



**A special Report of the Public Defender of Georgia**

**The Right to Education in Gali District: New  
Developments and Challenges of the Academic Year of  
2015-2016**

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## CONTENT

|  |    |
|--|----|
| 1. Introduction.....   | 4  |
| 2. The Status of the Right of School Students Residing in Gali District.....     | 5  |
| A. The Right to Receiving Education in the Native Language and Discrimination .. | 5  |
| B. The Right to Accessibility of Education .....                                 | 9  |
| 3. The Issue of Responsibility.....  | 12 |
| 4. Conclusion and Recommendations.....   | 14 |

# 1. Introduction

The academic year of 2015-2016 has seen the introduction of Russian as a language of instruction for all primary school students (1-4 grades) who now have to use Russian textbooks published in the Russian Federation. The de-facto administration has decided that this will be the practice for the years to come.<sup>1</sup> Therefore, if events will take the planned course, in six years the Georgian language will be exterminated from the academic processes in Gali district to be replaced by the Russian language, a culmination of processes which began in 1995.

It is worth noting that most of the Gali population, including school students identify themselves as ethnic Georgians, as also indicated in so called Abkhazian passports. In spite of this, children residing in Gali district are not able to fully exercise their right to receiving school education in their native language which in turn prevents them from receiving quality education and restricts access to education in general.

The right to education is guaranteed by the international law and enshrined in legally binding agreements of the UN and the Council of Europe. The International Covenant on Economic, Social and Cultural Rights puts a strong emphasis on the right to education and states that education shall be directed ‘to the full development of the human personality and the sense of dignity’ and ‘promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups’.<sup>2</sup> In its General Comment the Committee on Economic, Social and Cultural Rights specifies that education must *physically accessible* and *affordable* to all<sup>3</sup> without discrimination and *acceptable*, which means that the form and substance of education including curricula and teaching methods have to be relevant and culturally appropriate as well as of good quality to students and their parents.<sup>4</sup>

The UN Convention on the Rights of the Child also recognizes the right of the child to education and states that education shall be directed to the development of respect for the child’s parents, his or her own cultural identity, language and values.<sup>5</sup> In its General Comment 1 the Committee on the Rights of the Child underlined that ‘children are capable of playing a unique role in bridging many of the differences that have historically separated groups of people from one another.’<sup>6</sup>

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<sup>1</sup> *Gali Schools to Move to the Abkhaz Curricula*, Sputnik, 26.03.2015, Available at: <http://sputnik-abkhazia.ru/Abkhazia/20150326/1014238003.html> [Last accessed on September 25, 2015].

<sup>2</sup> The International Covenant on Economic, Social and Cultural Rights, Article 13(1).

<sup>3</sup> Accessibility implies non-discrimination, physical accessibility so that education institution is within the safe reach and economic affordability. Please refer to the General Comment 13, Paragraph 6 of the Committee on Economic, Social and Cultural Rights.

<sup>4</sup> General Comment 13, Paragraph 6 of the Committee on Economic, Social and Cultural Rights.

<sup>5</sup> Articles 28 and 29(1)(C)

<sup>6</sup> General Comment 1 (2001), Article 29.1 of the Committee on the Rights of the Child on the Aims of Education, Paragraph 4.

The present report does not cover the right to education in Akhagori district<sup>7</sup> as there have not been any significant changes in education processes since 2008, except for the drastic decrease in the number of school age students as a result of the occupation.

## **2 The Status of the Right of School Students Residing in Gali District**

### ***A. The Right to Receiving Education in the Native Language and Discrimination***

Before the commencement of military actions in Abkhazia, Gali district, in which ethnic Georgians form the majority of population, enjoyed 58 schools with only two of them having Russian as the language of instruction. During the military confrontations of 1992-1993 some of these schools were burnt down and only 31 continued to provide education after the war.<sup>8</sup>

In 1994 Abkhaz de-facto authorities partitioned Gali district and attributing some of its villages to Tkvarcheli and Ochamchire districts. The changes had also seen Gali district divided into 'upper' and 'lower zones.' As a result of this process 10 schools originally located in Gali district ended up in Tkvarcheli district and one in Ochamchire. As for the divided Gali schools, nine schools appeared in the upper (Zeda) zone while the lower (Kvemo) Gali zone claimed eleven schools.

