



**Special Report of the Public Defender of Georgia**  
**On the Rights of Women and Children in Conflict-Affected**  
**Regions**

**Review of 2014-2016**

**Public Defender of Georgia**  
**Tbilisi**  
**2017**



Special report is published with the financial support of Polish Aid.

The contents of this publication are the sole responsibility of the author and does not reflect the views of the Polish Aid

## Table of Contents

<b>I.</b>	<b>Introduction</b> .....	<b>4</b>
<b>II.</b>	<b>Women’s Rights</b> .....	<b>5</b>
1.	Gender-based violence against women .....	5
	Domestic Violence.....	5
	Early Marriage .....	7
	Honor Killings .....	7
2.	Women’s Reproductive Health and the Ban on Abortion in Abkhazia .....	8
3.	Women’s Political Participation .....	9
4.	Women, Peace and Security.....	11
<b>III.</b>	<b>The Rights of Children</b> .....	<b>12</b>
2.	The Rights of Children to Life and Health.....	13
3.	Child Poverty.....	16
4.	Documentation and Related Violation of Rights.....	17
5.	Issues Related to Children’s Safety, Illegal Detentions, and Inappropriate and Degrading Treatment 17	
6.	The Right to Education in one’s Native Language and Issues Related to Quality of Education.....	19
7.	Rights of Children with Disabilities.....	21
8.	Child Development Opportunities .....	22
<b>IV.</b>	<b>Recommendations</b> .....	<b>23</b>

## I. Introduction

The current human rights situation in the occupied territories of Abkhazia and Tskhinvali region has largely been shaped by the conflicts of the 1990s and ensuing developments. The conflicts have particularly affected women and children, resulting in a shifting socio-economic role for women which, in turn, exposed them to increased risk of violence. Trauma inflicted by the conflict and persistently poor social conditions are directly correlated with domestic violence, with women and children most often the victims. This problem is exacerbated by a lack of proper protection mechanisms, crisis centers, and psychological rehabilitation services. These problems pertain to all conflict-ridden contexts, including Georgia, and in particular the regions heavily-affected by conflict and military activity. In spite of the fact that armed conflict ended 25 years ago in Abkhazia and eight years ago in Tskhinvali region /South Ossetia, human rights issues continue to pose serious challenges for local communities.

The situation is further exacerbated by limited access to the occupied territories on the part of international human rights organizations such as the Office of the UN High Commissioner for Refugees (UNHCR), the Commissioner for Human Rights of the Council of Europe, and the Organization for Security and Cooperation in Europe High Commissioner for National Minorities (SCE HCNM), among others. Importantly, until 2010 these organizations could pay visits to Abkhazia and Tskhinvali region without any restrictions, with UN-supported human rights offices operating in Sukhumi and Gali before the mission's mandate was terminated as the result of a veto imposed by the Russian Federation.

Local civil society organizations work to raise awareness, provide legal counseling, and advocate for improved healthcare provisions with whatever meager resources at their disposal. Abkhazian organizations tend to be more active in advocating children's and women's rights and have been able to affect some positive outcomes. For instance, as early as 2008, Abkhaz civil society championed the adoption of a law granting equal rights and opportunities to both women and men.<sup>1</sup> The law regulates such issues as prohibiting discrimination, equal rights at workplaces, equal remuneration for labor, and gender analysis of the legislation, among others. Unfortunately, there are not enough mechanisms in place to ensure effective implementation of the law, however, its very existence is indication that gender-based problems are being recognized. On the other hand, there are few local organizations advocating for the rights of children or focusing on issues related to informal education.

There is no consistent oversight on the rights of women and children in the conflict-affected regions. Nor are there quantitative surveys, statistics, or other data available to paint a realistic picture of local trends and needs. The lack of reliable data was a challenge for the Office of the Public Defender of Georgia in the course of preparation of the present report, as the Public Defender has no direct representation in Abkhazia and Tskhinvali region and, hence, no direct access to the regions. Consequently, the report does not fully cover the range of problems and challenges that affect women and children in the regions. The content provided in this report is solicited from claims submitted to the Office of the Public Defender, information provided by focal points or local partners, and open sources. To ensure reliability of the report, it only highlights those facts which the Office of the Public Defender has managed to verify.

---

<sup>1</sup> 'Law of the Republic of Abkhazia on Equal Rights and Opportunities for Men and Women', available at: <https://goo.gl/aDzYbl> [Last accessed 30.11.2016].

## II. Women's Rights

### 1. Gender-based violence against women

#### Domestic Violence

Based on the assessment of the Public Defender as well as local NGOs and individuals working on gender-related issues, domestic violence represents one of the most complex and latent problems in Abkhazia and Tskhinvali region. Appealing to law enforcement agencies with respect to domestic violence cases is not an encouraged practice in either region. In most cases, victims continue to live with abusive spouses while local law enforcement agencies do not take domestic violence cases seriously and are reluctant to interfere in what is often viewed as a private matter.<sup>2</sup> This situation further undermines victims' trust in law enforcement. There are no shelters or crisis centers to provide protection and safety to victims. In the past, there was a shelter operated by a local NGO where victims could stay for periods of three to 15 days, however, that shelter was shut down due to lack of funding.<sup>3</sup>

In spite of the scarcity of organizations working on domestic violence, a mobile team continues to function in Gali. The team regularly visits local villages to provide psychological, medical, and legal counseling to women and raise awareness about women's issues in local communities.<sup>4</sup>

Regretfully, there are no statistics on domestic violence either in Abkhazia or Tskhinvali region. Unverified information suggests that throughout 2015, instances of domestic violence in Gali resulted in five deaths and one ongoing missing persons case.<sup>5</sup> According to Avangard, a Gali-based NGO, in 2016, 75 cases of domestic violence were reported in the Ochamchire, Tkvarcheli, and Gali districts combined, compared to 44 cases in 2015.<sup>6</sup>

Representatives of local NGOs believe that an increase in domestic violence crimes is directly linked to the region's recent history, specifically the armed conflict of the 1990s and deteriorating economic conditions.<sup>7</sup>

Domestic violence was considered a serious issue in Abkhazia as early as 2012 when a local women's organization, *Women's Association of Abkhazia*, developed a draft law devoted to combating domestic violence.<sup>8</sup> Although the law was never adopted, the initiative still managed to stir discussions around issues of combating domestic violence. Development of the draft law was preceded by a region-wide survey administered by the Women's Association of Abkhazia. Sixty women from different occupations, age groups, and ethnic backgrounds were interviewed in the course of the survey. Findings suggested that most of the respondents considered domestic violence to be an issue in Abkhazia, however, they also

---

<sup>2</sup> Information provided by a focal point to the Public Defender of Georgia, 2016.

<sup>3</sup> Information provided by a focal point to the Public Defender of Georgia, 2016.

<sup>4</sup> "The mobile group is the only chance for women to consult with a gynecologist", *Kvinna till Kvinna*, 30.09.2014, available at: <http://kvinnatillkvinna.se/en/2014/09/30/the-mobile-team-is-womens-only-chance-to-see-a-gynecologist/> [Last accessed 10.11.2016]. Also, based on information provided by a focal point to the Public Defender of Georgia.

<sup>5</sup> Public Defender of Georgia, *Situation in Human Rights of the Conflict Affected Communities of Georgia*, 2015, P. 28.

<sup>6</sup> "Who and how provides support to female victims of domestic violence in Abkhazia", Mariana Kotova, 19.11.16, *Netgazeti*. Available at: <http://netgazeti.ge/south-caucasus/155426/> [Last accessed 30.11.2016].

<sup>7</sup> "Opportunities for combating domestic violence discussed at Z. Achba Center", 28 November, 2012, *Apsnipress*. Available at: <http://www.apsnipress.info/news/vozmozhnosti-razresheniya-problem-sv-yazannykh-s-domashnim-nasiliem-obsuzhdalis-v-tsentre-im-z-achba/> [Last accessed 9.11.2016].

<sup>8</sup> "Public pressure in Abkhazia to adopt a law against domestic violence", Anaid Gogorian, 8 December 2012, *Institute for War and Peace Reporting*. Available at: <https://goo.gl/nvcWDL> [Last accessed 09.11.2016].

thought it to be a latent problem. At the same time, the respondents believed the state must punish perpetrators of such violence, but that local law enforcement agencies were currently unable to protect women from perpetrators.<sup>9</sup>

According to representatives of the Women's Association of Abkhazia, the organization is often approached by female victims of physical, psychological, or economic violence. Unfortunately, there are no mechanisms in place to provide these victims with effective protection.<sup>10</sup> Women who have tried to appeal to the police claim that police officers refuse to process their statements, rather advising them to calm down.<sup>11</sup>

Based on information available to the Public Defender of Georgia, only a few domestic violence victims have managed to cross over to Georgian-controlled territory and seek available services, including both state and non-state administered shelters and medical, psychological, and legal support services. However, the absence of a domestic violence shelter in Zugdidi, which would be the closest point of access for victims of domestic violence in Abkhazia, remains a problem.

