



General Assembly

Distr.: General
12 July 2022

Original: English

Human Rights Council

Fifty-first session

12 September–7 October 2022

Agenda items 2 and 10

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Technical assistance and capacity-building

Cooperation with Georgia

Report of the United Nations High Commissioner for Human Rights

Summary

The present report, submitted pursuant to Human Rights Council resolution 49/33, outlines the technical assistance provided by the Office of the United Nations High Commissioner for Human Rights between 1 June 2021 and 31 May 2022 to strengthen the promotion and protection of human rights in Georgia. The report highlights human rights developments during the period and the challenges to be addressed. It also provides an update on the main human rights issues in Abkhazia, Georgia, the Tskhinvali region/South Ossetia, Georgia, and adjacent areas.



I. Introduction

1. In its resolution 49/33, the Human Rights Council requested the United Nations High Commissioner for Human Rights to present an oral update at its fiftieth session on follow-up to the resolution and a written report at its fifty-first session on developments relating to the resolution and its implementation. The Council also requested the High Commissioner to continue to provide technical assistance through the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Tbilisi and demanded that immediate and unimpeded access be given to OHCHR and other international and regional human rights mechanisms to Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia.¹
2. Pursuant to resolution 49/33, the present report provides an update on the technical assistance provided by OHCHR in Georgia and on key human rights developments during the period from 1 June 2021 to 31 May 2022. Guided by the preamble to the resolution, the report also describes the main human rights issues in and around Abkhazia and South Ossetia.
3. In preparing the report, OHCHR applied the same methodology used in the previous reports of the High Commissioner on cooperation with Georgia.² In addition to reaching out to relevant stakeholders, OHCHR issued a public call³ for written submissions pursuant to resolution 49/33.
4. The report is based on information made available to OHCHR, including submissions from the Government of Georgia, the Public Defender of Georgia (an A status national human rights institution), international and regional organizations and non-governmental organizations (NGOs), and on desk research. The report does not present a comprehensive account of the human rights situation in Abkhazia and South Ossetia owing to lack of access.

II. Context

5. The Georgian Dream party continued to enjoy a majority in the Georgian parliament, with 90 members out of a total of 150. Two rounds of local elections took place, on 2 and 30 October 2021, to elect mayors and the members of local councils (*sakrebulo*s) in five self-governing cities and 59 municipalities. As a result, the Georgian Dream party won 63 of 64 mayoral elections. It also won over 80 per cent of the seats in local councils.⁴ In its statement of preliminary findings and conclusions issued on 3 October 2021, following the first round of the elections, the International Election Observation Mission⁵ stated that candidates “were able to campaign freely in a competitive environment that was, however, marred by widespread and consistent allegations of intimidation, vote-buying, pressure on candidates and voters, and an unlevel playing field”.⁶ A similar statement was issued by the Observation Mission following the second round.
6. Measures to combat the coronavirus disease (COVID-19) pandemic were gradually removed in the second half of 2021 and in early 2022. Effective 28 March 2022, the Government of Georgia lifted most COVID-19 restrictions. Vaccines are widely available in Georgia. However, according to the submission by the Public Defender of Georgia, the Government’s ineffective communication on the pandemic and the national vaccination campaign hindered the management of the pandemic and the vaccination process and,

¹ Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, are hereinafter referred to as Abkhazia and South Ossetia.

² [A/HRC/36/65](#), paras. 3–5; [A/HRC/39/44](#), paras. 4–5; [A/HRC/42/34](#), paras. 3–4; and [A/HRC/48/45](#), paras. 3–4.

³ See <https://www.ohchr.org/en/calls-for-input/calls-input/2022-call-submissions-pursuant-human-rights-council-resolution>.

⁴ See https://www.osce.org/files/f/documents/3/a/515364_0.pdf p. 34.

⁵ Comprising observers from the Congress of Local and Regional Authorities of the Council of Europe, the European Parliament and the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights.

⁶ See https://www.osce.org/files/f/documents/f/d/499468_3.pdf.

consequently, only 47 per cent of the population over 18 had been fully vaccinated as of January 2022, as opposed to the 60 per cent target envisaged by the national vaccination plan.