Since 1995 Abkhaz de-facto authorities have been developing a new curriculum which, inter alia, envisaged the introduction of Russian as a language of instruction in above mentioned schools.<sup>9</sup> The process has been implemented gradually: in schools which were divided between Tkvarcheli and Ochamchire all 11 grades simultaneously moved to Russian; Russian was introduced as a language of instruction in schools of Upper Zone under a *first grade principle* meaning that every first graders would start their education in Russian. Consequently since 2005 to present, students of Gali Upper Zone 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 academic year 2015-2016 has seen the introduction of Russian as the language of instruction for students attending from the first through fourth grades and every coming first grade will also have classes in Russian.

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<sup>7</sup> Up until the war of 2008, Akhagori district was controlled by the Georgian government. After the occupation, it falls under the territory of so called South Ossetia.

<sup>8</sup> See the Report of the Public Defender of Georgia on Human Rights and Freedoms in Georgia for the Year of 2014. pp. 845-847

<sup>9</sup> Living in Limbo], Human Rights Watch, 2011, p.48.

Therefore, within 6 years, Georgian, as the language of instruction and the mother tongue of Gali district children, will be completely replaced.

For years the Georgian language has been treated as a ‘foreign’ language in the villages allocated to Tkvarcheli and Ochamchire and in schools located in Upper Zone villages. In 2008 Georgian language and literature was completely removed from a curriculum of Tkvarcheli and Ochamchire schools and 26 teachers of the subject were made redundant. In Gali Upper Zone schools, the number of academic hours assigned to the Georgian language and literatures has been gradually cut short and by the current academic year they are given only one academic hour per week.

In the academic year of 2014-2015 the number of Georgian language classes has been cut by four in the primary school (1-4 grades) in Lower Zone schools. The reduced hours were added to the Russian language syllabus. The shift to the Russian language education for primary school students in 2015-2016 has resulted in further reduction of the number of Georgian language and literature classes given now only three hours per week (2 hours for literature classes and one for linguistics). Students attending fifth through seventh grades also have 3 hours of Georgian per week while 8-11 graders learn Georgian only for one academic hour per week.<sup>10</sup>

In every school originally belonging to Gali district paperwork is done in Russian. Russian is indicated as a native language in school certificates (attestati) except for Lower Zone schools. Interestingly, in certificates issued to the graduates from other schools in Abkhazia a native language corresponds to an ethnic background of a student (i.e. Abkhazian, Armenian, Russian). Presumably the same practice will be extrapolated to Lower Zone schools in Gali district after the Russian language is introduced as a language of instruction.

In Abkhazia, textbooks for schools with Russian as the language of instruction are supplied from the Russian Federation. These textbooks are used to teach every subject in Gali schools except for the Abkhazian History and Geography textbooks of which are edited by Abkhaz authors.

The Abkhaz de-facto authorities believe that such measures contribute to the ‘integration’ of Gali population. As stated by one of their representatives, above-mentioned policy is not against the Georgian language but rather against the Georgian ideology. Dimitri Gvaramia, de-facto deputy Education Minister stated that ‘not only are Georgian textbooks harmful for the Abkhaz population, but also they contain danger for the Abkhaz statehood’.<sup>11</sup> Temur Nadaria, the de-facto head of Gali Administration argues that students receiving education in Georgian are of no use for Abkhazia.<sup>12</sup>

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<sup>10</sup> Interviews with focal points; September 17 – October, 2015.

<sup>11</sup> Gvaramia: Gali students to study according to Abkhaz curricula“ [ ], 05.06.15 Sputnik . Available at: <http://sputnik-abkhazia.ru/Abkhazia/20150605/1014853569.html#ixzz3mTnLtKFt> Last Accessed on September 25, 2015].

<sup>12</sup> ‘Gali Schools to Move to Abkhaz Curricula“ [ ], 26.03.15, Sputnik . Available at: <http://sputnik-abkhazia.ru/Abkhazia/20150326/1014238003.html#ixzz3mTos2xe6> Last accessed on September 25, 2015].