The situation faced in Tskhinvali region is much graver compared to that in Abkhazia, as the number of activists working on domestic violence issues is extremely low. In addition, there are no protection or prevention mechanisms currently in place. As disclosed to the Public Defender's Office by one resident of Akhgori, she would not dare to report domestic violence to local law enforcement for fear of subsequently being ridiculed by them and possibly the entire community.<sup>12</sup>

In 2015, the Public Defender's Office became aware of an alarming case taking place in Tskhinvali region, which was also reported in the parliamentary report. In 2015, the Public Defender of Georgia was approached by, a citizen of Georgia, according to whom, her daughter J.T., currently residing in occupied Tskhinvali region had been consistently abused physically and psychologically by her spouse, eventually resulting in deterioration of her health condition. The Public Defender found that J.T.'s husband worked with law enforcement and did not allow her to cross the Administrative Boundary Line to return to her parents residing in Shida Kartli. The situation severely and negatively affected their children, ages 7 and 9.

The Public Defender addressed local and international organizations working in Tskhinvali region, who confirmed that J.T. was in dire need of medical and psychological assistance. However, their involvement further complicated the situation. Even though local de facto police, as well as de facto Prosecutor's Office and representatives of Ossetian delegation to the Incident Prevention and Response Mechanism (IPRM) have been informed on the situation, there have been no measures taken to protect the victim from the perpetrator or render adequate assistance.

Central government agencies responsible for providing services to victims of domestic violence are unable to provide the necessary support and services to individuals residing on the occupied territories, unless victims of violence are able to cross the Administrative Boundary Line and enter Georgian-controlled territory.<sup>13</sup>

---

<sup>9</sup> 'Opportunities for combating domestic violence discussed at Z. Achba Center', 28 November, 2012, Apsnypress.

<sup>10</sup> 'Opportunities for combating domestic violence discussed at Z. Achba Center', 28 November, 2012, Apsnypress.

<sup>11</sup> Information provided by a focal point to the Public Defender of Georgia, 2015.

<sup>12</sup> Information provided by a focal point to the Public Defender of Georgia, 2015.

<sup>13</sup> Public Defender of Georgia, Situation in Human Rights of the Conflict Affected Communities of Georgia, 2015, PP. 28-31.

## Early Marriage

Based on the information available to the Public Defender's Office, early marriage among girls represents a common social problem. As law enforcement agencies tend to refrain from responding to early marriage cases, justice rests within families. However, in most cases families refuse to accept the return of female victims of early marriage, as they believe it will damage the family's honor and public reputation. The Public Defender is aware of 11 cases of early marriage among girls in Gali over the past three years (in 2016, the number of school children in Gali totaled 4,363) including one case where both spouses were minors.<sup>14</sup> It can be assumed that the practice of early marriage is just as common in other parts of Abkhazia, in Tskhinvali region, and in Georgian-controlled territory.<sup>15</sup> However, the Public Defender has no direct access which would allow it to acquire the full picture.

## Honor Killings

So-called honor killing constitutes one particularly egregious form of violence against women. Women who are believed to have dishonored their families or clans by deviating from established social norms are at risk of honor killings, which tend to occur in patriarchal societies where such crimes are met with silence.

A recent case involving the death of a young woman in Abkhazia raised concerns among local organizations working on women's issues. According to the official version of events, the young woman committed suicide. In a statement issued by women's organizations on 21 September 2016, the signatories argued that there had been several cases involving revenge against women by their family members for alleged violation of established moral norms, which was never a tradition upheld in Abkhaz society. The authors appealed to law enforcement structures to take adequate measures and effectively investigate the case in order to prevent further such occurrences of violence.<sup>16</sup>

Information circulating among members of Abkhaz society suggests that a young woman hanged herself in Gudauta. Many people believe that she was in fact murdered, or pushed to commit suicide by members of her family for allegations of infidelity to her husband. The victim had reportedly been threatened shortly before her death.<sup>17</sup> Notably, according to a friend of the victim, no forensic examination was performed on the body, as postmortem investigation is not a common practice in Abkhazia. The Head of Gudauta District Division of the Ministry of Interior of Abkhazia responded that no statement or claim had been filed with the police and, therefore, no criminal investigation was launched. He also rejected the possibility that the incident could be qualified as an honor killing and argued that social-economic conditions may have led the victim to take her own life. On the other hand, the Prosecutor's Office pledged to investigate the case and said they were ready to take part in discussions about it.<sup>18</sup>

---

<sup>14</sup> Information provided by Gali Resource Center. 13.12.2016.

<sup>15</sup> See a special report of the Public Defender of Georgia on *Early Marriage: Challenges and Solutions* 2016. Available at: <https://www.ombudsman.ge/uploads/other/3/3488.pdf>.

<sup>16</sup> A statement made by the Women's Initiative Club. 21.09.2016, *Asarkia*. The text of the statement is available in Russian at: <http://asarkia.info/society-mix/1888/> [Last accessed 17.11.2016].

<sup>17</sup> 'Apsuara does not imply such methods', Elena Zavodskaya, 22 September 2016, *Radio Echo Kavkaza*. Available in Russian at: <http://www.ekhokavkaza.com/a/28007260.html> [Last accessed 17.11.2016].

<sup>18</sup> 'Women calling on to stop honor killings in Abkhazia', Ana Gritsevich, 26 September 2016, 'Kavkazski Uzel'. Available in Russian at: <http://www.kavkaz-uzel.eu/articles/289993/> [Last accessed 17.11.2016].

International law treats violence against women as a form of discrimination against women and a violation of human rights.<sup>19</sup> So-called honor killings, which are often motivated by deep-rooted prejudices and attitudes, represent one form of violence against women. Such prejudiced views regard women as subordinate to men and justify gender-based violence as a form of protection or attempt to control women.<sup>20</sup> The UN General Assembly resolution (on Working towards the elimination of crimes against women and girls committed in the name of honour) calls for prompt investigation and thorough documentation of crimes committed in the name of honor, as well as prosecution of perpetrators. At the same time, the Resolution highlights the importance of awareness-raising measures and efforts to eradicate gender stereotypes.<sup>21</sup>

## ***2. Women's Reproductive Health and the Ban on Abortion in Abkhazia***

On 9 February 2016, the Abkhazian authorities passed a law fully banning termination of pregnancy, even in cases when pregnancy threatens the health of the mother. The only exception was made with regard to antenatal death, commonly referred to as stillbirth. Official statistics suggest that 700 abortions were performed in Abkhazia in 2015, only 15 of which were justified by medical reasons, with social factors accounting for most of the remaining cases.<sup>22</sup>

Efforts to combat demographic decline have provided the rationale behind adoption of the law. According to the law, life must be protected from its very conception. The law also provides additional provisions for the protection of motherhood and maternal health. For instance, a new employment law prohibits women from working underground or in activities which require heavy labor in hazardous conditions. The law also provides the right to maternity leave.<sup>23</sup> Only two de facto MPs chose not to back the law, one of them being the only female member of Abkhazia's de facto parliament.<sup>24</sup>

The adoption of the law was met with vitriol from civil society organizations and de facto government agencies. For instance, representatives of the de facto Ministry of Health urged the parliament to revisit the law as, in its current form, it is unlikely to augment the birth rate and is instead likely to result in a series of healthcare challenges.<sup>25</sup> Abkhaz doctors also share this view, highlighting financial factors and arguing that an increase in the birth rate depends on the economic wellbeing of families.<sup>26</sup> As of today, families who raise three or more children are eligible for a monthly allowance. However, civil society representatives argue that the allowance amount is too small to improve the economic livelihoods of families. In addition, considering the fact that contraceptives are not widely used in Abkhazia, the abortion ban is expected to lead to an increase in illegal abortions, which pose danger to women's lives and health.<sup>27</sup>

---

<sup>19</sup> Recommendation N19 of the Committee on the Elimination of Discrimination against Women, 1992, Para 1.

<sup>20</sup> Ibid, Para 11.

<sup>21</sup> Resolution 59/165 adopted by the UN General Assembly on 20 December 2004, Para 3.

<sup>22</sup> 'Anti-abortion law takes effect in Abkhazia', Internet publication 'Kavkazski Uzel', 10.02.2016. Available in Russian at: <http://www.kavkaz-uzel.ru/articles/277361/> [Last accessed 10.02.2016].

<sup>23</sup> De-facto Law of Abkhazia on Healthcare, Article 40. Available in Russian at: <https://goo.gl/jpwZwe> [Last accessed 16.11.2016].

<sup>24</sup> 'Agreement to ban abortions signed', Elena Zavodskaya, Radio 'Ekho Kavkaza'. 18.12.2015. Available in Russian at: <http://www.ekhokavkaza.com/content/article/27436256.html> [Last accessed 11.01.2016].

