

# No Future Land

Violation of  
Children's Rights  
in Gali District



# Contacts



**E** [info.hounds@gmail.com](mailto:info.hounds@gmail.com)

**W** <http://truth-hounds.org/en/>

**f** <https://www.facebook.com/truthhounds>

# NFT LND

**E** [info.nofutureland@gmail.com](mailto:info.nofutureland@gmail.com)

**W** <https://www.nofutureland.org/>

**f** <https://www.facebook.com/Nofutureland/>

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## Executive Summary

This report presents compelling evidence of human rights violations in occupied Abkhazian territories, specifically in Gali district, a predominantly Georgian part close to the boundary line.

As for the time of the publication of this report, the people living in Gali are lacking the opportunity to cross the demarcation line without restrictions, they become victims of arbitrary detentions and illegal imprisonment, have limited accessibility to health services and are forced to apply for an “Abkhazian Passports” to get to work, to travel within and out of the region, etc.

The right to education of children living in Gali is also violated. Their right and opportunity to education in their native Georgian language are deprived because Georgian was replaced with Russian at all schools of lower and upper zones of Gali in 2015. Children are the victims of “Russification”, ethnic discrimination and suppression of their Georgian identity.

The amount of children crossing the boundary line on a daily basis, to study at schools on Tbilisi-controlled territory, is decreasing with every year.

The state of children’s rights in the occupied territories is alarming.

This report focuses on the right to education in native language, freedom of movement (detention of minors), right of children to life and health, and socio-economic situation in Gali, the southernmost district of Georgian region of Abkhazia where, predominantly, ethnic Georgians have settled. The facts that this report refers to, occurred after the administrative border closures in 2016-2017.

Abkhazia as well as another region Tskhinvali/South Ossetia has been occupied by Russian Federation for 25 years now. People living in occupied territories are facing several human rights violations including arbitrary detentions, restrictions of the freedom of movement, lack of proper protective mechanisms, limited access to services, ethnic discrimination and suppression of Georgian identity.

“Russification” policy encompasses the prohibition of studying and communicating in the native language, low quality of education, ethnic discrimination and suppression of Georgian identity, war propaganda, dishonest treatment, problems connected to official documentation, low quality and limited accessibility and availability of health services, detention of minors etc. These are the issues children face on a daily basis in Gali district.

All the above mentioned factors impose a negative impact on the children’s psyche, free will and mental development.

The current human rights situation in the occupied territories of Abkhazia and Tskhinvali region have largely been shaped by the conflicts of the 1990s and the ensuing developments. The conflicts have affected every aspect of the people’s life there. In spite of the fact that armed conflict has ended 25 years ago in Abkhazia and eight years ago in Tskhinvali region, creeping occupation is an ongoing process and human rights issues continue to pose a serious challenges for local communities.

Russian occupation forces continue to mark the boundary line with artificial barriers on a daily basis resulting in major implications on the inhabitants’ freedom of movement. Consequently, inhabitants of Gali become deprived of access to qualitative medical and educational facilities situated on the Georgian-controlled territories. Simultaneously, authorities of Abkhazia enforce the regulation that further limits the use of Georgian language at Gali schools and study of Georgian history. Such moves are intended to eliminate the Georgian identity of the residents in Gali.

Abkhazia is a self-proclaimed republic, ruled by a Russian-backed government after the Georgian-Abkhaz conflict in 1992–1993. Georgian authorities lost de facto control over Abkhazia. Though Abkhazia unilaterally declared independence in 1999, no international actor recognized it at that time. Russian Federation recognized the independence of Abkhazia (and South Ossetia) in the wake of the August 2008 war. Other countries namely Venezuela, Nicaragua, Nauru and in 2018, Syria followed suit. The European Union, together with the United States of America and the rest of the international community are supporting the territorial integrity of Georgia and do not recognize Abkhazia’s claim to independence. Officially, Tbilisi lacks the control over Abkhazia due to the unclear legal status and occupation. In addition, international human rights organizations have also limited access there.

The office of the UN High Commissioner for Refugees (UNHCR), the Commissioner for Human Rights of the Council of Europe, the Organization for Security and Cooperation in Europe High Commissioner for National Minorities (OSCE HCNM) and others could visit the region of Abkhazia without any restrictions prior to 2010. In that year the mission’s mandate was terminated as the result of a veto imposed by the Russian Federation.

Issues in Gali district are among the most contentious in the Georgian-Abkhaz context.

Over the past two decades, people living in Gali are experiencing significant vulnerabilities. What makes situation in Gali even more sensitive and fragile is the fact that the territory of Gali, specifically the lower zone of the district, runs along the administrative boundary line (ABL).

Gali residents face different problems connected to documentation, access to education, crossing the administrative boundary line through crossing points, access to health services.

One of the recent cases that violated most of the above mentioned rights took place in January 2019 and is still ongoing during the editing period of this report. In the beginning of January, de facto authorities of Abkhazia declared quarantine due to reports H1N1 (Swine Flu), and people living on occupied territories can't leave Abkhazia unless they are Enguri Hydro-Power Plant employees and persons with medical certificates.

Certificates are issued by the Gali central hospital and they need to be confirmed by so-called State Security Service. People are standing in the queues for days to get this certificates, cross ABL and get medical services in Tbilisi-controlled hospitals even if they need emergency services. As Gali residents say: *"You can cross the border unofficially if you will pay border guards, but cost is pretty high for people in difficult socio-economic situation"*. Victims of this quarantine situation are students, who study in Tbilisi or Zugdidi. They were in Gali for New Year holidays and now can't cross the ABL back, even though they have exams to pass.