He also argues that after finishing Georgian schools, young people cannot fully enjoy life in Abkhazia as they lack proper knowledge of Abkhaz and Russian languages.<sup>13</sup>

The efforts to integrate ethnic Georgian communities in the Abkhaz society must not violate the rights of the former and result in assimilation rather than integration. Factual circumstances corroborate that the form and substance of education available in Abkhazia is not culturally acceptable for communities residing in Gali District. Textbooks issued for students of foreign county (specifically for the Russian Federation) cannot be culturally relevant for natives of Abkhazia including Gali's Georgian speaking communities.

The right to receiving education in the native language is enshrined in the UN Convention on the Rights of the Child, which specifies that the education should be directed at the development of respect of the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living and the country from which he or she may originate, and for civilizations different from his or her own.<sup>14</sup>

The European Convention on Human Rights also recognizes the right to education and specifies that 'no person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions'.<sup>15</sup>

In order for their children to receive education in their native language, many parents prefer to leave Abkhazia and move to the Georgian controlled territory.<sup>16</sup> This circumstance violates the right of parents to free choice of education enshrined in Paragraphs 3 and 4 of the International Covenant on Economic, Social and Cultural Rights stating that 'the state parties to the Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools to ensure religious and moral education of their children in conformity with their own convictions'.<sup>17</sup>

The fact that other ethnic groups in Abkhazia can exercise their right to receive education in their native language with this language being indicated as a native tongue in school certificates, while ethnic Georgians have none of these privileges, can be assessed as discrimination based on ethnicity.

In its decisions the European Court of Human Rights (Court) provides detailed explanation of the right to education under occupation and separatists regimes.

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<sup>13</sup> In Gali schools education will be provided under the standards of the Abkhaz Ministry of Education“ [

] Available at: <http://www.apsnypress.info/news/vo-vsekh-shkolakh-galskogo-rayona-obuchenie-budet-vestis-po-standartam-minobrazovaniya-abkhazii/> [Last accessed on September 25, 2015].

<sup>14</sup> Article 29 (C).

<sup>15</sup> The European Convention on Human Rights, Protocol 1, Article 2.

<sup>16</sup> Three such cases became known to the Public Defender of Georgia in 2014-2015

<sup>17</sup> General Comment No. 13 of the Committee on Economic, Social and Cultural Rights, Paragraph 28.

The court ruled that parents are primarily responsible for the education and teaching of their children and they may require the States to respect their religious and philosophical convictions. The aim of the Convention is to safeguard the possibility of pluralism in education which is essential for the preservation of the democratic society. The State must ensure that information or knowledge including in the curriculum is conveyed in an objective, critical and pluralistic manner. Under no circumstances shall the State indoctrinate against religious or philosophical convictions of parents of the child.<sup>18</sup>

The court also argues that the right to education and the right of parents to ensure education according to their religious and philosophical conviction must be viewed together other articles of the Convention including the Right to respect for private and family life (Article 8), Freedom of thought, conscience and religion (Article 9) and Freedom of expression (Article 10).<sup>19</sup>

### The Case of Cyprus v. Turkey

In the case of Cyprus v. Turkey (2001), the Court ruled that Turkey violated the right to education as Cypriot Greeks residing in northern Cyprus were restricted their right to pursue education in secondary school in their native language. The secondary education facilities which were formerly available to children of Greek Cypriots had been abolished by the Turkish-Cypriot authorities. Accordingly, 'the legitimate wish of Greek Cypriots living in northern Cyprus to have their children educated in accordance with their cultural and ethnic tradition and in particular through the medium of the Greek language, could not be met'.<sup>20</sup> Even though Cypriot Greeks were able to receive education in Greek in southern Cyprus, the Court ruled that their right to education had been violated. In addition the Court deemed it unrealistic for students with primary Greek education to pursue education in either Turkish or English schools. Respectively, in spite of the fact that students formally had the access to receiving education, the Court concluded that the practice of Cypriot-Turkish authorities amounted to the denial of the substance of the right to education.<sup>21</sup>

### Catan and Others v. Moldova and Russia

In a comparatively recent 2012 case of Catan and others v. Moldova and Russia, the Court concluded that the Russian Federation had violated the right to education of Moldovan students in Moldavian Republic of Transdnistria (MRT).

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<sup>18</sup> Case of Catan and Others vs. Moldova and Russia, application nos 43770/04, 8252/05 and 18454/06, 19 October 2012, para 138.

<sup>19</sup> Ibid, para 136.

