a press stakeout.⁵

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

14. Below is an update on statutory obligations and specific commitments – as listed in Parliamentary Assembly 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.*

15. During the reporting period, the Georgian Government reiterated its commitment to pursue peace. In his speech to the 78th session of the United Nations General Assembly, on 28 September, Prime Minister Garibashvili addressed the Abkhaz and Ossetian people, highlighting the opportunity for a peaceful, stable and prosperous future together.⁶ In meetings with the delegation, the Georgian authorities and international interlocutors continued to underline the importance of a strategic approach to engagement. In this respect, the authorities stressed the need to take into account the evolving geopolitical realities in the process of the new “State Strategy for De-Occupation and Peaceful Conflict Resolution” and the strategic review of the 2010 Engagement Strategy and its Action Plan.

⁵ See comments by Albania on behalf of France, Japan, Malta, United Kingdom, and United States on Georgia available at <https://media.un.org/en/asset/k1r/k1r0tfp2t5>.

⁶ [Speech](#) delivered by the Prime Minister of Georgia at UNGA 78.

16. As reported previously, the European Court of Human Rights delivered its Grand Chamber judgment on the merits on 21 January 2021 in the inter-State application *Georgia v. Russia (II)* (Application no. 38263/08) concerning the armed conflict between the Russian Federation and Georgia in August 2008 and its consequences. The Deputies recalled in their decision of 4 May 2022 that the judgment established the responsibility of the Russian Federation for grave human rights violations during the period of occupation of the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia following the August 2008 war as the state exercising effective control over those regions including the killing, torture, ill-treatment and arbitrary detention of Georgian civilians and military personnel, the looting and burning of Georgian homes, the inhuman treatment of Georgians targeted as an ethnic group, and the deprivation of the right of IDPs and refugees to return to their homes.⁷ The Government of Georgia submitted its observations under Article 41 of the Convention in January 2022, accompanied by the list of victims. In its judgment on just satisfaction, on 28 April 2023, the Grand Chamber of the Court ruled that the respondent state, the Russian Federation, was to pay cumulatively the applicant Government, Georgia, within three months, EUR 129 827 500 in respect of non-pecuniary damage suffered by an identifiable group of individual victims of the afore-mentioned violations of the Convention.

17. Regarding the pending inter-State application *Georgia v. Russia (IV)* (Application no. 39611/18) lodged in August 2018, concerning the alleged deterioration of the human rights situation along the OL, it is recalled that the Court declared the application admissible on 20 April 2023. In a separate case, *Mamasakhlisi and Others v. Georgia and Russia* (Application nos. 29999/04 and 41424/04), relating to human rights violations pre-dating the August 2008 armed conflict between the Russian Federation and Georgia, the Court found on 7 March 2023 violations of the Convention by the Russian Federation and no violation by Georgia. The Court concluded that, due to its sustained and substantial political and economic support for Abkhazia and dissuasive military involvement, Russia had exercised effective control and decisive influence over the area and thus had jurisdiction in respect of the matters complained of.⁸

18. Following the conclusion of the investigation authorised by the International Criminal Court into the *Situation in Georgia* covering the period from 1 July 2008 to 10 October 2008, for war crimes and crimes against humanity allegedly committed in and around the Tskhinvali region/South Ossetia, Georgia,⁹ the three arrest warrants issued by the Office of the Prosecutor on 30 June 2022 remain active.

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

⁷ CM/Del/Dec(2022)1433/2.1, 19 May 2022.

⁸ Case of *Mamasakhlisi and Others v. Georgia and Russia* (Application Nos. 29999/04 and 41424/04), judgment of 7 March 2023.

⁹ Statement of the Prosecutor of the International Criminal Court, 16 December 2022.

19. The International Committee of the Red Cross (ICRC) has continued its activities in support of efforts aimed at clarifying the fate and whereabouts of over 2 000 people that remain unaccounted for as a result of the armed conflicts. The 14th meeting of the *“Coordination Mechanism on persons unaccounted for in connection with the 1992-1993 armed conflict and aftermath in Abkhazia”* between Georgian and Abkhaz participants took place in Belgrade, Serbia, on 14 March 2023. On 23 May 2023, the *“Coordination Mechanism on Persons Unaccounted for in connection with the ‘90s, August 2008 Armed Conflicts and their Aftermath”* held its 18th meeting in a hybrid format in Ergneti, gathering Georgian, South Ossetian and Russian participants.