<sup>25</sup> 'Medical experts decry Abkhazia's 'rash' abortion ban', Anaid Gogoryan, 17 March 2016, Institute for War and Peace Reporting. Available at: <https://goo.gl/h2eob1> [Last accessed 16.11.2016].

<sup>26</sup> 'Fatima Kharzalia: „MPs should be aware of international practice', Elena Zavodskaya, 'Ekho Kavkaza', 21.12.2015. Available in Russian at: <http://www.ekhokavkaza.com/content/article/27441072.html/> [Last accessed 11.01.2016].

<sup>27</sup> Ibid.

With the efforts of women's organizations and activists, the newly-established *Women's Initiative Club* has already held a series of meetings, including meetings devoted to the abortion ban, to cultivate the idea of amending the law to permit abortion based on medical concerns.<sup>28</sup> In addition, the Club's activists have conducted a sociological poll to ascertain the population's general attitude about the abortion ban.<sup>29</sup> The poll's findings suggest that the majority of respondents (85 percent) disagree with the decision of parliament to impose a ban on abortion.<sup>30</sup>

Tskhinvali region is also affected by demographic decline. However, there has been no initiative to ban abortion. Abortion is regarded as taboo there and women are reluctant to discuss it openly. International practice suggests that banning abortion is not a solution to demographic problems, rather it results in an increased rate of illegal abortions and higher mortality rates among women.<sup>31</sup> Statistical data suggests that in those places where abortion is illegal, unsafe abortion is one of the biggest contributors to high mortality rate among women. Measures aiming to improve families' social standing and support single mothers are considered more effective measures for resolving demographic problems.<sup>32</sup>

As highlighted in a 2014 statement by the Committee on the Elimination of Discrimination against Women, safe abortion is an integral part of the right to sexual and reproductive health. The same statement argues that unsafe abortion is a key factor causing maternal mortality, and therefore abortion should be allowed at least in cases when sexual violence, incest, female health risks, or life threatening conditions are involved, or when the embryo is severely damaged.<sup>33</sup> Prohibiting abortion in such circumstances violates the rights of woman to health and privacy and in some instances the right to protection from cruel, inhuman, or degrading treatment.<sup>34</sup>

### 3. *Women's Political Participation*

Political participation among women in Abkhazia and Tskhinvali region is very low, a trend shared with the rest of Georgia. According to the 2015 parliamentary report of the Public Defender of Georgia, only

---

<sup>28</sup> 'The law against abortion accelerated activities of women's organizations in Abkhazia', Anaid Gogoryan, 29 July 2016. Available at: <https://goo.gl/In9pxs> [Last accessed 11.01.2016].

<sup>29</sup> The sociological survey was administered as a joint effort of the Women's Initiative Club and civil activists. Overall, 809 individuals were interviewed as part of the quantitative research while 10 in-depth interviews and three focus group discussions were conducted under the qualitative part of the research.

<sup>30</sup> Overall, 809 individuals were interviewed, the majority of whom were women. Those who approved of the ban on abortion were mainly from Gali and Gudauta. Review of Public Opinion Poll Concerning the Ban on Abortion, Women's Association of Abkhazia, 15 July 2016. Available in Russian at: <http://www.awa-abkhazia.com/events/20/?month=7&year=2016&bxajaxid> [Last accessed 16.11.2016]. 'Survey: What the Abkhaz Society Thinks about the Ban on Abortion', Anaid Gogoryan, 19 August 2016. Available in Russian at: <https://goo.gl/Zi7OSV> [Last accessed 16.11.2016].

<sup>31</sup> Facts and Consequences: Legality, Incidence and Safety of Abortion Worldwide, Susan A. Cohen, Guttmacher Policy Review, Autumn 2009, Volume 12, Issue 4. Available in English at: <https://www.guttmacher.org/pubs/gpr/12/4/gpr120402.html> [Last accessed 11.01.2016].

<sup>32</sup> 'Application of the Convention for the Elimination of all Forms of Discrimination against Women for Advocating Reproductive Rights', Global Justice Center. Available in English at: [http://www.globaljusticecenter.net/index.php?option=com\\_mtree&task=att\\_download&link\\_id=171&cf\\_id=34](http://www.globaljusticecenter.net/index.php?option=com_mtree&task=att_download&link_id=171&cf_id=34) [Last accessed 11.01.2016].

<sup>33</sup> Statement of the Committee on the Elimination of Discrimination against Women on sexual and reproductive health and rights. Fifty-seventh session, 10-28 February 2014. Available in English at: <http://www.ohchr.org/Documents/HRBodies/CEDAW/Statements/SRHR26Feb2014.pdf> [Last accessed 11.01.2016].

<sup>34</sup> Information series on sexual and reproductive health and rights: abortion, UN High Commissioner for Human Rights. Available in English at: [http://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO\\_Abortion\\_WEB.pdf](http://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO_Abortion_WEB.pdf) [Last accessed 02.2016].

one woman managed to obtain a seat in Abkhazia's 35-member parliament as a result of the 2012 parliamentary elections (constituting only 2.8 percent of total representation, while in previous years the number of female MPs ranged from two to four).<sup>35</sup> By December 2016, there were two women in Abkhazia's 12-member cabinet (16.6 percent). The female members serve as the minister of culture and protection of historical monuments and the minister of justice, respectively.<sup>36</sup> In de-facto local self-government elections held on 3 April 2016, women constituted approximately 7.5 percent out of 170 candidates.<sup>37</sup>

The issue of women's political participation has been a long-term challenge for Abkhazia. Research conducted in 2013 demonstrated that despite formal equality, serious problems persist in Abkhazian society. The research also revealed disappointment regarding politics which discourages women from engaging in political activities. Also, underdeveloped local self-governance in Abkhazia further weakens the role of local communities, another contributing factor. These findings corroborate that there are few women in the political leadership who serve as role models for others to boost women's political participation.<sup>38</sup>

The authors of the study believe that revocation of the majoritarian electoral system is one way to improve the situation. International practice suggests that proportional systems improve women's chances of being elected as MPs. The authors also believe that introducing quotas for women and fostering stronger engagement of local communities in political processes would also contribute to improvement. The authors argue that it is important to raise public awareness of the importance of gender equality to overcome prejudices and stereotypes.<sup>39</sup>

Local NGOs argue that traditional views which do not regard politics as a suitable arena for women, coupled with low self-esteem on the part of many women, reinforce limits on women's political participation. The newly-established Women's Initiative Club, which unites several public organizations and includes women of diverse professions and experiences, aims to change this trend and support women candidates.<sup>40</sup>

The picture in Tskhinvali region looks somewhat better, as the number of women in de facto parliament during the last two terms was six out of a total of 34 members (17.6 percent).<sup>41</sup> As for the government, by December 2016 4 women served as ministers with 8 fellow male ministers (33.3 per cent).<sup>42</sup> Those figures

---

<sup>35</sup> For further analysis see Karolina Ó Beacháin Stefanczak and Aileen Connolly (2015) *Gender and Political Representation in the De-facto States of the Caucasus: Women and Parliamentary Elections in Abkhazia*, Caucasus Survey, 3:3, PP. 258-268.

<sup>36</sup> The structure of the cabinet of ministers of the Republic of Abkhazia. Available in Russian at: <http://www.km-ra.org/index.php/ru/struktura> [Last accessed 20.01.2017].

<sup>37</sup> 'Re-elections to be held in 4 precincts', 4 April 2016, Abkhazia-Inform. Available in Russian at: <http://abkhazinform.com/item/3475-v-chetyrekh-okrugakh-sostoyatsya-povtorno-vybory-v-organy-mestnogo-samoupravleniya> [Last accessed 18.11.2016].

<sup>38</sup> 'Women's role in Abkhazia's public life: How to make it stronger?' 4 February 2013, Apsniyepress. Available in Russian at: <http://www.apsniyepress.info/news/rol-zhenshchin-v-obshchestvennoy-zhizni-abkhazii-kak-ee-usilit/> [Last accessed 18.11.2016].

<sup>39</sup> Ibid

<sup>40</sup> 'Akaba: The number of women in the authorities is on a steady decline', 31.03.2016, 'Sputnik Abkhazia'. Available in Russian at: <http://sputnik-abkhazia.ru/analytics/20160331/1017743614.html> [Last accessed 18.11.2016].

<sup>41</sup> 'Members of the Republic of Tskhinvali region Parliament of the 6<sup>th</sup> Term'. Available in Russian at: <http://www.parliamentso.org/node/42> [Last accessed 11.01.2016].