<sup>20</sup> Case of Cyprus vs. Turkey, application no 25781/94, 10 May 2001, para 275.

<sup>21</sup> Ibid, para 278.



MRT authorities supported by the Russian Federation, prohibited Latin alphabet in the education system believing that the usage of the alphabet was associated with the republic of Moldova. The de-facto authorities demanded that Moldovan schools in MRT should use Cyrillic alphabet which is called Moldovan and used exclusively in MRTa. Schools which used Latin alphabet and attended by Moldovan students had been forcefully shut down and only allowed to be reopened in remote places. Therefore, teaching in Moldovan/Romanian language had eventually become to be associated with risks. Many parents made a choice to move their children to schools operating in the Moldova controlled territory while the rest had to choose between Russian, Ukrainian or Moldovan languages and schools which were located far from their places of residence and lacked relevant conditions.<sup>22</sup>

The Court concluded that the State is responsible to ensure access to education facilities for everyone.<sup>23</sup> The Court therefore considers that the forced closure of the schools and subsequent measures of harassment constituted interferences with the applicants' rights of access to educational institutions and to be educated in their national languages. In addition, the Court considers that these measures amounted to an interference with the applicant parents' rights to ensure their children's education and teaching in accordance with their philosophical convictions.<sup>24</sup> The Court ruled that the measures taken by the separatist authorities in relation to their language policy prevented the applicants to receive education in the official language which also happened to be their native tongue. The Court concluded that the authorities had no legitimate aims and the only goal they had pursued was to accommodate a political agenda to Russify the language and culture of Moldovan society and a political objective to separate MRT from Moldova and unite with Russia.<sup>25</sup>

### ***B. The Right to Accessibility of Education***

The replacement of the Georgians language by Russian has significantly deteriorated the quality of education not only in schools within Gali district but also those which were transferred to Ochamchire and Tkvarcheli districts. Students find it difficult to learn subjects in Russian. The same applies to great majority of teachers, as they are ethnic Georgians who received education in Georgian and therefore feel uncomfortable teaching their respective subjects in Russian. There have been cases when they continue teaching in Georgian at their own risk as they may lose their job if they are caught while doing so during frequent inspections of schools.<sup>26</sup>

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<sup>22</sup>Case of Catan and Others vs. Moldova and Russia, application nos 43770/04, 8252/05 და 18454/06, 19 October 2012, paras 43-45, 125-128, 141.

<sup>23</sup>Ibid, para 137.

<sup>24</sup>Ibid, para 143.

<sup>25</sup>Ibid, §144.

<sup>26</sup>Living in Limbo, Human Rights Watch, 2011, p.49.

School students suffer the most as they talk to their family members either in Georgian or in Megrelian but while in school they are instructed in Russian and have to learn Abkhazian together with Abkhazian language. As a result of this they lack in-depth knowledge of either of the languages which further restricts them to pursue higher education and develop professional careers.<sup>27</sup>

The access to education still remains a burning problem. Many Gali families, especially those reside along the Administrative Boundary Line (ABL) prefer their children to study in schools on the Georgian controlled territory mainly because of two reasons: firstly, the nearest school is located across the ABL (within 0.5 – 1 km) and secondly, parents prefer their children to receive education in their native language.

By 2015-2016 school students still commute across the ABL in spite of the fact that Russian border guards<sup>28</sup> have repeatedly detained them and prevented from receiving education because of the absence of necessary documents. The issuance of these documents by the de-facto authorities has been irregular over the course of many years contributing to the decreased number of students moving across the ABL:

- In the academic year of 2015-2016 five students commute across the ABL from the village of Khurcha (Zugdidi municipality) to the Village of Nabakevi, Gali District. Up to 2011 the number of students taking the same rout totaled 40.<sup>29</sup>
- At present 11 school students (4-9 graders) from Saberio, Gali district attend a nine-grade school in the village of Tskoushi, Tsalenjikha municipality while 12 students (9-11 graders) from Saberio attend Pakhulani public school, Tsalenjikha municipality. This is a drastic decrease in the number of students attending in particular Tskoushi school amounting 18 and 48 for 2014 and 2013 subsequently. In 2013 Pakhulani school had 13 students from Saberio.
- The number of students attending 7-11 grades in the school in the village of Ganmukhuri, Zugdidi municipality from Gali District village of Otobaia has fallen to 15 in 2015 from 34 and 18 in 2013 and 2014 respectively.