Gali residents say, that they don't know exactly when the crossing points will be opened again.<sup>1</sup>

It's not surprising that most of the children from Gali try to find their way to Tbilisi-controlled territories and continue to study and/or work in the capital city or in Zugdidi, but some of them are forced to stay in this "No Future Land".

<sup>1</sup> <https://www.radiotavisupleba.ge/a/%E1%83%95%E1%83%98%E1%83%9C-%E1%83%93%E1%83%90-%E1%83%A0%E1%83%9D%E1%83%92%E1%83%9D%E1%83%A0-%E1%83%99%E1%83%95%E1%83%94%E1%83%97%E1%83%A1-%E1%83%94%E1%83%9C%E1%83%92%E1%83%A3%E1%83%A0%E1%83%98%E1%83%A1-%E1%83%AE%E1%83%98%E1%83%93%E1%83%A1-%E1%83%99%E1%83%90%E1%83%A0%E1%83%90%E1%83%9C%E1%83%A2%E1%83%98%E1%83%9C%E1%83%98%E1%83%A1-%E1%83%9E%E1%83%98%E1%83%A0%E1%83%9D%E1%83%91%E1%83%94%E1%83%91%E1%83%A8%E1%83%98/29742026.html?fbclid=IwAR3f5AyjmDk6SXE3xxDV0vqmCwHTs8b0GpQYVxKpgXXgtLD35rMKr6ddATo> (last access 31.01.2019)

# Sources of Information and Methodology of Documentation

This report is intended to outline the findings of three Truth Hounds' preliminary Fact-Finding-Missions which took place in Summer and early Autumn of 2018 into the possible violations of children rights.

There is no complete data, nor quantitative surveys or statistic available to paint a realistic picture of children's rights issues in occupied Abkhazia. While preparing the report, we mostly relied on data gathered by the Georgian government and the Office of the Public Defender of Georgia, which itself has no direct representation in Abkhazia. We also used the interviews with people living in the afflicted area to gain a realistic picture of local trends and needs. Consequently, the report does not fully cover the range of problems and challenges that affect children in Gali. But it highlights important facts about violations, which Truth Hounds has managed to verify.

Prior to these missions, desk research revealed the need for concrete evidence into the possible violations of children rights through interviews with directly affected residence of Gali district. An in-depth questionnaire was compiled as a result of the above mentioned desk research. During the fact-finding missions Truth Hounds conducted 56 interviews mostly with the people raised in Gali district who entered universities in Tbilisi and Zugdidi during the last two years. The evidence of violations presented in this report has been empirically documented by Truth Hounds through field missions and interviews, or collected from reliable sources.

# The Rights of Children to Life and Health

A problematic issue, for children living in occupied territories, are the underdeveloped medical services. The health sector in Abkhazia suffers from a significant lack of material and, to a lesser degree, human resources. Modern diagnostic equipment is scarce, especially outside Sukhumi. The health system has not been reformed fundamentally, that's why many residents of Gali seek health care outside of Abkhazia for serious health conditions. Some travel to Tbilisi, where health care is offered for free.

During interviews many respondents admitted that not only Abkhazian health system and services are worse, than in Tbilisi controlled territory, but the attitude of doctors towards ethnic Georgians is rude and disrespecting.

*"In Gali and Sokhumi, hospitals are not as good as the ones on Georgian territories, doctors don't pay enough attention to Georgian patients, so many people choose to cross the borderline,"* – says one of the respondents.<sup>2</sup>

Of course, this kind of attitude, lack of attention, underdeveloped services and infrastructure, low qualifications of medical personnel and high cost of medical services in the occupied territories forces the people living there to seek help far away from their homes, into Georgia-controlled territory, which is connected to problems on checkpoints and have negative impact on the health status of local communities and in particular that of children.

Accessibility and availability to health services are limited for children living in Gali district. Formalities connected to border crossing and often delayed treatment are challenging the children's rights.

Extremely problematic issue is the decision made by the Abkhazian administration in 2011 regarding prohibiting ambulance vehicles to cross the Enguri Bridge. Due to that decision, patients have to change ambulances at the checkpoint. It needs time and it needs documentation, not only for patient, but for the people accompanying them. Restrictions on movement due to the lack of adequate documents is another major problem that Gali residents face. They must either hold an Abkhazian passport or a Form N9. (Simple thin paper with the photo and the name which should be stamped by local authorities every 3-6 months. Every time it's expired people need to pay fee for new stamp) and other residents of Abkhazia can cross the border only with special permits issued by the Security Service of Abkhazia.

However, it is impossible to obtain such a permit in emergency situations, so they spent two to three days waiting in villages along the Administrative Boundary Line for an opportunity to cross covertly (when Russian border guards are not present), through bypass routes, especially, when checkpoints are closed (from 8 PM to 7 AM) and patients need the consent of the Head of Gali Security Service.

During interviews, most of the respondents from Gali, remembered at least one fact of how they, their family members, neighbors, or someone from their village used bypass routes to seek treatment, with some of them resulting in serious health complications.

There are numerous cases involving the death of minors because of inappropriate and delayed treatment. Irakli Tsaava, a 12-year-old resident of the village Kemo Barghebi, who died on the Administrative Boundary Line, is one of them. According to information provided by the Public Defender, due to the poor quality of health services in Gali, the child's family decided to cross the Administrative Boundary Line into Zugdidi to receive medical treatment. However, as they had no documents, which they need to pass through the checkpoint, with them, they decided to take a bypass route. That took longer than expected and the child died en route, without having received medical assistance.