20. During the reporting period, the ICRC also continued to collect and analyse available data for the identification of missing persons and implement forensic capacity-building activities, conduct assessment of burial sites and facilitate the handover of human remains. Relatedly, the ICRC Envoy on Missing Persons in the Caucasus has been engaging with all sides to increase their involvement and ownership. The delegation was informed of the ongoing gradual transition of certain tasks currently undertaken by the ICRC to the Georgian authorities, with the Office of the State Minister for Reconciliation and Civic Equality having successfully taken over the component relating to support of the families of the missing. The delegation was furthermore informed that handover processes were also underway in Sukhumi and Tskhinvali in co-operation with representatives of the families of the missing and relevant stakeholders.

21. In addition to the work on missing persons, the ICRC was able to implement a range of other activities in line with its mandate as a neutral intermediary. They comprised visits of detainees in the Tskhinvali region/South Ossetia and the Tbilisi-administered Territory (TAT) with the aim of securing humane treatment and conditions of detention and of facilitating exchanges of messages between detainees and their families across both OLS. The ICRC delivered assistance to particularly vulnerable families and individuals in both the Tskhinvali region/South Ossetia and Abkhazia. According to the ICRC, since the start of the year, the organisation had also facilitated more than 144 cross-OL medical evacuations for 136 beneficiaries from the Tskhinvali region/South Ossetia.

22. The UN agencies, funds and programmes, along with international NGOs, continued to engage in the Georgian region of Abkhazia through a wide range of programming activities, based on the internationally recognised human rights standards and humanitarian principles, as well as contributing to the overall goal of peacebuilding. It was reported to the delegation that their initiatives remained focused on refurbishment of infrastructure, healthcare, including immunisation, legal counselling and assistance to conflict-affected persons, help for victims of domestic violence, disaster-risk reduction, education and vocational training, child protection mechanisms, generation of livelihood opportunities (notably in agriculture), community-based support, as well as support to civil society and initiative groups. The EU remains a major funder of those programmes, together with individual states.

23. All interlocutors underlined to the delegation the importance of the continuation of international support to projects facilitating people-to-people contacts. The delegation was informed about the start of the new phase of the Confidence Building and Early Response Mechanism (COBERM) – a joint programme of the United Nations Development Programme (UNDP) and the EU – to support civil society actors in locally-led peacebuilding initiatives with a tangible positive impact on the building of trust between conflict-affected societies. The Liaison Mechanism, established within the Georgian Government’s Engagement Action Plan and operating under the aegis of the UNDP (financed by the EU), continued to function without interruption.

24. At the same time, concerns were expressed that the operational environment in the Georgian region of Abkhazia was becoming less flexible. Notably, new restrictions introduced by the authorities in control, ostensibly on security grounds, on conducting surveys and collection of information hampered the ability of international organisations and NGOs to effectively conduct needs assessments. It was also reported to the delegation that questioning of their staff by the security actors regarding their activities was occurring more frequently, while nationally recruited staff were subject to new requirements and verifications when crossing. Several interlocutors cautioned about attempts to undermine confidence-building measures and dialogue.

25. Conversely, despite efforts and calls, no progress was made concerning humanitarian access for the international community to the Tskhinvali region/South Ossetia, which remained severely restricted, giving rise to humanitarian and human rights concerns. International engagement continues to be limited to the ICRC. While involvement of representatives of South Ossetian groups in people-to-people contacts was reported to remain relatively small scale, some interlocutors noted that the number of participants in such activities had seen a gradual increase in the last year.

26. The Georgian authorities continued to provide free medical treatment for the populations in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia. The delegation was informed that, in January-September 2023, 1 139 persons had benefited in the framework of the dedicated State Referral Programme. Additional support of the Georgian Government comprised provision of various medicines, vaccines as well as pharmaceuticals, the delivery of which was facilitated under the Liaison Mechanism and by international partners.

27. The Georgian Government reiterated its commitment to pursuing a peaceful conflict resolution policy through applying pragmatic and humanitarian approaches and facilitating contacts. The flagship peace initiative “A Step to a Better Future” continued to facilitate trade across dividing lines through status-neutral mechanisms with the aim of improving humanitarian and socio-economic conditions of the population living in the Georgian regions of Abkhazia and the Tskhinvali region/South Ossetia. Overall, around 100 joint business projects from numerous applications were provided with funding under the Peace Fund, operating as part of the initiative, including 22 new ones which were selected during the reporting period. According to the authorities, the implementation of most of them is currently ongoing. In the field of education, as part of the same initiative, the government supported the enrolment of 235 students from both regions in Georgian higher education institutions and four Ossetian-speaking students also benefited from the “1+4” programme for ethnic minorities prior to university studies.