<sup>42</sup> 'Ministries, the Government of the Republic of Tskhinvali region'. Available in Russian at: <http://rso-government.org/struktura-pravitelstva-respubliki-yuzhnaya-oseiya/ministerstva-i-vedomstva/ministerstva-ryuo/> [Last accessed 11.01.2016].

are higher than those from Abkhazia as well as from the rest of Georgia.<sup>43</sup> Alla Jioeva, a presidential candidate Tskhinvali region in 2011 and presidential runner-up, actually won the election based on information provided by the Tskhinvali region election commission.<sup>44</sup> However, due to ensuing political developments, she did not manage to become president and currently serves as prime minister.<sup>45</sup>

In Georgia, including Abkhazia and Tskhinvali region, women are more active in the civil sector and in the fields of education and healthcare.<sup>46</sup>

#### ***4. Women, Peace and Security***

With the UN Security Council's adoption of Resolution 1325 on Women, Peace and Security in 2000, the international community recognized the important role women play in conflict resolution and tasked participating countries with taking measures to encourage women's participation in all types of representative bodies and mechanisms for conflict resolution. In addition, the Resolution highlights the need for consideration of women's needs in the process of conflict resolution negotiations.

In 2011, the Parliament of Georgia adopted an action plan on the implementation of Resolution 1325 on Women, Peace and Security. However, the equal participation of women in conflict resolution mechanisms and consideration of their needs in negotiations remain challenges throughout the entire territory of Georgia.

In Georgia's two official negotiation formats – the Geneva International Discussions (GID) and the Incident Prevention and Response Mechanism (IPRM), women's participation is very low. At IPRM meetings Georgia is represented by a delegation of six members, one or two of whom are women, while, usually there is no female participant in the Abkhazian and Tskhinvali region delegations. Media reports and images show that even if there are female participants at IPRM, they are seated to the back, instead of negotiation table. The situation with respect to female participation is somewhat better in the Geneva International Discussions: there are three or four women among 10 members of the Georgian delegation, while there is only one woman among five participants from Tskhinvali region and Abkhazia.

The year 2015 gave rise to concerns regarding women's security in Tskhinvali region, in the wake of self-liquidation of two NGOs led by women and working on women's and youth issues. One reason behind the decisions to shut down the organizations was societal pressure exerted on them due to their participation in the peace processes. In his 2015 parliamentary report, the Public Defender stated that "because of the pressure heads of two of the most reputable and experienced non-governmental organizations (Agency for Social-Economic and Cultural Development and the Association of South Ossetian Women for Democracy and Human Rights) made a decision to shut down their respective organizations. As they put it the decision was a response to and a form of a protest against the situation with respect to non-governmental organizations."<sup>47</sup>

---

<sup>43</sup> As of December 2016 there are two female ministers in the cabinet of 18 (11.1 percent) while 24 out of 150 members of the Georgian Parliament are women (16 percent).

<sup>44</sup> Central Election Commission of Tskhinvali region: Jioeva collects 57 percent of votes in the presidential elections, 87 percent of votes have been counted. Internet publication 'Kavkazski Uzel', 28.11.2011. Available in Russian at: <http://www.kavkaz-uzel.ru/articles/196577/> [Last accessed 9.03.2016].

<sup>45</sup> 'Supreme court of Tskhinvali region: results of the elections are declared invalid', Radio 'Ekho Kavkaza', 29.11.2011. Available in Russian at: <http://www.ekhokavkaza.com/content/article/24406138.html> [Last accessed 9.03.2016].

<sup>46</sup> Public Defender of Georgia, Situation in Human Rights of the Conflict Affected Communities of Georgia, 2015, P. 30

<sup>47</sup> The human rights situation of the conflict-affected population in Georgia, Public Defender of Georgia, 2015, P. 68. Available at: <http://www.ombudsman.ge/uploads/other/3/3768.pdf>.

Women have shouldered the brunt of economic hardship and armed conflict since the collapse of the Soviet Union, taking on responsibilities to provide for the economic livelihood of their families. This added responsibility has also exposed women to greater security risks. For instance, by the time of the conclusion of the war in Abkhazia, Abkhazian men were not allowed to cross the border into the Russian Federation. Therefore, only women and occasionally children were allowed to engage in cross-border trade with the purpose of providing for their families. Even today, women in Gali are more audacious in crossing the Administrative Boundary Line into Georgian-controlled territory and often use bypass routes to avoid being detained and possibly abused. As women from Gali claim, women are more active in the district and at the border crossing as well, as “men are less likely to endure abuse and intimidation and a stake for them to get involved in confrontation is high, while women tend to keep quiet and stay calm.”<sup>48</sup>

Women’s needs in conflict-affected contexts come to the fore in particular when they are detained. Even though the Russian Federation’s border forces detain all people – men, women, and children – women and children are more severely affected by detention, as they are usually released upon payment of a fine during late hours, when there is no transport with which to get home. This situation poses serious risks to the security and safety of women and children.

The below table provides official statistics for the number of detainees:

	2011	2012	2013	2014	2015	2016
<b>Total number of detainees</b>	224	300	532	517	504	327
<b>Including minors</b>	7	8	16	14	22	21
<b>Including Women</b>	15	62	111	98	57	32

Source: State Security Service. Noteworthy, that this is incomplete statistics, due to the fact that the Central government is not able to document the detention cases happening on occupied territories. Information possessed by the State Security Service on the number of detentions on Abkhazian division line comprises only 5-10% of total number of detentions here.

The purpose of UN Resolution 1325 was to highlight the risks of insecurity affecting women and raise awareness of women’s needs which may differ from those of men. These risks and needs should be adequately reflected in local, national, and international policies. It is of paramount importance that principles laid out in the UN Resolution be effectively implemented in everyday life and the needs of women residing in conflict-affected areas be given due consideration.

### III. The Rights of Children

In Georgia, Abkhazia, and Tskhinvali region, prevailing social attitudes have traditionally treated children as inferior subjects. In these societies, abusive treatment and indifference toward children is often justified. Traditions

---

‘Self-liquidation as a form of protest’ 05.10.2015, Radio ‘Ekho Kavkaza’. Available in Russian at: <http://www.ekhokavkaza.com/content/article/27289604.html> [Last accessed 03.02.2015].

<sup>48</sup> Interview of Public Defender to residents of Gali, November 2016.

impose restrictions on children from expressing their opinions openly, whether in the household, school, or in public. Consequently, violations of the rights of children are rarely identified or even recognized. Abuse and violation of the rights of children fail to receive headlines, even in particularly grave cases.

Protection of the rights of children in conflict-affected regions is an issue addressed by local and international organizations. However, efforts of local civil society organizations are limited to small initiatives and charity, cultural, and sporting events, while international organizations such as the UN's Children Fund (UNICEF) and World Vision are mostly preoccupied with projects concerning access to healthcare, awareness raising and capacity building. By the end of 2015 the Abkhazian president ordered the office of the special representative for children's issues to be set up,<sup>49</sup> however, as of today, the position remains vacant. Although a new special representative for children's affairs was appointed in Tskhinvali region, few of the representative's activities are known to the broader public.<sup>50</sup>

General assessments by local and international partners suggest that the situation regarding the rights of children is general similar in Abkhazia, Tskhinvali region, and the rest of Georgia. Common problems include child poverty, violence against children, an insufficient number of pre-school education facilities and care institutions for children with disabilities, and a general lack of financial resources, among others. In addition to these constraints, inconsistent or non-existent public policies for the protection and development of children remain major challenges in the conflict-affected regions.

It should be noted, however, that in some respects the situations in Tskhinvali region and Abkhazia are better than those in other parts of Georgia. For instance, these regions do not have children living on the streets or engaged in child labor. However, there are no large-scale childcare institutions in Abkhazia, and extended families or relatives are usually called on to care for orphaned children.

Gali region, however, is the most affected of all the conflict regions with respect to violations of the rights of children. Severe problems persisting in the region directly reflect Abkhazia's widespread problems and complicated political context. Disagreement between parties and the politicization of issues coupled with grave socio-political problems further exacerbate the situation with respect to the rights of children.

## ***2. The Rights of Children to Life and Health***

Underdeveloped medical services and infrastructure, as well as the general low qualification of medical personnel and high cost of medical services on the occupied territories, have negative impacts on the health status of local communities and in particular that of children.

Several hospitals have been rehabilitated in Tskhinvali region in recent years. However, these hospitals are used mainly for primary medical purposes by local communities, while most residents prefer to commute to Vladikavkaz or Tbilisi to seek more sophisticated treatments. Minors treated under the State Referral Program from Tskhinvali region in 2014-2016 accounted for, on average, 10 percent of the program's total beneficiaries, compared to 20.5 percent in 2011-2013.<sup>51</sup> Unverified information suggests that 99 percent of the region's women prefer to go to Vladikavkaz to give birth.<sup>52</sup> In addition to better conditions and equipment, the Russian Federation allocates a financial allowance for each newborn baby.

---

<sup>49</sup> 'Lawyer: 'the institute of the ombudsman for children is not likely to solve the problem'. 27.01.2016. 'Sputnik Abkhazia.' Available in Russian at: <http://sputnik-abkhazia.ru/Abkhazia/20160127/1017005533.html> [Last accessed 06.01.2017].