The movement across the ABL is not as problematic this academic year as it used to be previously, given that the number of school children attending schools across the Line has already decreased. Russian border guards check those who cross the ABL against specific lists, allowing those on the list to cross freely while those who are not on the list are not allowed to cross. In the beginning of 2015-2016, few children failed to be on the list. By October 10, 2015 based on the information

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<sup>27</sup> Education at the Line of Divide: Access to Education for Communities Residing Along the Line of Divide and on the Occupied Territories. The Institute for Study of Nationalism and Conflict and Synergy Network, Tbilisi, 2015.

<sup>28</sup> After 2008 war, Russian Federation has concluded agreements with de-facto authorities of Abkhazia and South Ossetia, according to which Russia assumes the responsibility for all material and financial expenses necessary for border management. Currently there are about 1,200 border guards deployed in 4 military bases and up to 100 observation points along 350 km dividing line with South Ossetia, while 120 km boundary line of Abkhazia is protected by 900 Russian border guards at 12 border check points

<sup>29</sup> The number of students totaled 7 in 2014, 13 in 2013 and 22 in 2012.

available to the Public Defender, three children native to Gali District registered in Tskoushi school (Tsalenjikha municipality) were still unable to attend school.

In addition, few years ago Gali administration prohibited first graders to cross the ABL and therefore, children who cross the ABL today are mostly senior students.

Up until 2013, school age children were exempted from payment of fine if detained. However, it has been two years that school children have to pay fine ranging from 600 to 1500 Russian Rubles (20-55 GEL) for 'illegal crossing of the border'. The Public Defender was informed on the detention and intimidation of young girls attending 10<sup>th</sup> and 11<sup>th</sup> grades, an incident which forced them to temporarily drop out of school in May 2015.<sup>30</sup> There have reportedly been several cases when detained youngsters spent hours in cellars on the territory of Russian military bases and Gali militia department.<sup>31</sup>

A 'reform' ongoing in Gali district since 1994 and the developments of 2015 have violated the right to education of Gali population. In its General Comment the Committee on Economic, Social and Cultural Rights clarified that education should be available, implying that there should be functional education institutions and programmes. Also, education institutions and programmes have to be accessible to everyone without discrimination and located within the safe physical reach.<sup>32</sup>

The Committee concludes that the State is responsible for respecting the right to education which implies that under no circumstances shall the State take measures or implement policies which hinder or prevent the enjoyment of the right to education.<sup>33</sup>

For the communities living close to the ABL education is far from being with the safe physical reach. Barbed wires and strict control mechanisms over the Line prevent school children from receiving education in schools that are closest to them. They have to take enroots and get exposed to security risks including detentions and imposition of fines. The prohibition of the Georgian language in schools and the consolidated control over the ABL are the key factors contributing to the violation of the right to education for communities residing at the dividing line.

The practice of detaining the minors at the Administrative Boundary Line certainly raises concerns. The UN Convention on the Rights of the Child states all measures need to be taken to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment.<sup>34</sup> According to the Committee on the Rights of the Child mental violence includes placement of the child in solitary confinement, isolation or humiliating or degrading conditions of detention.<sup>35</sup> No

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<sup>30</sup> Information was obtained by the Public Defender. The village of Khurcha, Zugdidi municipality, the village of Tskou, Tsalenjikha municipality. October, 2015

<sup>31</sup> Several cases were reported to the Public Defender's Office in 2014

<sup>32</sup> General Comment No. 13, Paragraph 6 of the Committee on Economic, Social and Cultural Rights

<sup>33</sup> Ibid, §47.

<sup>34</sup> The UN Convention on the Rights of the Child. Article 19(1).

<sup>35</sup> The Committee on the Rights of the Child, General Comment No. 13 (2011): The Right of the Child to Freedom from all Forms of Violence. §21(f).

child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time. Every child deprived of liberty shall be treated with humanity and respect and in a manner which takes into account the needs of persons of his or her age. Children deprived of liberty must be able to contact their families and have access to legal assistance in order to be able to challenge the legality of deprivation of liberty before a court or other competent and impartial authority.<sup>36</sup>

The detention of the minors at the ABL constitutes the violation of their right to remain free from violence. In such cases detention is used not as a measure of last resort but to ensure the payment of fines.