<sup>2</sup> Interview of Truth Hounds number 016, from organization's database

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“In 2016, I was diagnosed with Fibro Adenoma on my chest, so my family and I gathered all documents for crossing the border, but on the checkpoint, border guards refused to let us in Georgian-controlled territory, so I was forced to take bypass route through the village Nabakevi. While crossing, we were stopped by Russian border guards. We plead to them to set us free, but they took us to Nabakevi for solitary confinement. Because we tried to cross through river, all my clothes were wet. An Abkhazian soldier let me change my clothes, took me outside and helped me to find my father who gave me dry clothes. Before going out, he asked me not to try running, because in this case “I must use force”- he said. After that, he showed me a room and told me to change. “There are no cameras, don’t worry”- he said. When we were done, soldiers took me back to cell where we spent 14 hours. Later, only the two of us, two 17-year-old girls, were transported to Gali in an “Ural” vehicle. We were frightened and so were our parents. This was the day Giga Otkhozoria was killed in Khurcha. After midnight, they happily released us from Gali police department. They took the passports from our parents and only gave them back the next day when we paid 50 rubles. I was lucky in this case, unlike Irakli.”

*– remembers one of our respondent who is 19 years old now and lives and studies in Tbilisi.*



*Georgian Ambulance Car nearby Enguri Checkpoint © Svitlana Valko*

Another case of gross human rights violation involves 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 into Georgian-controlled territory. In the end, they managed to transport the girl in a sedan, unsuitable for transporting patients in critical condition.

The Gali community demanded to receive ambulances that can cross into Georgian-controlled territory without restrictions, but this demand is so far unanswered.

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 Children, children shall enjoy the highest attainable standard of health and facilities for the treatment of illnesses and rehabilitation of health.

# The Rights to Education

Children living in occupied territories, especially in Abkhazia's predominantly ethnic Georgian-populated Gali district<sup>3</sup> are deprived of the right and opportunity for education in their native language, both at schools and kindergartens.

The process of "Russification" is not a new problem for people living in occupied Abkhazia. It all started after the 1992-1993 war. In 1995, the Abkhazian authorities developed an education plan for introducing Russian as the language of instructions in Georgian language schools in Gali, Ochamchire and Tkvarcheli districts.

The process has been implemented gradually. First, Russian-backed authorities changed Georgian language in Ochamchire and Tkvarcheli districts, then in the upper zone of Gali. Consequently, since 2005 until the present, students in schools of the upper zone, are studying in Russian. The villages of the lower zone have managed to keep Georgian as the language of instruction.

According to the Reconciliation Minister, there were 58 schools in Gali district before the 1990s, among them 52 were Georgian, two Russian, three Georgian-Russian and one Georgian-Abkhaz. 31 Georgian schools, that remaining after the war of 1992-1993 in Gali, were gradually moved to a Russian-language curriculum.

Nowadays, in Gali district, 30 schools are functioning, with a total of 4 108 students and 754 teachers. In 2012-2013, the number of students was 4 380. Among these schools just 11, located in lower zone, were Georgian. All of them were abolished in 2015, because the 2015-2016 academic year saw the introduction of Russian as the language of instruction for students attending the elementary grades. Every first grader now has classes in Russian, even in the lower zone of Gali.

Over the past three years, Moscow-backed authorities of Abkhazia have successfully banished both de jure and de facto the children's mother tongue out the last remaining Georgian-language schools in Gali district. Therefore, within six years, Georgian will be completely replaced as the language of instruction for children in Gali.

*"Studying in our native language is completely prohibited in Gali, it equates to the fact that many schools and thousands of pupils do not have access to education at all, since neither children, nor teachers, nor parents do know the Russian language",-* says The State Minister for Reconciliation and Civic Equality Ketevan Tsikhelashvili.<sup>4</sup>

Same goes for kindergartens. In all 8 kindergartens located in Gali, with 443 child and 71 teacher, the studying process is held in Russian.

Georgian language is usually taught for one academic hour per week at schools in Gali district. All other subjects, like Biology or Chemistry are taught in Russian. In most cases, neither teachers, nor children nor their parents know the Russian language, which is being imposed by Russian-backed government of Abkhazia at all schools for several years now and because of that the level of education is not high enough in Gali. Despite this, Georgian language, which is a mother tongue of both majority of school students and teachers is obstructed from use in Gali schools.

According to the statement of the State Ministry for Reconciliation and Civic Equality, this kind of actions are *"well-determined attacks on Georgian identity"*.

<sup>3</sup> A census carried out by Sokhumi in 2015 found that the population of Gali was 30,247 out of which only 0.7% were ethnic Abkhazs (212 people), while the share of ethnic Georgians was 98%. <https://dfwatch.net/gali-residents-urged-renounced-georgian-ethnicity-acquire-abkhazian-passport-50754?fbclid=IwAR0HsVOXpLKsfWmHzJcsZJr2nHtgy-PzDDaMv9s6AnqXAqklh05Hw11MSo> (Last access 30.10.2018)

<sup>4</sup> <https://www.facebook.com/SMRCEgeorgia/videos/318701145608598/> (Last access 02.11.18)

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“Suddenly they changed the language, we knew nothing. It was shocking. My generation is lucky, because we were studying in Georgian all the time, but for younger children it’s difficult, most of them don’t even understands Russian, I can’t imagine how they will learn something”

*– said one of our respondents<sup>1</sup> who finished school in 2017 and now studies in Tbilisi.*

98% of pupils and 90% of teachers in Gali are ethnic Georgians.