<sup>50</sup> 'Gulnara Kozaeva appointed as a person in charge for the rights of the child in South Ossetia', 22.04.2016. 'Kavkazski Uzel'. Available in Russian at: <http://www.kavkaz-uzel.eu/articles/281368/> [Last accessed 06.01.2017]; 'Participants of a round table meeting discussed the idea of the law on the youth in South Ossetia'. 20.10.2016. 'Kavkazski Uzel'. Available in Russian at: <http://www.kavkaz-uzel.eu/articles/175744/> [Last accessed 06.01.2017].

<sup>51</sup> Letter N01/90714 of the Georgian Ministry of Labor, Health and Social Affairs to the Public Defender's Office (14 December 2016).

<sup>52</sup> 2016 Information provided to the Public Defender. November 2016.

Healthcare provisions in Abkhazia are somewhat better, in part due to the involvement of various international organizations in the spheres of children's and maternal health. The UNICEF, UNDP, and World Vision routinely support vaccination programs for children as well as trainings for healthcare professionals working with children (doctors, nurses, psychologists, teachers, and police officers). UNICEF has donated medical equipment and materials to district hospitals, maternity hospitals, and rural primary healthcare centers and provided support in the implementation of evidence-based treatment protocols for children's and maternity health. It also supported an immunization program for children that included the introduction of an electronic database for effective vaccination measures.<sup>53</sup>

The Georgian authorities have also taken measures to contribute to an improved healthcare system and access to healthcare services in Abkhazia and Tskhinvali region. During the past several years, ambulances, various equipment and medical items, and tuberculosis and diabetes medication have been provided to the Abkhazian side.<sup>54</sup> Individuals holding Georgian citizenship documents but residing in Abkhazia and South Ossetia are included in Georgia's universal healthcare program, while those who do not possess such documents are still eligible to benefit from the State Referral Program.

In spite of the above-mentioned measures, problems still persist. A high rate of infant mortality has given rise to concerns among the wider public. In October 2016, Abkhaz media reports on frequent cases of infant mortality in Sukhumi maternity hospitals were released to the public. In most cases, the cause of death remains unclear as families refuse to consent to postmortem examinations and medical staff refuse to comment.<sup>55</sup>

According to data provided by the de facto Ministry of Health of Abkhazia, there have been five reported cases of neonatal death in 2016. Five more newborns died in a children's hospital.<sup>56</sup> In addition, two newborns were presumably infected by blue pus bacillus. Concerns have also been raised about outdated and insufficient medical equipment when dealing with complicated infant health conditions.<sup>57</sup>

Identification of these problems has sparked public discussion in Abkhazia. Abkhazian healthcare practitioners argue that "children's inpatient treatment suffers from low professional level", while "protocols for the treatment of children in intensive care units are not followed, treatment is not administered according to syndromes, medical records do not contain information on main and accompanying diagnosis and number of tests performed on children raises questions."<sup>58</sup>

Serious problems have been identified in Gali district, in particular. Local hospitals lack intensive care units and, therefore, many Abkhazians, prefer to use healthcare facilities located either in the Russian Federation or in Georgian-controlled territory. Minors supported by the State Referral Program accounted for, on average, 13-14 percent of the total patients from Abkhazia over the past three years.<sup>59</sup> Minors face a particularly difficult situation: not only does Gali district lack an intensive care unit for children; Zugdidi doesn't have one, either. Zugdidi municipality does not have an ambulance equipped appropriately for children. Children from Abkhazia and Semgelo-Zemo Svaneti are thus usually transported to Kutaisi or Tbilisi using specially-requested ambulance cars.

---

<sup>53</sup> Information bulletins of the UN Children's Fund for 2015 and 2016.

<sup>54</sup> Office of the State Minister of Georgia for Reintegration. Available at: <http://smr.gov.ge/Uploads/ece228e.pdf> [Last accessed 06.01.2017]; Office of the State Minister of Georgia for Reconciliation and Civil Equality, Report on the activities implemented in 2014-2015. Available at: [http://smr.gov.ge/Uploads/merged\\_doc\\_1b4900cc.pdf](http://smr.gov.ge/Uploads/merged_doc_1b4900cc.pdf) [Last accessed 06.01.2017].

<sup>55</sup> 'What is going on in Sukhumi maternity hospital?' Vitali Sharia, 28 October 2016. Radio 'Ekho Kavkaza'. Available in Russian at: <http://www.ekhokavkaza.com/a/28076804.html> [Last accessed 16.11.2016].

<sup>56</sup> 'Existence of an infection in Sukhumi maternity hospital is yet to be confirmed', Elena Zavodskaya, 2 November 2016, Radio 'Ekho Kavkaza'. Available in Russian at: <http://www.ekhokavkaza.com/a/28091372.html> [Last accessed 16.11.2016].

<sup>57</sup> Ibid.

<sup>58</sup> 'What is the Ministry of Health hiding?' 21 December, 2016, 'Aishara'. Available at: <https://goo.gl/FBc53B> [Last accessed 20.01.2017].

<sup>59</sup> Letter N01/90714 of the Georgian Ministry of Labor, Health and Social Affairs to the Public Defender's Office (14 December 2016).

The Public Defender is particularly concerned with the fact that the rights of children to life and health are challenged by political status and other formalities that often contribute to delayed treatment.

First and foremost, a 2011 decision made by the Abkhazian administration in to prohibit ambulance vehicles from crossing the Enguri bridge has been regarded as extremely problematic. Due to that decision, patients have to change ambulances at the checkpoint. When checkpoints are closed (from 8 PM to 7 AM), patients can cross over to the Georgian-controlled territory only with the consent of the Head of the Gali Security Service or covertly through bypass routes.<sup>60</sup> The Public Defender is aware of numerous cases involving the death of minors because of inappropriate or delayed treatment.

The Public Defender of Georgia was informed of a case involving a 13-year old comatose girl being treated at Gali district hospital. It took her parents more than one hour to find a driver with a document ‘permitting the crossing’ and a vehicle to transport the child onto Georgian-controlled territory.<sup>61</sup> In the end, they managed to transport the girl in a sedan unsuitable for transporting patients in critical condition. Local communities have long demanded that Gali receive ambulances that can cross onto Georgian-controlled territory without restrictions.

In addition, restrictions on movement due to the lack of adequate documents is yet another major problem facing Gali residents, who must have either hold an Abkhazian passport or Form N9. Other residents of Abkhazia can cross only with special permits issued by the Security Service. However, it is impossible to obtain such a permit in emergency situations. For instance, on 4 May 2015, a 12-year-old resident of Gali died on the Administrative Boundary Line. According to information provided to the Public Defender, due to the poor quality of health services in Gali the child’s family decided to cross the Administrative Boundary Line to Zugdidi to received medical treatment. However, as they had no documents with which to pass through the checkpoint, they decided to take a bypass route. That took longer than expected and the child died en route, without having received medical assistance. The Public Defender released a statement on the above, calling upon the parties to cease manipulating human rights issues for political purposes. The Public Defender also called for cooperation between the parties so that problems related to access to healthcare are effectively addressed in a timely manner.<sup>62</sup>

In 2016, the Public Defender was notified of three cases where critically-ill minors had to travel via bypass routes as they had no documents with which to cross through the checkpoint, and thus spent two to three days waiting in villages along the Administrative Boundary Line for an opportunity cross covertly (when Russian border guards are not present). Gali residents maintain that there have been hundreds of such cases, with some of them resulting in serious health complications.<sup>63</sup>

Such cases must be regarded as violations of the right to health, which is enshrined in a number of international documents and ensures the right to unrestricted access to healthcare services, prevention of diseases, and awareness raising regarding children’s health issues. Pursuant to Article 24 of the UN Convention on the Rights of Child, children shall enjoy the highest attainable standard of health and facilities for the treatment of illnesses and rehabilitation of health.

The UN Committee on the Rights of the Child stresses that children are entitled to quality health services. At the primary level, these services must be available in sufficient quantity and quality, be functional, and be provided within the physical and financial reach of all sections of the youth population without discrimination.<sup>64</sup> The right to the highest attainable standards of healthcare implies not only the right to treatment, but also the prevention of

---

<sup>60</sup> Information provided to the Public Defender of Georgia, 2016.

<sup>61</sup> See ‘Situation in the Human Rights of the Conflict Affected Communities in Georgia’. The Public Defender of Georgia, 2014. p.18.

<sup>62</sup> See the statement made by the Public Defender at: <http://www.ombudsman.ge/ge/news/saxalxo-damcvelis-gancxadeba-afxazetis-gamyof-xazze-mozardis-gardacvalebastian-dakavshirebit.page>.

<sup>63</sup> Interviews conducted by representatives of the Public Defender of Georgia, 2016.

<sup>64</sup> CRC/C/GC/15, General comment N15(2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24). UN Committee on the Rights of the Child CRC/C/GC/15, Para 25.

illness and injuries, including investment in safe public spaces, road safety, provision of information, and other necessary factors.<sup>65</sup>

### 3. *Child Poverty*

It is beyond doubt that armed confrontations and unresolved conflicts have severely affected social and economic conditions throughout Georgia. However, the situation is particularly dire in places where armed clashes actually took place, resulting in unemployment, poor living standards, and poverty. These problems are particularly widespread in Abkhazia and Tskhinvali region and badly affect children.