III. Technical assistance by the Office of the United Nations High Commissioner for Human Rights and human rights developments

7. An OHCHR Senior Human Rights Adviser has been posted in Tbilisi since 2007. The Adviser has the full cooperation of the Government of Georgia and is supported by national staff in both Georgia and Azerbaijan. The Adviser, who works with the United Nations country team, has continued to advise and provide technical assistance to the Government and institutions of Georgia, civil society organizations and other actors. The Adviser also continued engaging in country team advocacy efforts on various human rights issues.

A. Support for the implementation of the National Human Rights Action Plan

8. The United Nations Development Programme (UNDP) and OHCHR are supporting the National Human Rights Secretariat⁷ in developing the next National Human Rights Strategy, the main national human rights policy document, until 2030. While a draft of the document has been developed, the adoption of the new strategy has been delayed due to prolonged discussions within the Government of Georgia. It is expected that the new strategy will be approved in the second half of 2022.

9. The Senior Human Rights Adviser and his team continued to assist various national counterparts in building capacity for Georgia to comply with international human rights law in policies and practice. Among the beneficiaries of this assistance were the Ministry of Internal Affairs, the State Legal Aid Service, the inter-agency council on combating torture and other forms of ill-treatment, the Office of the Public Defender, the State Inspector Service,⁸ doctors of penitentiary institutions of the Ministry of Justice, legal professionals and representatives of civil society, including NGOs, organizations representing persons with disabilities and students. Many of these activities were carried out under the phase 2 of the Human Rights for All programme.⁹

10. During the reporting period, OHCHR conducted 44 capacity-building events (5 online and 39 in person) in Georgia for 868 beneficiaries, of whom 475 were women. Furthermore, to mark Human Rights Day, on 10 December 2021 OHCHR co-organized, with the Public Defender of Georgia, the Delegation of the European Union to Georgia and UNDP, a forum on advancing human rights and reducing inequalities. On 9 December 2021, OHCHR held an awards ceremony for artists who had designed the best posters and for students who had written the best essays for Human Rights Day.

11. Further progress was made on creating conditions for the implementation of the Convention on the Rights of Persons with Disabilities. On 3 December 2021, on the occasion of the International Day of Persons with Disabilities, OHCHR co-organized, jointly with the Government of Georgia, the European Union Delegation to Georgia, and UNDP, an event at which the Prime Minister of Georgia announced the launch of an inter-agency coordination committee for the implementation of the Convention on the Rights of Persons with Disabilities, in accordance with article 33 of the Convention. With funding provided by the Joint Sustainable Development Goals Fund and the United Nations Partnership to Promote the Rights of Persons with Disabilities, OHCHR provided assistance to the Legal Aid Service in developing an action plan on its contribution to the State's implementation of the

⁷ To ensure continuity of operations and day-to-day support for the Inter-Agency Council for Human Rights, the National Human Rights Secretariat was established as a structural unit of the Government of Georgia. The Council is responsible for developing and implementing a uniform State policy in the field of human rights protection.

⁸ Also referred to as the Office of the State Inspector in previous reports.

⁹ A joint United Nations initiative funded by the European Union.

Convention. OHCHR also organized three capacity-building events for civil society, involving activists working on various aspects of the Convention and national legislation to further the protection of the rights of persons with disabilities.

12. OHCHR provided assistance to the Government of Georgia in drafting its overdue periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights. The periodic report of Georgia on its implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment also remains overdue.¹⁰

B. Administration of justice and law enforcement

13. OHCHR continued its long-standing capacity-building cooperation with the Georgian Bar Association by training lawyers in international human rights standards as part of the professional courses for Association members. In the reporting period, OHCHR held 10 such capacity-building activities, 4 of them online

14. With regard to the cases highlighted under this section in previous reports,¹¹ there has been no progress. Archpriest Giorgi Mamaladze remains deprived of his liberty on charges of attempted murder. The Prosecutor's Office has yet to bring charges against any individual in the case of the arbitrary detention of the journalist, Afgan Mukhtarli, in March 2017 and his transfer, against his will, across the border to Azerbaijan. Mr. Mukhtarli has been granted victim status by the Prosecutor-General's Office.