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<sup>1</sup> Interview of Truth Hounds number 07, from organization’s database

During her speech at the parliamentary Human Rights and Civil Integration Committee on October 30, she argued that, Georgian population of Gali lives under conditions of “ethnic discrimination” and “Russification”.

The process of Russification is getting stronger on a daily basis. Not only are the children in Gali studying in Russian, but also, they are studying the History of Abkhazia, which is completely different from modern Georgian history and perspective.

*“Teachers tried to teach us history of Georgia secretly, when someone was entering in the classroom we were hiding books and continued to study History of Abkhazia”* – Said one of the respondents during our interview.

*“It was difficult for me to adapt in Tbilisi. People I’m studying with, know completely different history and now, I’m trying to catch up”* – said another respondent,<sup>5</sup> who finished school in Gali and now studies in Tbilisi.

According to our respondents, teachers, in most of the schools in Gali, tried to teach them History of Georgia, Georgian grammar and other things that the Abkhazian school curriculums lacks.

*“Sometimes we had secret lessons of history, like a club, were we gathered and our teacher was trying to teach us something about modern history of our country”*- said another respondent.<sup>6</sup>

With every year, this is getting more and more difficult. In many schools, Abkhazian authorities have changed the directors. They are mostly choosing ethnic Abkhazians, who graduated from AGY (State University of de facto Abkhazia) or possess a degree from Russia. The “official” reason for dismissal is “retirement”. Many directors of Georgian schools and kindergartens have already been victims of this “reform”. Abkhaz authorities are also forcing teachers to retrain the Russian language. Teachers who don’t know Russian or Abkhazian languages are threatened to be dismissed. *“I wouldn’t say that teachers at our school are fluent in Russian, more average, but they need to teach in Russian, it is strange and very difficult for them and for pupils as well”*-said one of our respondents<sup>7</sup> from the lower zone.

School education in Abkhazia lasts for 11 years, while in Georgian territory, school education lasts for 12 years. Curriculums are as well different, which is another hurdle for children from occupied territories to continue studying in Tbilisi controlled territory. For most of them, the language is barrier exist not only while passing national exams, but also while studying.

*“I was studying in Russian, all eleven years. My school is Russian. This was the closest school from my house. We weren’t even speaking in Georgian during lessons. It was prohibited. Sometimes we were talking in Megrelian, which was prohibited as well but not very strictly. The only reason I speak Georgian fluently is because of my family, we were always speaking in Georgian at home. It helped. But exams were still difficult for me, I couldn’t pass them first time around, because the level of education was not enough, I guess, so I started to go to tutors and next year I got a high enough score to pass”* – said one of the respondent,<sup>8</sup> who graduated from school #1 in Gali and now studies at Zugdidi university.

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 with every year and should be regarded as discrimination based on ethnicity.

5 Interview of Truth Hounds number 015, from organization’s database

6 Interview of Truth Hounds number 016, from organization’s database

7 Interview of Truth Hounds number 019, from organization’s database

8 Interview of Truth Hounds number 010, from organization’s database

Tutors are much needed for most of the children who plans to continue studying in Tbilisi or Zugdidi. The level of education offered by Abkhazian education system is not high enough to pass all the national exams, so families try to hire tutors. This requires high expenses, which has a negative effect on the socio-economic situation of people living in Gali.

*“Two of my tutors were living in my village, so that helped. I didn’t take a long time to reach them, but another one was living in Zugdidi and for me it was pretty difficult to get there every week. First you need to go in Rukhi, where the checkpoint is located, then from Rukhi to Zugdidi and back, it’s a long way, so I was only having lessons once a week on Saturdays”* – said one of the respondents<sup>9</sup> from the lower zone who studies now journalism in Tbilisi.

In 2018, 138 graduates from Gali district enrolled at universities in the Tbilisi-controlled territory, but Ketevan Tsikhelashvili is expressing concern, that, among others, due to the imposed language barrier, the number of schoolchildren in the district is declining.

Drastic changes made in Gali schools can have a negative effect in long term perspective. For children having all the school subjects in Russian, passing exams and adapting to a Georgian-language environment will be complicated, so more of them will choose universities in Sokhumi or in Russia.

*“Why I didn’t choose to continue studying in Sokhumi? There is no “studying”, you are just paying money and then, they give you a diploma. You don’t have knowledge, nor perspective to find a good job, you are just stuck there. I didn’t want this kind of future”*- said one of our respondents.<sup>10</sup>

Another problematic issue for the children in Gali is the war propaganda. They, against their will, are pushed to celebrate war-related holidays. Dressed in military uniforms, ethnic Georgian children are forced to participate in simulation games aimed at war propaganda and creating an “Icon of Enemy” towards Georgians.

*“For example, a Georgian child is playing the role of an Abkhaz boy, who is “killed” by a Georgian soldier. These events have a huge impact on children’s psyche and can cause serious psychological traumas. This is orchestrated to attack the Georgian identity, suppression and discrimination”* – said Tsikhelashvili.<sup>11</sup>

*“Every Monday morning we were listening to the national anthem of Abkhazia”* – most of our respondents mentioned.