28. As regards the conflict-affected population on the Georgian-controlled territory, the inter-agency commission of the Georgian Government has continued to allocate funding to address infrastructure, transportation, heating, education, healthcare and other needs of the villages adjacent to the OL.

III. Human rights situation in the areas affected by the conflict

29. The overall environment was generally assessed by the delegation's interlocutors as not being conducive to the full and effective enjoyment of human rights and fundamental freedoms. It was noted that the security and humanitarian situation on the ground was further impacted by the repercussions of the consecutive crises of the covid-19 pandemic and the ongoing Russian aggression against Ukraine. During the period under review, unilateral restrictions on free movement of people and goods continued to affect, in multiple negative ways, the human rights of the conflict-affected population. In addition, the continuation of various forms of discrimination against ethnic Georgians and failure to address them – as illustrated by the fact that more than 4 600 conflict-affected children are now reportedly deprived of the right to an education in their Georgian native language – contributed to the sense of growing alienation and uncertainty for the future.

30. Manifest lack of progress in the investigation into the deaths of Giga Otkhozoria, David Basharuli and Archil Tatumashvili, or regarding the deaths of Irakli Kvaratskhelia and Inal Jabiev highlighted the issue of persisting impunity and the need to ensure accountability for grave human rights violations.

31. The Georgian authorities reiterated to the delegation their concerns about the state of the Georgian cultural heritage in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia.

32. No progress has been made in ensuring access for international and regional human rights mechanisms, including those of the Council of Europe, to the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia. In its Resolution 52/40 on co-operation with Georgia, adopted on 4 April 2023, the UN Human Rights Council reiterated its call for immediate and unimpeded access.

33. With regard to the Georgian region of Abkhazia, some interlocutors further observed that the co-operation between the local NGOs and Russian human rights organisations was negatively impacted by the Russian authorities' new wave of crackdowns on the latter following Russia's aggression against Ukraine.

34. As far as the gender equality aspects of peace processes are concerned, the Georgian Government continued to implement its Fourth Standalone National Action Plan for the implementation of the UN Security Council Resolutions on Women, Peace and Security for 2022-2024. In line with the goals of the Action Plan, the Georgian authorities promoted dialogue between participants of the Incident Prevention and Response Mechanism, IDPs and conflict-affected women.

III.1 Reports on Abkhazia, Georgia

III.1.i Security

35. The Gali Incident Prevention and Response Mechanism (IPRM) under the auspices of the United Nations has remained suspended due to disagreements among participants. No meetings could be held during the period under review. The international community has been consistent in calling for the resumption of the IPRM without delay and any preconditions. As previously reported, the hotline facilitated by the EU Monitoring Mission in Georgia (EUMM) continues to function.

36. According to interlocutors met in Tbilisi, the period under review was marked by a continuation of “borderisation” activities on the OL, notably through the installation of fencing, cameras and other surveillance equipment. In addition, some interlocutors emphasised the intensification of the “securitisation” trend – the adoption of a reinforced security regime linked to Russia’s aggression against Ukraine. The Georgian authorities reiterated their grave concerns on “borderisation” and more restrictive crossing regimes and the related disruptive effects on freedom of movement, access to livelihood opportunities, social benefits and other rights for the local residents.

III.1.ii Freedom of movement

37. Regular cross-OL movement continued through the reporting period. The number of crossings at the main “crossing point” over the Enguri River has reportedly returned close to the pre-pandemic level, with 2500 people reported to cross daily. However, delays and other issues with obtaining documents used also for crossing purposes, primarily the so-called “foreign resident permits” (see below), hindered freedom of movement for local residents. In addition, the Georgian authorities expressed concerns that the OL remained subject to unilateral closures as witnessed on one occasion at the end of September.

38. Incidents involving illegal detentions continued to be reported. In this respect, the Georgian authorities regretted that in one case involving the release of a detainee they were not notified in a timely manner, in an apparent departure from the existing practice.