### **3. The Issue of Responsibility**

The practice of the European Court of Human Rights suggests that the State shall be held responsible for the protection of human rights within its jurisdiction.<sup>37</sup> Jurisdiction is primarily attached to territoriality. However, because of legal or illegal military acts territorial states may fail to exercise an effective control over some of its territory. In such cases the territory beyond the effective control of a State falls under the jurisdiction of another state no matter how the latter exercises effective control on such territories: through direct means or by means of a local administration under its supervision.. In addition, it is of no importance to ascertain the degree to which the State can exercise its control over actions of the local administration. The fact that the administration exists solely because of the support of the state is enough to hold the latter responsible for the infringement of human rights enshrined in the Convention.<sup>38</sup>

The Court concluded that such control was exercised by Turkey in the case of northern Cyprus and Russia in Transnistria. In determining whether effective control exists, the Court will primarily have reference to the strength of the State's military presence in the area. Other indicators may also be relevant, such as the extent to which its military, economic and political support for the local subordinate administration provides it with influence and control over the region.<sup>39</sup>

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<sup>36</sup> The UN Convention on the Rights of the Child, Article 37. For cases of juvenile detention see the special report of the Public Defender of Georgia on the Status of the Human Rights in Conflict Affected Communities of Georgia, 2014, pp. 16-20. Available at: <http://www.ombudsman.ge/ge/reports/specialuri-angarishebi/konfliktebit-dazaralebuli-mosaxleobis-uflebrivi-mdgomareoba-saqartveloshi.page>

<sup>37</sup> The UN Convention on Human Rights, Article 1.

<sup>38</sup> Case of Catan and others V. Moldova and Russian Federation. Paras 102-107; Also, Case of Cyprus v. Turkey, paras 76-77.

<sup>39</sup> Case of Catan and Others v. Moldova and Russian Federation, para 107.

As of today Abkhazia remains occupied by Russia.<sup>40</sup> Russian military forces are deployed in Abkhazia and border guards under the Russia's Federal Security Service ( ) control the line of divide with Georgia. A considerable part of the Abkhaz budget is sustained by means of Russian financial aid. Therefore, It is obvious that the Russian Federation exercise the effective control over the Abkhaz territory and therefore, it is primarily responsible for the infringement of the right of education in Gali district.<sup>41</sup>

Georgia is responsible for the developments taking place in Gali District as a state on the territory of which rights are being infringed. However, as Georgia cannot exercise the effective control its responsibilities are restricted by efforts to restore its jurisdiction on its territory as well as to influence the practice of human rights breach through legal and diplomatic means.<sup>42</sup> In the case of *Catan and others v. Moldova and Russian Federation*, the Court concluded that by paying teachers' salaries, providing transports to the school and rehabilitating school premises Moldova have taken measures to ensure the protection of the right to education and the fulfillment of its positive obligation.<sup>43</sup>

The government of Georgia continues to provide its support to Gali schools by helping out with trainings for teachers, financial support and textbooks. In addition, students who cross the ABL from Gali District to the Georgian controlled territory are provided with transport to take them to school. Georgia has been raising the issue of receiving education in the native language for Gali communities at Geneva discussions. Therefore, it can be assumed that the State has been trying to fulfill its positive obligation to ensure the protection of the right to education.

According to the International legal norms, the Abkhaz de-facto authorities are also responsible for the protection of human rights regardless of the fact that they do not represent a subject of the international law. Its obligation to protect human rights and freedoms rests upon two major circumstances: a) A significant part of the Universal Declaration of Human Rights is recognized as a customary law which implies the universality these norms; b) De-facto authorities, as a non-state actor in control of a certain territory and population is obliged to respect the rights of population under its control, including ethnic Georgian communities. The principles of the state responsibilities approved by a UN resolution do not distinguish between actions of the state and those committed by an individual or a group if the latter exercise some elements of state authorities.<sup>44</sup>

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<sup>40</sup> The Law of Georgia on the Occupied Territories; the Resolution of the Parliamentary Assembly of the Council of Europe on the Developments in Georgia, July 9, 2012. Available at: <http://www.oscepa.org/meetings/annual-sessions/2012-monaco-annual-session/2012-monaco-final-declaration/1683-15>.