*“We were learning Abkhazian language, I can understand but don’t speak. My teacher was from Sokhumi”*- said one of the respondents<sup>12</sup> while interviewing *“As I know now, they have more lessons per week than we had while studying”*.

*“At my school we were all Georgians, mostly talking in Georgian or Megrelian. We don’t know Abkhazian language, many pupils from my class don’t speak Russian either. Teachers were not prohibiting us to speak in Georgian, but sometimes they were asking us to whisper, there is always someone listening, controlling!”* – said one of the respondent<sup>13</sup> from the upper zone.

*“Teachers were friendly, but when we were visiting Sokhumi for training or celebrations, like Birthday of First President, they were always asking us to speak in Russian. Sometimes I felt that my peers in Sokhumi were looking at me*

<sup>9</sup> Interview of Truth Hounds number 025, from organization’s database

<sup>10</sup> Interview of Truth Hounds number 023, from organization’s database

<sup>11</sup> <https://www.facebook.com/SMRCEgeorgia/videos/318701145608598/> (Last access 02.11.18)

<sup>12</sup> Interview of Truth Hounds number 017, from organization’s database

<sup>13</sup> Interview of Truth Hounds number 031, from organization’s database

*with aggression. Once, when we had a volleyball tournament in Sokhumi, my classmates were bullied by Abkhazian children” – said another respondent<sup>14</sup> from the upper zone.*

According to Tsikhelashvili, the so-called “security services” often have raids in kindergartens and schools. In 2018, 235 participants of a summer camp, held on Tbilisi controlled territory, were interrogated, while Danish Refugee Council was prohibited to arrange a peace camp in Gali district.

*“Special service officers, dressed in plain clothes, are visiting children in kindergartens and are interviewing them in Russian. Many children don’t speak Russian, but they already know from teachers, that in this kind of cases it’s better to be quiet, or say some words in Russian, to protect their parents from subsequent punitive sanctions” – said Tsikhelashvili.<sup>15</sup>*

The state of the right to education in one’s native language and access to education is particularly grave in Gali district. Many parents have to leave their homes in Abkhazia and move to the Georgian-controlled territory in order for the children to receive education in their native language. According to Tsikhelashvili, in 2017, up to 50 children were forced to leave educational institutes in Gali district and move to Tbilisi-controlled territory. *“It was impossible for them to receive any education under such conditions.”* This year, their number has increased to 69.

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. 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>14</sup> Interview of Truth Hounds number 032, from organization’s database

<sup>15</sup> <https://www.facebook.com/SMRCEgeorgia/videos/318701145608598/> (last access 02.11.18)

# Freedom of Movement

In Gali district and overly in occupied Abkhazia, restrictions on freedom of movement remained as another issue of concern.

People leaving in occupied Abkhazia, minors among them, often are victims of arbitrary detentions. The Russian Federal Security Service (FSS) officers regularly carry out arbitrary detention for so called “illegal border crossings” along the boundary line with Abkhazia. According to data supplied by the State Security Service of Georgia, between 2008 and December 2016, 1788 people were detained.

According to the report<sup>16</sup> of the Public Defender of Georgia, issued during the reporting period, *“armed forces of the Russian Federation continue to detain minors, pregnant women, patients and elderly people.”*

In most cases, detention is followed by fines and later release. According to the Public Defender’s annual report, which was based on people’s complaints, the detention period can last up to several days or months and even several years in exceptional cases.

Main justification for detentions is the lack of appropriate documents. Russian FSB officers operating crossing points along the occupation lines allow crossings only to individuals having one of the types of “documents” recognized by the occupying power. Those unable to present the “document” or show up at the crossing point out of working hours, are denied the right to cross, often leading to various types of problems for locals, including children.

According to the Public Defender’s report, children are forced to take bypass routes to cross into Georgian-controlled territory and are thus exposed to the risk of detention.

The Public Defender is aware of an increasing number of cases where children detained by Russian border guards are being subjected 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 fresh 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 gender or age.

*“When Russian soldiers detained me, they didn’t believe I was minor, they took me to their base and didn’t let me call my parents. They were pointing guns at my face and were threatening me with a big barking dog, then I was handcuffed with another detainee. The handcuffs were locked up so tightly my skin was almost bleeding. I was only 14 years old back then.”* – said our respondent,<sup>17</sup> an 18-year-old teenager from Gali, now studying and working in Zugdidi.

On 6<sup>th</sup> December 2016, several schoolchildren, residing in the occupied village of Otopaia, Gali district, were detained by Russian FSB officers in Abkhazia. The schoolchildren were held in detention in the Russian military base for about 5 hours. There are numerous cases like this.

The situation with documentations in Abkhazia is not clear. During past years, people were using Form #9 to cross the so called border, now they need a document called “Vid na Jitelstvo”- certificate of residence. Getting this certificate is expensive and takes a long time.

<sup>16</sup> Special Report of the Public Defender of Georgia On the Rights of Women and Children in Conflict-Affected Regions; Review of 2014-2016

<sup>17</sup> Interview of Truth Hounds number 06, from organization’s database

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“I passed three, out of four, national exams in Zugdidi examination center. The fourth one was after several days so I decided to go back home to Otobaia, a village in Gali district. When I wanted to go back to Zugdidi, Russian soldiers told me that something was wrong with my documents, they didn’t explain anything. I had so little time and no choice, I decided to go through a bypass. While I was trying to cross the barbed wire fence, I cut my arm, but it didn’t stop me, I swam across the Enguri River. The water around me turned reddish. I was bleeding, but I passed the exam.”