39. As regards active cases, in meetings with the delegation, the Georgian authorities reiterated their strong concerns regarding the situation of Irakli Bebuga, who was illegally sentenced to a nine-year imprisonment in December 2020, in view of his reported serious health issues, as well as the continued illegal detentions of Kristine Takalandze and Asmat Tavadze dating back to 2022. The Georgian authorities continued to call for their immediate release in various international formats. Representatives of the Georgian Government reiterated to the delegation the gender dimension of illegal detentions which they regarded as an expression of additional pressure on the most vulnerable groups.

III.1.iii Humanitarian situation

40. The humanitarian plight of the ethnic Georgian population in the Georgian region of Abkhazia continued to sustain attention. The reopening of the two “crossing points” continued to have a positive impact in alleviating the negative socio-economic consequences of the covid-19 pandemic through allowing people’s access to basic rights, services and livelihoods in the territory controlled by the Georgian Government, including medical facilities and markets in Zugdidi. It was also reported that trade and commercial activity had continued to further rebound, including following a recent decision by the authorities in control to extend the list of goods that can be traded through the OL, which was seen as another positive and necessary step by some of the delegation’s interlocutors in Tbilisi.

41. Emergency medical evacuations to Tbilisi-controlled territory have remained available throughout the reporting period, owing also to the effective facilitation via the EUMM-managed hotline.

III.1.iv Identity documents

42. Documentation gaps constitute a recurrent problem which adversely impacts on the status of the ethnic Georgians, primarily in Gali but also Ochamchire and Tkvarcheli, with adverse implications for their daily lives as well as effective enjoyment of their rights, in particular freedom of movement, work and property rights.

43. While the authorities in control continued to issue so-called “foreign resident permits”, significant delays have been reported due to a lengthy and complicated process and an important backlog. In addition, the reported introduction of an additional requirement to prove permanent residence, is understood to have created new difficulties and uncertainty for students and those employed on territory controlled by the Georgian Government. With the so-called “foreign resident permits” first issued in 2017 reaching their five-year term, it has been reported that the validity of the “Form No. 9” identification documents which facilitate freedom of movement and some access to basic services has been extended until December 2023.

44. More generally, concerns consistently voiced by the international community do not appear to have been addressed. It has been noted that the so-called “foreign resident permit” does not provide the full scope of rights. In addition, it has been reported that restrictive eligibility requirements exclude a considerable number of people from obtaining it, including potential future returnees, while grounds for rejection are broad and open to interpretation. Against this backdrop, the UN has called for easing the eligibility requirements.¹⁰

¹⁰ Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, report of the UN Secretary General, 11 May 2023.

45. As previously reported, many among the local population continue to appear reluctant to accept the “foreigner status”, conferred by the so-called “foreign resident permits”, in their land of origin. According to the Georgian authorities, such treatment constituted a deliberate discrimination policy against ethnic Georgians.

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

46. Access to mother tongue-based education in Georgian remains unavailable, after teaching in Georgian was phased out last year in the schools of the Gali district. It is recalled that the ban is effective not only in schools, but also in kindergartens in the Georgian region of Abkhazia, where the education process takes place predominantly in Russian and to a very limited extent in the Abkhaz language. Georgian language and literature continue to be taught from the 1st grade to the 11th grade, but are limited respectively to a maximum of one hour per week.

47. The Georgian Government continued to strongly denounce the ban as another manifestation of discrimination and an attempt to undermine the Georgian identity and culture, contrary to international standards. In meetings with the delegation, they also voiced concern about instances of pressure on Georgian language teachers in Gali. The overall negative impact on the quality of education, due to insufficient professional capacities and skills required to teach in the Russian language forcing many teachers to undergo re-qualification, was also stressed.

III.2 Reports on the Tskhinvali region/South Ossetia, Georgia

III.2.i Security

48. Security observers continued to assess the security situation along the OL as relatively stable, including during and around the anniversary of the August 2008 armed conflict between the Russian Federation and Georgia.¹¹ Security incidents however continued to be reported especially in relation to detentions. The Georgian authorities informed the delegation, *inter alia* of a violent attempt to detain two local residents near the village of Chvrinisi, located in the Georgian-controlled territory in the Kareli municipality, involving the shooting of weapons in the air by the Russian border guards. The instrumental role played by the EUMM-managed hotline to defuse tensions and facilitate the exchange of information was noted by all the delegation’s interlocutors.

