

WORKING SESSION 14: TOLERANCE AND NON-DISCRIMINATION II: REVIEW OF THE IMPLEMENTATION OF COMMITMENTS ON PROMOTION OF MUTUAL RESPECT AND UNDERSTANDING

COALITION FOR JUSTICE: DISCRIMINATION AGAINST ETHNIC GEORGIANS IN THE OCCUPIED TERRITORIES OF GEORGIA

On behalf of Coalition for Justice, an advocate for the rights of the internally displaced persons (IDPs) in Georgia, I would like to bring to your attention the plight of tens of thousands of ethnic Georgians who currently reside in the occupied territories of Georgia – Abkhazia and Tskhinvali Region/“South Ossetia”.

Due to ethnic cleansing of the Georgian population in Abkhazia and Tskhinvali Region/“South Ossetia” an overwhelming majority of the original Georgian population has been expelled from these regions. However, some 45,000 Georgians still live there, mainly adjacent to the so-called administrative boundary lines (ABL).

As Human Rights Watch rightfully notes in its 2011 report, the Georgian population of the occupied Abkhazia “lives in limbo.” With no effective remedies of protection, these people are left to the mercy of de-facto authorities, same authorities who effectively “cleansed” hundreds of thousands of Georgians from this region and who persistently continue to pursue discriminatory policies against the remaining few. Discrimination, coercion and fear have become parts of daily lives for the remaining Georgian population of the occupied regions as they experience intimidation, persecution, and systematic human rights violations — both from the de facto authorities and the Russian occupying forces. Kidnapping, arbitrary detention, and physical assault are commonplace; justice and due process are scarcely given and basic rights and freedoms are luxuries reserved exclusively for the Abkhaz nationals. Ethnic Georgians are threatened with the confiscation of property and expulsion from their homes for being “citizens of another country”, unless they obtain Abkhaz “passports”. One cannot hold an office, graduate from school, own property or travel across the occupation line to trade and to see their families, without such

a document. The above mentioned classifies as discrimination on ethnic grounds and a major human rights violation.

Already, many families left Gali region of Abkhazia as they were unable to find Georgian-language schooling for their children. In the town of Gali where the population is predominantly ethnic Georgian, Georgian-language schooling is prohibited by the de facto authorities. Increasingly, the Russian occupying forces too started to help enforce this abusive policy. In the light of the above, many Georgian families left the area in search for appropriate educational opportunities for their children in Georgia. **The right to receive education in one's own language is a fundamental human right enshrined in the international human rights law and equally applies to the occupied territories under the international humanitarian law.** Prohibition to receive education in one's native tongue is yet another example of how no human rights are guaranteed for the Georgian residents of the occupied territories of Georgia.

Discriminatory practices assail another area of human rights - the property rights of both the displaced Georgian population and the remaining Georgian residents of Abkhazia. Now only have the de facto authorities banned the displaced from exercising their property rights over the assets left behind because of the war, but there is also a Russian-Abkhaz Commission on Restitution, which is an epitome of discrimination on ethnic grounds. How Russian-Abkhaz Commission on Restitution, established in early 2010, deals with property restitution claims illustrates pervasive climate of discrimination: Commission admits cases from the Russian nationals, but **proscribes restitution to all Russian citizens of Georgian origin.** Not only such policy violates the property rights of ethnic Georgians but it also discriminative and stands as a continuation of the ethnic cleansing policy carried out against ethnic Georgian population of this region in the 1990s.

International human rights law and international humanitarian law prohibit discrimination, including on ethnic grounds. International humanitarian law specifically addresses the issue of non-discrimination in the occupied territories and implies that the occupying power (in this case, the Russian Federation) is responsible " *to protect the fundamental rights of the population living under its control...without...any discrimination on ethnic grounds.*" This obligation equally covers Russia's positive obligation to ensure rights are fully respected by other actors, in this particular case, the de-facto authorities. It is criminal, that the

occupation forces e.i. Russian Federation does not fulfill its obligations under the international humanitarian law to ensure realization of human rights and prohibition of discrimination on the occupied regions of Georgia. Moreover, Russian presence has further contributed to bolstering discriminatory policies and practice against Georgians in these regions.

It is in light of the above mentioned that the Coalition for Justice calls on the Russian Federation to end discriminatory practices against the Georgian population in Abkhazia and Tskhinvali Region/"South Ossetia" and to ensure respect for human rights and fundamental freedoms in these regions as prescribed by the international human rights law and the international humanitarian law. We also call on the OSCE participating states community to strengthen human rights monitoring mechanisms in Abkhazia and Tskhinvali Region/"South Ossetia", which have ceased their operations after Russia vetoed the extension of the UN's Monitoring Mission in Georgia at the UN Security Council and blocked the extension of the OSCE Georgia's mandate in 2008.

Tamar Vashakidze