*– said an 18-year-old girl from Otobaia, now living in Tbilisi.*



*A boy holding Abkhazian Passport © Ian McNaught Davis*

*“Corruption still stands strong in Abkhazia, if you are paying them, they can make your certificate pretty fast otherwise you can stand in the queue for months”. – said one of our respondents.*

*“You never know what Russian soldiers will say at the border, maybe they will let you in and don’t let you to go back in Tbilisi, maybe they will say your form number #9 is expired. We need to renew it time after time, it’s not expensive, but it needs time and nerves”. – said one of our respondents from the lower zone of Gali, currently living in Tbilisi and visiting parents just once or twice a year.*

Another fundamental reason for problems and restrictions of Freedom of Movement is the decision, made by Abkhazia’s de facto administration, to close several checkpoints between the occupied territory and the Tbilisi controlled part.

Until 2013, Abkhazia’s de facto administration formally acknowledged Enguri crossing point as the only means of crossing from occupied Abkhazia to the territory controlled by Tbilisi. Local residents, however, managed to cross the Administrative Boundary Line (ABL) mainly through bypass routes along its entire perimeter (approx. 120 km). Since 2009, the Border Service of the Federal Security Service of the Russian Federation has launched fortification works on the so-called “border” along the Enguri River and four more checkpoints were opened in 2013. For four years, residents of Gali district, pupils and patients alike, frequently used these border crossings.

During 2016, Abkhazia’s de facto authorities made numerous statements that they are going to close the existing crossings.

The closure of the checkpoints on the Administrative Boundary Line was a promise made by de facto President Raul Khajimba during his election campaign. During 2016, Abkhazia’s de facto authorities made numerous statements that they were planning to close the existing border crossings, except for the checkpoint at the Enguri River.

In spring 2016, they closed the Shamgona-Tagiloni crossing. In spring of 2017, they also closed the Khurcha-Nabakevi and Orsantia-Otobaia crossings. As a result, nowadays, people living in Gali can only use one of two border crossings, at Enguri (lower zone) and at- Saberio-Tskoushi (upper zone).



Bridge on Enguri river © Ian McNaught Davis

The closure of the checkpoints is similar to “withholding oxygen from the people of Gali”. According to Niels Scott, Resident Coordinator of the United Nations in Georgia, based on observed patterns, the closure of the remaining pedestrian crossing points will likely affect at least 1,000 crossings a day on average, creating greater vulnerability and isolation of those living in the adjacent areas.

Most of our respondents underlined that the closure of checkpoints has an ongoing negative affect to their village, family and themselves.

*“Now we need to travel twice as far to reach Zugdidi, we need to spend twice the amount of time and money. It was way easier when the other crossings were working, closer to our village.”<sup>18</sup>*

*“Because of the border closure, I couldn’t go to my private tutor in Zugdidi three times a week. The road from my house to the Enguri checkpoint was long and after school it was too late to go to Zugdidi and back. The working hours of the border crossing aren’t 24/7. Either you manage in time, or are left outside. I was only going to Zugdidi on Fridays, after school and was staying with relatives until Sunday, it was difficult, but I really wanted to pass exams and continue to study in Tbilisi.”<sup>19</sup>*

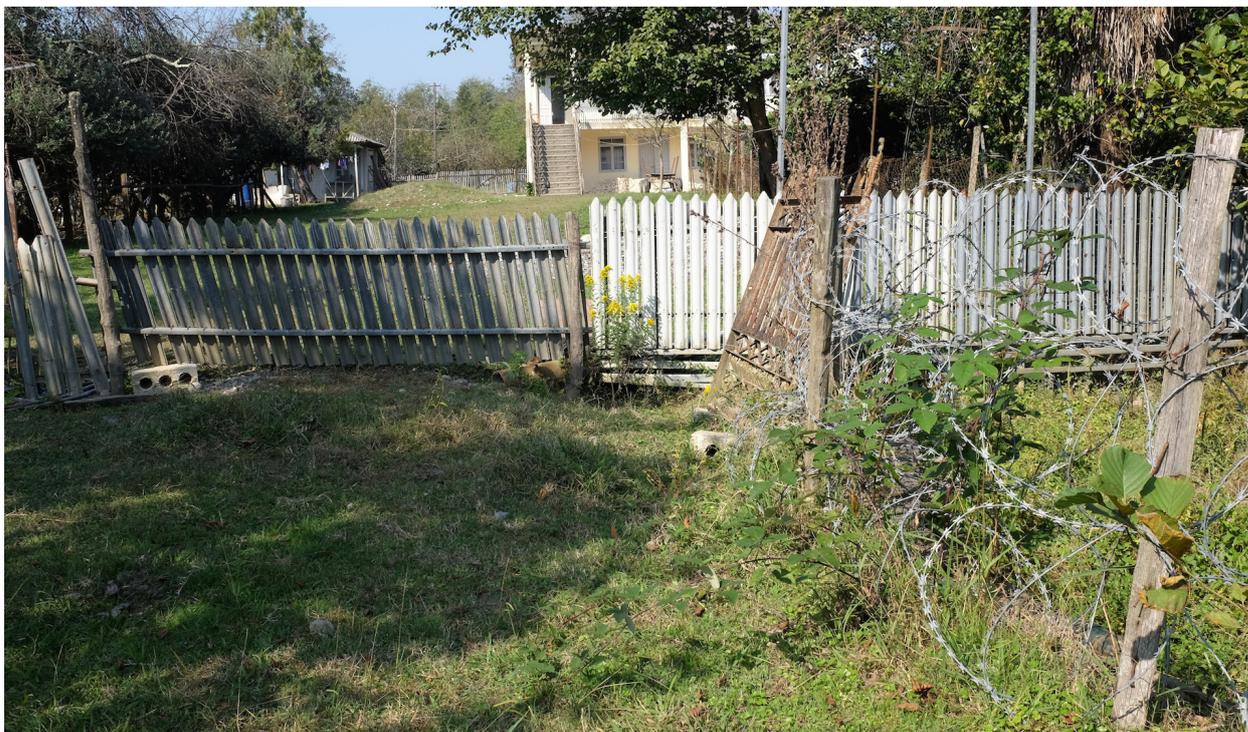
*“After the closure of the nearest checkpoint to our village, it is difficult to get to Zugdidi on a daily basis to sell some products or buy some. Products on occupied territories cost twice as much and money is never enough. My parents still live there.”<sup>20</sup>*