49. There were no new developments to report concerning the security situation in the Chorchana-Tsnelisi section of the OL, which remains unresolved and fraught with the risk of escalation. Extensive discussions in this regard continued in the IPRM format.¹²

50. The “borderisation” process and its negative effects on the local population, in particular on freedom of movement and livelihood, continued to raise concern. The Georgian authorities reported to the delegation 25 new instances involving the installation/reinforcement of observation posts, new fencing and so-called “border signs”, as well as fresh digging of anti-fire lines.

¹¹ Press release, OSCE, 114th Incident Prevention and Response Mechanism meeting takes place in Ergneti, 12 September 2023.

¹² Press release, OSCE, 112th Incident Prevention and Response Mechanism meeting takes place in Ergneti, 27 April 2023.

51. The Ergneti IPRM, continued to convene on a regular basis. Three such meetings were held during the period under review with the most recent, the 114th meeting, taking place on 12 September 2023. The EUMM and OSCE have commended the sustained commitment of the participants to the format which remains crucial to discussing and addressing issues related to freedom of movement, detentions and other incidents that affect the security and humanitarian situation on the ground. In this framework, constructive discussions have taken place on various other topics of concern for the conflict-affected population, including irrigation water and electricity. Technical meetings of experts conducted in conjunction with the IPRM on such issues, notably irrigation, have also proved useful in facilitating engagement and co-operation.¹³

III.2.ii Freedom of movement

52. Freedom of movement remains significantly restricted due to the closure of the OL, although the exception allowing for temporary crossings between the 20th and 30th day of each month continues to apply. As was reported to the delegation, around 200 crossings take place daily in and out of Akhagori. In a positive development, the opening of the “crossing points” was extended to Orthodox Easter and during the *Lomisoba* religious festivities in June, allowing local communities on both sides to visit religious sites. According to the Georgian authorities, the relaxation of the crossing regime applies only to the local residents.

53. As a result of the prolonged closures, the populations living on both sides of the OL continue to face obstacles that isolate them from each other, restrict their livelihood opportunities, hinder their family relations, as well as affect their religious practice. Women, children and the elderly are understood to be particularly affected.

54. The delegation was informed of 28 reported cases of illegal detentions by Ossetian and Russian border guards from the start of the year. During the most recent 114th IPRM meeting, it was positively noted that some cases of long-term detentions had been recently solved with the co-facilitators encouraging participants to discontinue the practice of detentions and advocating for the release of remaining detainees. At the time of the delegation’s visit, there remained four active cases. In general, fear of detention persists among the local population, exacerbating the sense of insecurity.

III.2.iii Humanitarian situation

55. The prolonged periods of closure continued to significantly hamper the agricultural, farming and other traditional livelihood activities, affecting in particular the ethnic Georgian residents in the Akhagori district. They also hinder access to markets, pensions and other social benefits on the Georgian-controlled territory. With temporary openings applying solely to the movement of pedestrians, the flow of goods and food products has remained restricted with little or no opportunity left to resume trade. Cases of loss of employment due to inability to return to the region have also been reported.

¹³ Press release, OSCE, 113th Incident Prevention and Response Mechanism meeting takes place in Ergneti, 3 July 2023.

56. While the partial reopening of the “crossing points” on the OL has helped to alleviate some of the hardships, all the interlocutors met by the delegation during the visit stressed the urgent need for a full re-opening to offset the negative consequences of isolation. The delegation did not receive indications of an imminent change in this regard. It was reported in the meantime, that the authorities in control had announced that family members of elderly people in Akhagori would be allowed to stay in the region for up to three months with a view to helping to prepare for the upcoming winter.

57. Concerns persist regarding access of residents from the Tskhinvali region/South Ossetia, Georgia, to quality healthcare in territory controlled by the Georgian central government. The prolonged periods of closure of the “crossing points” negatively affect patients suffering from chronic diseases and requiring constant medical care.

58. It was reported that persons in need of emergency medical evacuations to territory controlled by the central government generally proceeded without obstacles during the period under review, although the delegation was informed of isolated cases, including one recent case involving an elderly person, when the permission for the procedure was denied.

III.2.iv Identity documents

59. Difficulties with access to so-called “permission documents” used for crossing purposes continued to negatively affect freedom of movement. In addition, the delegation was informed that such “permissions” were automatically cancelled if not used within a certain period of time, forcing their holders to reapply. The issue appears to be currently discussed between the Georgian population and the authorities in control. The latter have announced that close relatives of those residing in the Akhagori district will soon have access to the document to allow them to stay in contact with their family.