There are no specific data related to child poverty to help identify particular risks and patterns on the occupied territories. However, the Public Defender is routinely approached by families requesting help appealing to respective agencies for inclusion in social assistance programs and the provision of accommodation.

Cases examined by the Public Defender (mostly concerning Gali residents) suggest that children raised in large families including many children are generally the poorest: they are more likely to live in inadequate conditions and have limited access to healthcare and education, factors negatively affecting their wellbeing and future prospects.

Gali-based doctors maintain<sup>66</sup> that rickets and other skin diseases are common among children. These afflictions can be attributed to malnutrition, lack of medication, and generally poor living conditions. Based on the information available to the Public Defender, children in Tkvarcheli and Ochamchire districts suffer the most from poor socio-economic conditions, and therefore poverty and abandonment are believed to be common in these communities. It should be noted, however, that the Public Defender is not aware of specific data or concrete cases to verify that observation.

Unlike the rest of Georgia's citizens, families residing on the occupied territories are not eligible for social programs provided by the Georgian government because the Social Service Agency is unable to examine the means and conditions of families at the places of residence. Moreover, if families are unable to cross over to Georgian-controlled territory due to lack of adequate documents, they cannot receive the status of Internally-Displaced Persons (IDPs) and the respective allowance to which IDPs are entitled.

#### **Case of N.M.'s Family**

The Public Defender made aware of the situation faced by 35-year-old N.M.'s family (with a spouse and three children), who currently reside in a neighbor's house in Gali along. The house is dilapidated and near ruin. The family's income consists of the spouse's IDP allowance and N.M.'s minimum wage income. Neither N.M. nor her underage children have IDP status. The children also lack birth certificates. The situation is further worsened by the fact that the parents do not have Abkhazian documents and are therefore unable to cross onto Georgian-controlled territory.



N.M.'s residence



---

<sup>65</sup> Ibid, Para 26.

<sup>66</sup> Interviews conducted by the representatives of the Public Defender of Georgia, 2016.

## **Case of E.G.'s family**

E.G. is 54-years-old and raising two underage grandchildren in Gali district. The family lives in poverty. The children's father has IDP status. However, since he has neither Form N9 nor an Abkhazian passport he cannot cross over to Georgian-controlled territory and collect the allowance to which he is entitled. The children have no birth certificates and, therefore, no IDP status. Article 27 of the UN Convention on the Rights of the Child recognizes the right of every child to living standards adequate for his or her physical, mental, spiritual, and social development. In spite of parents' primarily responsibility for providing conditions enabling the child's development, the state is obliged to help those in charge of children in realizing those rights and conditions. The state's assistance should be directed at providing children with food, clothes, and accommodation.<sup>67</sup>

### ***4. Documentation and Related Violation of Rights***

In 2014, the Abkhazian authorities revoked passports issued in Gali on grounds that they were issued with violations.<sup>68</sup> As of today, the authorities have made the decision to issue residence permits to those individuals who admit to having Georgian citizenship, while those seeking Abkhazian citizenship must present documents confirming that they have renounced Georgian citizenship.<sup>69</sup> However, no residence permits have been issued as of yet,<sup>70</sup> while in 2016 some residents were issued Form N9 with which to cross the Administrative Boundary Line.

The process described above means that the majority of the population of Gali as well as some communities in Ochamchire and Tkvarcheli have no access to documents with which to realize their rights, including the rights to movement, private property, and access to education and health, among others.

The problem is further exacerbated by the fact that if neither parent holds an Abkhazian passport, the children are not eligible for birth certificates and, therefore, have no identification documents. Without ID documents, local community members cannot cross onto Georgian-controlled territory to obtain documents confirming their Georgian citizenship. For these reasons, many of the residents of the above-mentioned districts hold neither Abkhazian nor Georgian documents. As a result of this situation, in many instances, children cannot be registered at pre-school or general education institutions. This can be regarded as a breach of their right to education. Nor are these individuals able to receive the allowances or healthcare services the Georgian government provides to citizens of Georgia and IDPs. Those with disabilities are particularly affected by these limitations, as they have limited capacity to cross the Administrative Boundary Line to obtain the necessary documents.

### ***5. Issues Related to Children's Safety, Illegal Detentions, and Inappropriate and Degrading Treatment***

Since the border forces of the Russian Federation consolidated their control over the Administrative Boundary Lines with Abkhazia and Tskhinvali region in 2011, detentions of children, including those with illnesses, have acquired a regular character.

For those residing in Abkhazia, the lack of appropriate documents (Abkhazian passport, Form N9) is the main justification for detentions. Importantly, Abkhazian passports and Form N9 are not issued to children under the age of 14 and, therefore, entries are made in the Abkhazian passport held by one of the parents. Considering that few Gali residents hold an Abkhazian passport, the number of children without valid travel documents is quite high.

---

<sup>67</sup> The UN Convention on the Rights of the Child, Article 27(2)(3).

<sup>68</sup> See 'Situation in the Human Rights of the Conflict Affected Communities in Georgia'. The Public Defender of Georgia, 2014, PP. 27-28.

<sup>69</sup> See 'Situation in the Human Rights of the Conflict Affected Communities in Georgia'. The Public Defender of Georgia, 2015. PP. 25-26.

<sup>70</sup> 'The budget has been approved, the Gali communities will be issued documents', „Ekho Kavkaza“ 29.12.2016, Available in Russian at: <http://www.ekhokavkaza.com/a/28204249.html> [Last accessed 06.01.2017].

Consequently, children are forced to take bypass routes to cross onto Georgian-controlled territory and are thus exposed to the risk of detention. As for minors detained on the Administrative Boundary Line with Tskhinvali region, in most cases they live on the Georgian-controlled side and are detained by Russian border guards on the outskirts of their villages, and in gardens and pastures.

The Public Defender is aware of an increasing number of cases of children detained by Russian border guards being subject to inappropriate and degrading treatment, usually at the Russian military bases where they are detained. Such treatment involves verbal abuse and limited access to food and drinking water, among other things. This problem particularly affects detainees from Gali. Explanations provided by the detained citizens to the Public Defender's Office suggest that there are poor conditions in the Russian military base deployed in Gali. Detainees are not provided with food and water, and often dozens of them are placed in a single room regardless of sex or age.

Restriction of the right of children to move freely across the Administrative Boundary Line is also a violation of the right to health and education, as attending school is one of main reasons for which children cross the Administrative Boundary Line. In addition, according to Article 37 of the UN Convention on the Rights of the Child, no child shall be subject to torture or other cruel, inhuman, or degrading treatment or punishment. Pursuant to the same article, the arrest, detention, or imprisonment of a child shall be used only as a measure of last resort. However, with respect to children in Gali, detentions are mostly used to secure the payment of fines. Article 37 of the UN Convention on the Rights of the Child stresses that every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person. Also pursuant to the same article, children deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so.

#### **Explanation provided by citizen A.K.**

Based on information provided to the Public Defender by a witness, in September 2015, the witness and several other Georgian citizens crossed onto Abkhazian territory via a bypass route, where they were eventually detained by Russian border guards near the village of Nabakevi. They were accused of illegally crossing the Administrative Boundary Line. The detainees then were transferred to the basement of the Russian military base where they joined roughly 20 detainees. More detainees joined later and by evening the number of detainees had reached 40. According to the witness, they were supposed to be transferred to the Gali militia building but, for unknown reasons, the transfer was called off until the next morning. Children, including a four-month old infant, were also among the detainees placed in a single room lacking basic conditions: there were insufficient chairs and no access to food and water. The witness recalled that they demanded food and water for the baby, which resulted in a verbal altercation with Russian soldiers. During the night, the children slept on the tables while the adults remained seated on the floor and chairs. The next morning, the detainees were transferred to Gali and released after the payment of fines.

#### **Explanation provided by citizen S.K.**

In October 2016, 47-year-old S.K. was detained by Russian border guards while trying to cross over to Gali from the Georgian-controlled side of the Administrative Boundary Line. S.K. was taken to the Russian military base where roughly 10-12 other detainees were being held, including an infant and a pregnant woman. The detainees were held from 6 PM to 10 PM without food and water. In addition, they were not allowed access to a bathroom. S.K. reported that only detainee allowed to keep their personal belongings was the infant.

#### **Explanation provided by citizen J.G.**

Gali resident J.G. was detained in October 2016 while attempting to cross the Administrative Boundary Line, and subsequently taken to the Russian military base. According to an eyewitness account, there were other detainees at the military base, including a woman with a three-month-old infant. The baby was crying due to hunger. However, in spite of repeated requests by the detainees, it took the Russian border guards nearly half an hour to attend to the detainees and bring hot water for the baby's food. In addition, the detainee and six other young people were taken separately and asked to cut the heads off nails. When they refused, the Russian guards assaulted J.G. (hit him in the

waist with a rubber stick). After being held for several hours, the citizens were transferred to Gali and released after paying the fine.