There are some stories of students from Gali we meet during missions in Zugdidi and Tbilisi, which sound alike and share the same problems.

18 Interview of Truth Hounds number 034, from organization’s database

19 Interview of Truth Hounds number 013, from organization’s database

20 Interview of Truth Hounds number 021, from organization’s database



*Boundary line marked with barbed wire next to the house in village Pichori*  
© Ian McNaught Davis

## Legal Qualifications

Protection of the rights of children in conflict-affected areas of Georgia is a big challenge not only for local government, but also for international organizations. Efforts of civil society, as well as existing programs of international governmental and non-governmental organizations such as UNICEF and World Vision are still not consistent enough to effectively protect children rights in the mentioned areas. Until now, the violations of the rights of children are still rarely identified or even recognized.

The obligations to guarantee basic rights of children in Abkhazia lies on two states: Georgia as a title state and the Russian Federation. It is the later that exercise an overall control over the territory of Abkhazia. The later fact was recognized by the international community and repeatedly confirmed by the decisions of international organizations.<sup>21</sup> Therefore, the Russian Federation bears main responsibility for the implementation of human rights in Abkhazia. The duty to secure human rights implementation on the territories controlled by the state without the title is well settled in the international law. ECHR confirmed such an obligation in its well-known decisions, *Ilascu and Others v. Moldova and Russia*<sup>22</sup> and *Loizidou v. Turkey*.<sup>23</sup>

<sup>21</sup> See for instance Council of Europe decision on the conflict in Georgia adopted by the Committee of Ministers' Deputies of the Council of Europe at its 1255th meeting

<sup>22</sup> *Ilascu and Others v. Moldova and Russia*, 48787/99, Council of Europe: European Court of Human Rights, 8 July 2004, available at: <http://www.refworld.org/cases,ECHR,414d9df64.html> [accessed 14 November 2018]

<sup>23</sup> *Loizidou v. Turkey*, 40/1993/435/514, Council of Europe: European Court of Human Rights, 23 February 1995, available at: <http://www.refworld.org/cases,ECHR,402a07c94.html> [accessed 14 November 2018]



In the villages of the lower zone schools managed to keep Georgian as the language of instruction, but after the 2015-2016 academic year even there was Russian recognized as the language of instruction for students attending the first through fourth grades and every first-grader living in occupied Abkhazian territory now starts classes in Russian. According to the plan of Abkhazian authorities, within six years, Georgian will be completely replaced as the language of instruction for children in Gali.

The current situation in Abkhazia regarding the access to education in the native language is strikingly dangerous. Thousands of school students remain deprived of one of the basic rights of a child. The plans of the de facto government of Abkhazia threaten to make the situation even worse. Therefore, the international community has to coordinate and strengthen its efforts to enforce the rights of children in Abkhazia according to the international treaties.

## Freedom of Movement

Freedom of movement is a recognized right of every human. It is enshrined in the article 2 of Protocol 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The very same provision is included to the article 12 of the International Covenant on Economic, Social and Cultural Rights of 1966. According to the named provisions, everyone, lawfully within the territory of a state shall, within that territory, have the right to liberty of movement and freedom to choose his residence.



*Checkpoint in village Rukhi © Svitlana Valko*

Freedom of movement is constantly violated in occupied Abkhazia because of detentions on as called borders/checkpoints. People living here sometimes don't have appropriate documents (Abkhazian passport, Form N9) and this is the main justification for detentions. Because of this, people living in Abkhazia try to go via non-official roads and even swim across Enguri, the river dividing Georgian territory from occupied Abkhazia. These actions are dangerous and can jeopardize their health and even their lives.

According to the report<sup>28</sup> of the Public Defender in 2016, 317 people have been detained. In 21 of those cases, detainees were minors. Detention of children, including those with illnesses, were of regular basis. The number of cases where children, detained by Russian border guards, being subjected 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 fresh water, and often dozens of them are placed in a single room regardless of gender or age.

The situation on the Administrative Boundary has been attracting international attention. Thus, the Council of Europe in its 2016 decisions, stressed that it *“regretted that despite the continued calls upon the Russian Federation to reverse the process of installation of artificial obstacles along the administrative boundary lines which divide families and communities and violate human rights and fundamental freedoms, it continues this process through various means, including by installing new demarcation signposts”*<sup>29</sup>. Despite the continuous calls against further complication for the freedom of movement, the situation does not change for the better.

Restriction of the right of children to move freely across the Administrative Boundary Line may be treated also as 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.