III.2.v Access to education, including teaching of/in the native language

60. Similar to the Abkhaz context, access to education in the Georgian native language remains unavailable in all seven schools in the Georgian-inhabited Akhagori district, reinforcing the general perceptions of discrimination. Teaching in all schools in the region takes place in Russian forcing those who want to receive an education in the native Georgian language to relocate to territory controlled by the Georgian central government.

61. In June 2023, Georgian human rights defenders reported further interference with the education process following searches and the seizure of documents in all six schools which previously provided instruction in the Georgian language.¹⁴

¹⁴ See report of the Democratic Research Initiative, 29 June 2023.

III.3 The situation of internally displaced persons (IDPs)

62. During the period under review, no progress could be reported as regards the voluntary, safe, dignified and unhindered return of IDPs and refugees on the basis of internationally recognised principles. On 7 June 2023, the UN General Assembly adopted the resolution “Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia” (A/77/L.73) by a vote of 100 in favour to nine against, with 59 abstentions.

63. According to the Georgian authorities, there are at present 294 907 persons (constituting approximately 92 000 families) with IDP status. In the absence of conditions conducive to their return, the Georgian Government continued to undertake efforts to provide IDPs with alternative durable solutions. A new Action Plan for IDPs for 2023-2024 was adopted through a participatory process and is currently being implemented.

64. As regards durable housing solutions (DHS), several programmes implemented by the Agency for Internally Displaced Persons, Ecomigrants and Livelihood are ongoing, including purchasing of individual apartments and their subsequent transfer to the IDPs’ private ownership, construction of new apartments across the country, rent subsidy as well as provision of temporary accommodation in case of emergency. In total, according to the authorities some 51 000 (56%) of IDP families are provided with DHS. The authorities conveyed to the delegation their hopes that the continuation of the DHS would allow them to close, by 2026, all remaining collective centres, the conditions in which are often substandard. They also stressed that attention was also being paid to the situation of IDPs residing in private accommodation, who often face equally inadequate housing conditions.

65. While provision of accommodation is listed as a priority by both IDPs and the government, the authorities also updated the delegation about the Agency’s steps to assist the IDPs on access to livelihoods during the period under review. The government continued to provide monthly allowances and one-time monetary assistance which is based on assessment of the level of income and needs through a scoring system. In a further step towards a full needs-based approach, legal amendments were adopted under which those of minor age before 1 January 2023, will be considered for provision of DHSs along with their family members and not individually. However, in light of the magnitude of displacement, it is understood that further reforms are necessary to address the substantial challenges in terms of access to employment, healthcare and education. In this context, the delegation was informed that the authorities had started a needs assessment process with a view to the future preparation of a new strategy.

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

IV.1 Operational activities

IV.1.i DG II/Youth

66. Youth leaders and facilitators from both sides of the OL took part in the 2023 Youth Peace Camp that was held on 4-11 July, in Strasbourg. The activity was successful in supporting dialogue among the young people; the participants also committed to developing follow-up initiatives or activities within their communities and youth groups.

IV.1.ii Operational activities on confidence-building measures and their follow-up

67. During the reporting period, the Secretariat implemented the programme of CBMs aimed at promoting reconciliation and dialogue efforts in close co-ordination with the Office of the State Minister of Georgia for Reconciliation and Civic Equality and the Liaison Mechanism.

68. Support to the dialogue on archives between professionals from Sukhumi and Tbilisi continued with a meeting in Paris, on 26-28 April. The official presentation of four joint publications and four feature documentaries on various historic events took place in Tbilisi, on 22 June. The possibility of organising a similar presentation in Sukhumi is currently being examined via the Liaison Mechanism. A subsequent meeting in this track, which remains of high interest to the beneficiaries, took place in Paris, on 17-18 October.

69. Upon invitation of the Secretariat, the winners of the Youth Peace Award, an initiative of the Office of the State Minister for Reconciliation and Civic Equality focusing on the role of youth in peacebuilding processes, will for the first time attend the World Forum for Democracy (WFD), in Strasbourg. It is planned to further institutionalise this practice to ensure annual attendance at the WFD by young people from both sides of the OL.

70. As regards pipeline initiatives, the modalities of activities aimed at supporting the Abkhaz language are currently being discussed. Other proposals are in the phase of consideration jointly with the Georgian Government and all stakeholders.

71. Interlocutors met by the delegation in Tbilisi stressed the importance of the continuity and regularity of CBMs and in general people-to-people contacts to preserve the long-established dialogue and the trust built between all actors concerned.