#### **Explanation provided by citizen L.B.**

A representative of the Public Defender had a conversation with citizen L.B., who was detained together with her ill 12-year-old daughter in December 2014 while attempting to cross the Administrative Boundary Line to get to Tbilisi for a medical operation. Upon being detained, they were forced to spend five hours in a frozen basement, as a result of which the child developed a fever and asthma attacks. Because of complications the operation had to be postponed for several months.<sup>71</sup> The child, together with other detainees, was transferred to Gali and released after paying the fine. In spite of this incident, the family still managed to cross to the Georgian-controlled side of the Administrative Boundary Line.

#### **An explanation provided by resident of the village of Dvani, Kareli Municipality**

Representatives of the Public Defender's Office interviewed a 15-year-old resident of the village of Dvani, a student at a local school, who was detained by Russian border guards in November 2014 while attending to cattle on the territory of the village. According to the teenager, he was forced to spend two days in a cold and damp basement together with three other detainees, which caused his health to deteriorate. On the third day, he was moved to better conditions after intervention by his relatives from Tskhinvali region. He was eventually released after paying the fine.

#### **Incidents near the villages of Khurcha and Ganmukhuri in Zugdidi Municipality**

The Public Defender's Office discovered that in May 2015, Russian border guards detained 10th and 11th grade girls for several hours and intimidated them to the extent that they had to stop attending school for a certain period of time. In October 2016, T.S., a school child who travels from Abkhazia to attend Ganmukhuri School, was detained at an informal crossing point and taken to the Russian military base in occupied Nabakevi. He was detained from 10AM to 8PM and did not receive any food or water during that time.

### ***6. The Right to Education in one's Native Language and Issues Related to Quality of Education***

The state of the right to education in one's native language and access to education has been particularly grave in Gali district. The situation deteriorated further during 2015-2016 academic year. In 1995, the Abkhazian authorities developed an education plan for introducing Russian as a language of instruction in Georgian language schools in Gali, Ochamchire, and Tkvarcheli districts.<sup>72</sup> That process has been implemented gradually: in schools assigned to Tkvarcheli and Ochamchire<sup>73</sup>, all 11 grades simultaneously moved to Russian-language instruction. Russian was introduced as a language of instruction in schools of the Upper Zone under a first-grade principle, meaning that every first grader would start his or her education in Russian. Consequently, since 2005 to the present, students of every grade in Upper Zone schools have had to use Russian as the language of instruction. As for schools in the Lower Zone villages, they managed to keep Georgian as the language of instruction. However, the 2015-2016 academic year saw the introduction of Russian as the language of instruction for students attending from the first through fourth grades, and every first grade also has classes in Russian. Therefore, within six years, Georgian will be completely replaced as the language of instruction for children in Gali.<sup>74</sup>

---

<sup>71</sup> Information provided to the Public Defender of Georgia by the focal point, 2016

<sup>72</sup> Living in Limbo, Human Rights Watch, 2011, § 3 .48.

<sup>73</sup> This implies old borders of Gali district including 10 schools now belonging to Tkvarcheli district and one now in Ochamchire district. Also, Gali district is divided in "Upper" and "Lower" zones.

<sup>74</sup> See "the Right to Education in Gali district: New Developments and Challenges of the Academic Year 2015-2016" A special report of the Public Defender of Georgia, 2015.

The right to education is guaranteed by international law and enshrined in binding agreements initiated by the UN and the Council of Europe. International law stresses that education must be provided within safe physical reach and affordable to all without discrimination. It must also be acceptable, meaning that the form and substance of education, including curricula and teaching methods, must be relevant and culturally appropriate to students and parents as well as of good quality.<sup>75</sup> The UN Convention on the Rights of the Child additionally states that education shall be directed to the development of respect for each child's parents and his or her own cultural identity, language, and values.<sup>76</sup>

In order for their children to receive education in their native language, many parents have had to leave their homes in Abkhazia and move to the Georgian-controlled territory. Based on statements provided by parents, in September and October 2015, the recognition committee at the Ministry of Education and Culture of the Abkhaz Autonomous Republic recognized the education received on the occupied territory of 54 students who wished to pursue their studies across the Enguri River in Georgian-controlled territory.<sup>77</sup> In documents provided to the Public Defender, several parents openly stated that the reason behind the decision to change schools was the introduction of Russian as the language of instruction. Those teachers who refused or were unable to teach in Russian had to give up teaching altogether, while teachers of Georgian language and literature were fired following the subject's removal from the curriculum.

Importantly, other ethnic groups residing in Abkhazia have maintained their rights to receive education in their native languages, while ethnic Georgians have been deprived of that right. The situation worsens from year to year and should be regarded as discrimination based on ethnicity.

Replacement of the Georgian language with Russian has significantly deteriorated the quality of education not only in schools in Gali district but also those in Ochamchire and Tkvarcheli districts. Many students struggle to learn subjects in Russian. The same situation applies to the great majority of teachers, as they are ethnic Georgians who received education in Georgian. There have been frequent cases of unspecialized individuals taking over teaching activities only because they have (often poor) knowledge of the Russian language.<sup>78</sup> Local non-governmental organizations and parents argue that this situation has led to a lack of both Russian and Georgian language skills by children whose parents cannot afford to pay private tutors.

Respective statistics confirm the poor quality of education: overall, 190 students from the final grade from Gali district were registered for 2015 national final exams, and only 11 managed to obtain state scholarships based on test results, constituting only six percent of the total number.<sup>79</sup> By contrast, the percentage of students obtaining the state grant was 13 percent in Zugdidi municipality and 16 percent nationwide.<sup>80</sup>

Restrictions imposed on movement across the Administrative Boundary Line have also affected access to education for those students who cross the Line on a daily basis due to the geographic proximity of schools. Because of these restrictions, the number of such students decreases from year to year. In addition, only those students who are on a special list kept by the Russian border guards are able to cross the Administrative Boundary Line to attend school. First graders cannot be included in the list.<sup>81</sup> In spite of such special lists, students are still affected by the restrictions on movement and some have to use bypass routes to get to school. In December 2016, the Public Defender was approached by a resident of Gali district whose children attended a school in the village of

---

<sup>75</sup> General Comment 13, Paragraph 6 of the UN Committee on Economic, Social and Cultural Rights.

<sup>76</sup> The UN Convention on the Rights of the Child, Articles 28 and 29(1)(c).

<sup>77</sup> Gali resource center of the Ministry of Education and Culture of the Abkhaz Autonomous Republic.

<sup>78</sup> Information provided to the Public Defender of Georgia, 2016.

<sup>79</sup> Gali resource center of the Ministry of Education and Culture of the Abkhaz Autonomous Republic

<sup>80</sup> One hundred thirty-five out of 1,024 final grade students registered at Zugdidi municipality's education resource center managed to obtain the state grant, constituting 13 percent of the total number of registered students, while out of 40,076 students registered for the state entrance exams throughout the country, 6,742 (16 percent of the total registered) were awarded the grant. Letter MES 3 16 00097362 of 4 February 2016 of the National Assessment and Exams Center.

<sup>81</sup> See 'Situation in the Human Rights of the Conflict Affected Communities in Georgia'. The Public Defender of Georgia, 2015, PP. 19-20.

Ganmukhuri, Zugdidi Municipality. The applicant related a story that in November 2016, Russian border guards restricted the students' movement and demanded that they cross the Administrative Boundary Line through the checkpoint. The checkpoint nearest their permanent place of residence is a checkpoint in the village of Orsantia, 18 km from Ganmukhuri. Due to this circumstance, some of the affected students moved to the Georgian-controlled territory while others transferred to a school in the village of Pichora, Gali district, with Russian as the language of instruction.