<sup>41</sup> This opinion is shared by several reputable international organizations: See *Abkhaiza: The Long Road to Reconciliation*, International Crisis Group 2013; World Reports of 2009 and 2010 of Human Rights Watch

<sup>42</sup> *Ilascu and others v. Moldova and Russian Federation*, §331; *Catan and others v. Moldova and Russian Federation* §§109, 145.

<sup>43</sup> *Catan and others v. Moldova and Russian Federation* §147.

<sup>44</sup> Responsibility of States for Internationally Wrongful Acts, Resolution adopted by the General Assembly on December 12, 2011, Fifty-sixth Session, No. A/RES/56/83, January 28, 2002, Article 9.

## 4. Conclusion and Recommendations

The education policy of the de-facto Abkhaz authorities since 1995 aims at introducing Russian language teaching in all schools within the original boundaries of Gali district. The decision adopted in 2015 may be considered as the final stage of the process as all eleven schools in Lower Gali zone will be completely shifted to the Russian language education within few years.

In their substance, developments in Gali region are similar to those taking place in Transnistria and considering the judgments of the European Court of Human Rights it is apparent that processes in Gali district aim at the Russification of Georgian language and culture to eventually lead to the cultural separation of the region from the rest of Georgia. Decisions made in the sphere of education serve to a specific political agenda rather than children's best interests or the purpose to provide best of education to them. Such interference is beyond justification and infringes the fundamental human rights of Gali population.

Protection of rights of conflict affected communities and individuals, is a guarantee of peaceful cohabitation between the confronting sides. A society where human rights and dignity are respected has better chances to progress and develop towards democracy, based on equality and economic prosperity.

As the Committee on the Rights of the Child notes, 'it is important in the context of education systems affected by conflict (...) that educational programmes be conducted in ways that promote mutual understanding, peace and tolerance, and that help to prevent violence and conflict.'<sup>45</sup>

Gali District communities can play an important role in normalizing Georgian-Abkhaz relations which is vitally important for the purpose of achieving peace and stability in the region. The implementation of the following measures is the important precondition to ensure the protection of rights of the local population:

**To the State Ministry of Reconciliation and Civic Equality, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Internal Affairs, to the Parliament of Georgia:**

- Make all political, legal and diplomatic efforts to protect the right to education of Gali residents. Efforts should include raising this issue and the awareness of international community as well as using international legal mechanisms.

**To the Ministry of Education and Science of Georgia**

- Continue to support Gali schools and their staff;

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<sup>45</sup> General Comment No.1 (2001), Article 29(1), Paragraph 16 of the Committee on the Rights of the Child.

- Improve educational programs for children and teachers in Gali schools tailored to their specific needs;
- develop exchange and informal educational programs for school children living in the occupied territories to address the gap in the process of receiving of general education.

Every party responsible for the protection of human rights of Gali community including Russian Federation and Abkhaz de-facto authorities are obliged to take all measures to ensure the enjoyment of the right to education and free movement of students in Gali district so that the latter can receive education in a safe environment and conditions that are acceptable to them. For this to happen the parties must take specific measures including alleviation of barriers hindering students' movement across the ABL, ensure the access of the Gali community to education in their native language, terminate discriminatory and assimilative policies and instead reintroduce Georgian as the language of instruction in schools in Gali District and reinforce teaching of Abkhaz language and culture. In addition, support must be rendered to international and human rights organizations to work in Abkhazia.

The processes related to education in Gali district must be viewed by all parties involved without politicization and solely in light of human rights protection.

In order to protect the right to education for Gali community it is important that international human rights organizations be actively involved in the processes (including UNDP, UNICEF, UN OHCHR, OSCE HCNM, OSCE ODIHR, COE Commissioner for Human Rights, EU Special Representative in the South Caucasus and Crisis in Georgia (EUSR) and keep the issues related to the protection of the right to education in Abkhazia under constant spotlight. Efforts must be made to restore the representation of international human rights organization in Abkhazia, including through the dialogues with the Russian Federation and Abkhaz de-facto authorities. International organizations, upon their mandate, should also support human rights groups including those working in Gali district and make the protection of human rights in Gali a significant component of dialogue agenda between Georgia, Russia and de-facto authorities.