15. In her submission, the Public Defender identified the establishment of an independent and impartial judiciary as a challenge due to the informal control of the judiciary by an influential group of judges affiliated with the ruling party. This is reportedly negatively affecting the realization of the right to a fair trial as well as the protection of other fundamental guarantees. In its submission, the Georgian Young Lawyers' Association states that the amendments made to the Law on Common Courts by the parliament on 30 December 2021 clearly weakened the independence of judges. The Government of Georgia strongly rejects these claims.

16. OHCHR held consultations with the legal affairs committee of the Georgian parliament on the need to revise the Code on Administrative Offences, which was adopted in 1984, during the Soviet period. OHCHR is committed to supporting discussions of the new draft code developed by the committee to ensure that it meets international standards, especially with respect to procedural guarantees related to administrative detentions.

C. Combating torture and other forms of ill-treatment

17. One of the main beneficiaries of OHCHR assistance was the State Inspector Service. In particular, OHCHR focused on building the capacity of the Service to independently investigate allegations of certain types of human rights violations committed by law enforcement authorities. According to the submission by the Georgian Young Lawyers' Association, as of 28 February 2022, there were 673 criminal cases under investigation by the State Inspector Service, of which 566 were related to crimes allegedly committed by officials of the Ministry of the Interior.

18. On 22 December 2021, some members of parliament introduced a draft law to replace the State Inspector Service as of 1 March 2022 with two new services: the Special Investigative Service and the Personal Data Protection Service. OHCHR raised the issue bilaterally and called on the authorities to withdraw the initiative.¹² However, on 30

¹⁰ The most recent reviews of Georgia before the related committees took place in 2002 and 2006, respectively (see https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=GEO&Lang=EN).

¹¹ [A/HRC/45/54](#), para. 19; and [A/HRC/48/45](#), para. 17.

¹² See <https://twitter.com/unhumanrights/status/1475408100458999811?lang=en>.

December 2021, the parliament adopted the draft into law. On 14 January 2022, the United Nations country team in Georgia expressed its regret over parliament's decision to abolish the State Inspector Service and the signature of the new law by the President on 13 January 2022. The country team was particularly concerned about the expedited manner and lack of inclusive and transparent discussions about the abolition of one of the most credible, independent and authoritative institutions in Georgia mandated to investigate alleged human rights violations committed by law enforcement officials and entrusted with the oversight of personal data protection. The country team noted that the lack of a convincing justification for abolishing the State Inspector Service and the absence of a compelling rationale for stripping the State Inspector of her six-year mandate sent a chilling message to independent institutions of human rights protection.¹³

19. In her submission, the Public Defender of Georgia reported that, upon her request, the OSCE Office for Democratic Institutions and Human Rights had issued a legal opinion on the legislative amendments to the Law on the State Inspector Service on 18 February 2022. The opinion stated that:

Cumulatively, the process and the legislative changes may impact protection from serious human rights abuses by law enforcement officials, reducing the State's ability to effectively investigate allegations of torture, ill-treatment and deaths in custody, including through undermining the independence of the institution of the State Inspector's Service and the expansion of its mandate to cover a broad range of crimes outside of its originally envisaged purpose.¹⁴

The Office for Democratic Institutions and Human Rights recommended that the Government suspend the implementation of the law, but the recommendation was not taken up by the Georgian authorities.

20. In December 2021, the Public Defender of Georgia published a special report on the rights of children at Saint Nino Boarding School, a residential institution for children in State care in Ninostminda, Samtskhe-Javakheti Region.¹⁵ The monitoring results presented in the report show systemic violations of the rights of children at Saint Nino Boarding School and conduct by school officials that, over the years, "may be equated with torture, degrading and humiliating treatment". It was also found that the institution failed to protect the health of children, including their mental health, to provide proper food and to ensure age-appropriate development and education. It was further highlighted that children in the institution were virtually isolated from the outside world, which ultimately made them particularly vulnerable to violence and neglect, and affected their readiness for independent living. Among recommendations, the Public Defender called for a unified State strategy and plan for deinstitutionalization to be developed and approved in an expedited manner.¹⁶ According to the Public Defender, significant shortcomings were revealed in the investigation of alleged crimes committed against children living at Saint Nino Boarding School. Although some of the criminal investigations began in 2016, they were still ongoing. To date, no one has been held accountable for any wrongdoing at the school.