## The Right of Children to Life and Health

The right to life is a basic natural right of every human being. It is precisely guaranteed by the article 6 of the International Covenant on Economic, Social and Cultural Rights and article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The state parties, to the named international agreements, are obliged to secure ones right to life. This obligation is of positive nature. That is to say that each state must do whatever is necessary to protect the life of person and to eliminate the obstacles that may endanger this fundamental right. With regards to healthcare facilities, the positive obligations of the states require them to make regulations regarding hospitals, whether private or public, to adopt appropriate measures for the protection of patients’ lives<sup>30</sup>. In this connection, the states’ obligation to regulate must be understood in a broader sense which includes the duty to ensure the effective functioning of that regulatory framework. The regulatory duties thus encompass necessary measures to ensure implementation, including supervision and enforcement<sup>31</sup>.

As can be seen from the previous part, international law requires states to create and ensure the existence of an effective system of healthcare. Since individual states may have different financial, equipment and expert capacity, international law does not demand same level of medical service to be provided in all the countries. However, what is indeed demanded is reasonable and contextual

28 Special Report of the Public Defender of Georgia On the Rights of Women and Children in Conflict-Affected Regions; Review of 2014-2016; pg:17

29 Council of Europe decision on the conflict in Georgia adopted by the Committee of Ministers’ Deputies of the Council of Europe at its 1255th meeting

30 See for instance *Calvelli and Ciglio v. Italy* [GC], Application no. 32967/96, ECHR 2002-I, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-60329%22%5D%7D>, § 49

31 See *Lopes de Sousa Fernandes v. Portugal*, Application no. 56080/13, ECHR 19 December 2017, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-179556%22%5D%7D>, § 190.

sensitive regulation of the healthcare sphere. Provided, the healthcare facilities in Abkhazia are at a low level, it is vitally important to provide easy access to the facilities in neighbouring Georgian regions. This is especially true when it comes to the minor's right to life and health.

As it may be seen from the report, the right of children to life is violated in occupied Abkhazia region. There are complex reasons for that - underdeveloped medical services and infrastructure, low qualification of medical personnel, high cost of medical services, etc. All this has negative impacts on the health status of local communities and in particular that of children.

Most residents of occupied territories prefer to seek better treatments in Zugdidi or Tbilisi. But there also are some programs supported by international organizations such as UNICEF, UNDP, and World Vision, which routinely provide vaccination for children as well as trainings for healthcare professionals working with children (doctors, nurses, psychologists, teachers, and police officers) etc.

In spite of the above-mentioned measures, problems still persist. In Gali district, 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.

## Conclusion and Recommendations

As the report shows, situation of the protection of human rights in the communities adjacent to Abkhazia's Administrative Boundary line, specifically in Gali district, is gradually deteriorating. By denying the enjoyment of the right to freedom of movement, Abkhaz authorities complicate the access to the educational and medical facilities on the Georgian-controlled regions.

Restriction of the right to education in one's native language, limited accessibility of health services, inhuman treatment, detentions, amount to discriminatory treatment of the population of Gali,

compared to other non-Georgian population of Abkhazia, oppressions, "Russification" process, the closure of the crossing points, poor socio-economic conditions are some major challenges people living on occupied territories face on daily basis.

Considering all above-mentioned problems, there is a risk that the population will leave Abkhazia, their permanent place of residence.

There are several recommendations Truth Hounds issued:

- First of all, all parties involved in conflict should immediately stop manipulating children's rights and linking them to a political status.
- Children's Rights must be guaranteed and for that, Abkhazian de-facto authorities should allow international human rights organizations and international missions to have unlimited access to the occupied territories.
- The Government of Georgia should maximally increase the amount of state medical and educational programs aimed at population residing in Abkhazia.
- Programs for people living in Abkhazia should be easily accessible and available and should include education, health services and other basic needs.
- The Government of Georgia should develop a mechanism for ensuring improved access to identification documents or other documents of legal force by those residing on the occupied territories
- Conflict-involved parties should find a compromise regarding the border-crossing, the process should be easy, flexible and as cheap as possible;
- Conflict-involved parties should clearly mark the borderline between occupied Abkhazia and Tbilisi-controlled territory for people not to be victims of arbitrary detentions.

Without all these services, people residing in Gali and other parts of occupied Abkhazia, will continue to live a life full of human rights violations, fears and oppressions. All this will badly reflect to the future of Georgian-Abkhazian relationship and to people, who slowly lose their connection to each other and their ethnicity.

## Truth Hounds

Truth Hounds is a non-profit organization with its headquarters in Kiev. It was founded in 2016. Its members are investigators and documenters of war crimes, crimes against humanity and other human rights violations, problem solvers aiding vulnerable groups.

History of Truth Hounds begins from a field mission team for IPHR's project in Ukraine. Since the annexation of Crimea and beginning of war in Ukraine we fight impunity of perpetrators of international crimes whoever they are by nationality or which side they fight for.

Our specialists work in human rights, training and monitoring activities in Ukraine, Georgia, Armenia and Belarus. In Georgia, the Truth Hounds team, together with its partners, runs the Tbilisi Shelter City project – a shelter for human rights activists from the former Soviet Union, which provides a safe environment and counseling to activists and human rights defenders operating in difficult circumstances.

Since its establishment, Truth Hounds has worked with the Council of Europe, European Commission, OSCE/ODIHR, the International Criminal Court, and became a member of the Civic Solidarity Platform and Coalition for the International Criminal Court.