As for Tskhinvali region, the situation with respect to education is better than that in Abkhazia. The situation in Akhgori district has remained largely unchanged since the last year. Six of 11 schools provide instruction in Georgian, while the remaining five use Russian as the language of instruction. Students have no problem receiving education in their native language as there have been no drastic changes in the situation since the Russian occupation in 2008.<sup>82</sup>

## **7. Rights of Children with Disabilities**

Persons with disabilities, including children, represent the most vulnerable group in Georgia, including Abkhazia and Tskhinvali region. The list of problems facing members of this group is long and includes an inadequate physical environment, limited access to infrastructure, transport, and information, and lack of adequate educational, social, and healthcare services, as well as marginalization and stigmatization. In many instances, parents themselves choose to isolate their disabled children from the rest of society. Focus group discussions facilitated by the Public Defender's Office revealed that in many cases parents prefer that their children attend specialized daycare centers rather than kindergartens or schools. The findings of the focus group discussions suggest that children with disabilities are often subject to abusive treatment.<sup>83</sup> The Abkhazian authorities offer meager social assistance to children with disabilities.<sup>84</sup>

According to data from 2014,<sup>85</sup> there were 515 children with disabilities registered in Abkhazia benefitting from services provided by three children's development centers in Ochamchire, Tkvarcheli, and Gali. The centers set up and supported by UNICEF and World Vision provide physiotherapeutic, psychological, and speech therapy, as well as other services. The supporting organizations have also retrained 25 representatives of the centers, while 272 children and their parents have been provided with basic services (life skills development, speech therapy, psychotherapy, and psychological counseling).<sup>86</sup> The Gali rehabilitation center provides transportation services to children living in the villages. However, it should be noted that these centers operate with financial support provided by donors and are at risk of becoming defunct if and when that support is phased out. In 2017, Gali's administration committed to contributing 20 percent of the center's funding from the annual budget. Sukhumi rehabilitation center, set up in 2015 with financial support from the Russian Federation, provides services to up to 300 children per year.<sup>87</sup>

---

<sup>82</sup> According to official statistics, there are 20 preschool institutions in South Ossetia, 14 of which are located in the town while the rest operate in rural areas. 2,747 children of pre-school age attend nursery schools while 1,070 children do not attend at all because of the lack of preschool institutions. As for school education, the total number of school children in South Ossetia is 4,797, with 547 attending private schools. The total number of schools is 52. See "Education" Republic of South Ossetia, an official web portal. Available at: <http://south-ossetia.info/obshhestvo/obrazovanie> [Last accessed 20.01.2017].

<sup>83</sup> Interviews conducted by the Public Defender of Georgia in November-December, 2016.

<sup>84</sup> 'The law of the Republic of Abkhazia on social protection measures of families of patriotic war invalids and the deceased'. Available at: <https://goo.gl/waHqL5> [Last accessed 02.12.2016].

<sup>85</sup> "All children with disabilities to receive pensions in a timely manner", 5.08.2015, 'Apsnipress'. Available at: <http://www.apsnipress.info/news/vse-invalidy-s-detstva-svoevremennno-poluchayut-pensii/> [Last accessed 02.12.2016].

<sup>86</sup> An information bulletin of the UN Children's Fund, 2015-2016.

<sup>87</sup> Sokhumi Rehabilitation Center to celebrate an anniversary", 26.04.2016, „Sputnik Abkhazia“, Available at: <http://sputnik-abkhazia.ru/Abkhazia/20160426/1018067825.html> [Last accessed 02.12.2016]; „Agrba: the Abkhaz authorities protect the right of invalids“ 05.05.2016, "Sputnik Abkhazia". Available at: <http://sputnik-abkhazia.ru/Abkhazia/20160505/1018156320.html> [Last accessed 02.12.2016].

Unfortunately, there are no statistics available on either number or needs of children with disabilities available in Tskhinvali region. Nor are there organizations to support the physical rehabilitation, education, and development of these children. Children with disabilities in Tskhinvali region have no access to special educational or health programs.

The Public Defender of Georgia is aware of cases involving the violation of rights of children with disabilities. However, because of the inability of the Public Defender to carry out his mandated responsibilities on these territories, the office is limited in providing an effective response to such cases.

### **Domestic violence against children with disabilities**

Based on the information available to the Public Defender, teachers in one education institution noticed bruises on the face of a child with a disability. The teachers believe that the child was beaten by its drunken father. In spite of the fact that the teachers approached the child's family members, the situation did not change. The teachers also assert that there is no point in referring the case to law enforcement because of the prevailing attitude of 'whatever happens in the family is a family issue.'

### **Restriction of the right of children with disabilities to education**

The Public Defender was informed that a ninth-grade student with disabilities was expelled from school in Abkhazia. The child's family wishes for the child to continue its studies. The Public Defender's Office provided legal counseling to the parents. It is expected that, thanks to the support of the Gali resource center and the authorities, the problem will be resolved by the next academic year.

### **The case of a beneficiary of the Akhagori children's institution**

The Public Defender found that one of beneficiaries of the Akhagori children's institution suffers from disabilities. For this reason, the child often falls victim to physical abuse, humiliation, and ridicule both from teachers and other children. In addition, the child has not attended school in two years and is often spotted without supervision.

The UN Convention on the Rights of Persons with Disabilities recognizes the rights of children with disabilities to education without discrimination and based on the principles of equal opportunities (Article 24(1)). Importantly, children with disabilities should not be excluded from the general education system because of their disabilities. They should have access to inclusive, free, and quality primary and general education just like other members of society (24 (2)).

## **8. *Child Development Opportunities***

Participation of Abkhazian children's folk groups and sports teams in international festivals and tournaments has long been a serious reason for confrontation in Georgian-Abkhazian relations. The Abkhazian side, including the de-facto authorities and civil society organizations, has been regularly criticized the Georgian government for Abkhazian groups' inability to participate in international events. For instance, in 2013 a children's troupe could not participate in an international children's festival in Turkey. The Abkhazian side argues that organizers of the event, upon the insistence of the Georgian authorities, had to refuse to allow the troupe to perform on behalf of Abkhazia as an independent state. The Abkhazian side regards such instances as violation of the right of Abkhazian children, as well as discrimination by the Georgian authorities.<sup>88</sup>

On the other hand, the Georgian authorities argue that they resist Abkhazian participation in international events only when its representatives compete in such events as representatives of an independent country.

---

<sup>88</sup> "Children's Foundation of Abkhazia' is concerned with the removal of Abkhazia from a list of participating countries of children's international festival in Turkey", 09.04.2013, "Abkhazworld". Available at: <http://abkhazworld.com/aw/diaspora/134-the-childrens-fund-of-abkhazia-expresses-outrage> [Last accessed 02.12.2016].

It is evident that human rights issues, including those of children, often fall victim to politicization. Participation in various cultural, creative, and sporting events is important for the development of children. This right is enshrined by Article 31 of the UN Convention on the Rights of the Child and obliges member states to support children in its realization. Therefore, both the Georgian and Abkhazian authorities should find mutually acceptable remedies so that children, regardless of their geographic location, are able to participate in international cultural and sports events.

## **IV. Recommendations**

1. The parties involved to immediately stop manipulating children's rights and linking them to issues related to political status.
2. The Russian Federation and the de-facto authorities to ensure the unrestricted operation of human rights organizations and international missions in Abkhazia and Tskhinvali region.
3. The Georgian Government to demonstrate maximum flexibility in the process of negotiations in order to ensure the protection of human rights in Georgia's conflict regions.
4. Ambulance services to be allowed to resume unrestricted movement on the Administrative Boundary Line.
5. All involved parties to ensure that minors no longer be detained and patients be permitted to cross at any point of the day. Issues related to treatment during detentions and the practice of nighttime release of detainees should be discussed during the negotiations.
6. The Government of Georgia to take all available measures to improve social conditions in communities located on the occupied territories, including interventions in social assistance, health, and living conditions. For this purpose, specially-designated programs should be developed, including programs addressing the shortage of social workers in conflict regions by assigning social work function to doctors and teachers working in such regions. In addition, NGOs offering services to women, children, persons with disabilities, and victims of violence should be rendered financial support. Also, the Georgian authorities, with the support and engagement of international organizations, should take measures to renovate houses damaged in the course of the conflicts, and to improve living conditions for those residing in the conflict regions.
7. The Georgian Ministry of Education and Science to intensify financial and material support to Gali schools and their staff and broaden educational programs for Gali school students and teachers based on their needs and requirements.
8. The Georgian Ministry of Labor, Health and Social Affairs to allocate additional resources for financial and material assistance, as well as professional training for local medical staff. In addition, the Ministry should also ensure that medical facilities operating on the occupied territories be adequately equipped.
9. The Georgian Ministry of Labor, Health and Social Affairs to ensure that the children's emergency treatment unit in a hospital under construction in the village of Rukhi, Zugdidi municipality, is refurbished and well-equipped. It should also provide an ambulance adequate for the needs of the region's children. The ambulance should also serve those crossing the Administrative Boundary Line from Abkhazia.

10. The Government of Georgia to develop a mechanism for ensuring improved access to identification documents or other documents of legal force by those residing on the occupied territories.
11. The Government of Georgia and the de-facto authorities to find mutually-acceptable means to ensure that children, regardless of their geographic location, are able to participate in international culture and sporting events.
12. The Government of Georgia to inform shelters for victims of domestic violence and other service providers living on the Georgian-controlled side of the Administrative Boundary Line on the situations faced on the occupied territories. A shelter for victims of domestic violence should be built in Zugdidi to serve also residents of Abkhazia.
13. The Georgian Government to ensure greater women's participation in the Geneva International Discussions and the Incidents Prevention and Response Mechanism, and initiate discussions about the specific needs of women and children, including issues related to domestic violence.
14. International organizations to take all possible measures to further bolster their activities in Abkhazia and Tskhinvali region on issues related to the rights of children, gender equality, and domestic violence.