D. The rights to freedom of expression and of peaceful assembly

21. According to the Public Defender's Office, on 5 July 2021, a "March for Dignity" planned by the NGO Tbilisi Pride on that day had to be cancelled due to a violent

¹³ See <https://georgia.un.org/en/168152-united-nations-concerned-over-decision-georgian-authorities-abolish-state-inspectors-service>.

¹⁴ See <https://www.osce.org/files/f/documents/d/1/512728.pdf>.

¹⁵ See <https://ombudsman.ge/res/docs/2022012417163458457.pdf>.

¹⁶ The monitoring by the Public Defender became possible only after a lawsuit initiated by the NGO Partnership for Human Rights, which appealed to the Tbilisi city court against Saint Nino Boarding School's refusal to grant access to the Public Defender and her staff to the school. The Partnership also lodged a complaint with the Committee on the Rights of the Child, which on 7 May 2021 issued an interim measure ordering the State to monitor the school. The Tbilisi city court subsequently granted the request for the Public Defender to be granted access, and this decision upheld by the Tbilisi court of appeals.

counterdemonstration of far-right, radical groups. These groups threatened and chased members of the lesbian, gay, bisexual, transgender, queer and intersex (LGBTIQ+) community, activists and journalists. More than 40 media representatives were injured in the context of the peaceful assembly by far-right, radical groups. One of them, a cameraman for TV Pirveli, Aleksandre Lashkarava, died a few days later, and criminal proceedings were launched against 27 persons. In a joint statement issued the same day by the United Nations country team, the European Union Delegation to Georgia, the European Union Monitoring Mission in Georgia and embassies of 18 States Members of the United Nations, the signatories condemned violent attacks on the civic activists, members of the LGBTIQ+ community and journalists, as well as the failure of Government leaders and religious officials to condemn the violence.¹⁷ According to the information provided by the Government of Georgia, the Prosecutor General's Office stated that 59 persons, including 48 media representatives, were identified as victims of the violence on 5 July 2021.

22. In a statement issued on 17 May 2022, the United Nations country team, the European Union Delegation to Georgia, the head of the European Union Monitoring Mission, the European Investment Bank Regional Representation for the South Caucasus and embassies of 29 States Members of the United Nations noted that several individuals had been sentenced to prison terms for their involvement in the events of 5 July 2021 that had led to the disruption of the March for Dignity and resulted in violence against LGBTIQ+ persons and the media. The signatories urged the authorities to bring all the instigators and perpetrators of violence to justice. They expressed regret that, as in previous years, considerations of safety and security had prevented people from openly showing their solidarity with the LGBTIQ+ community and raising their voices against homophobia, biphobia and transphobia in Georgia.¹⁸

E. Combating discrimination

23. In its previous reports, OHCHR highlighted the situation of Muslims in Batumi, who had to pray in the open air because of the small size of their local mosque. It also provided updates on the appeal proceedings launched on behalf of the New Mosque Building Foundation in Batumi, which had been denied authorization to construct a new mosque by the municipal authorities.¹⁹ In April 2021 a municipal court ruled that the refusal to authorize the mosque's construction had been illegal and discriminatory. In July 2021, the Batumi municipal government appealed that decision to the Supreme Court. A decision by the Supreme Court is pending.

24. The Public Defender reported that the transition to a fair system for granting disability status to a person has not been resolved. The social package based on the current model is not tailored to the individual needs of persons with disabilities and fails to meet their needs even minimally. The Public Defender is also critical of the closure of inpatient and outpatient psychiatric departments in general hospitals in 2021. In its submission, the Georgian Young Lawyers' Association notes that a national accessibility plan has not yet been developed. According to the Association, Internet access for persons with disabilities is still challenging, and difficulties regarding accessibility were particularly acute for women with disabilities in the area of reproductive rights.

F. Promoting gender equality and combating gender-based discrimination and violence

25. According to the submission by the Georgian Young Lawyers' Association, justice for victims of sexual violence is difficult to obtain since sexual violence is considered taboo to discuss, and survivors rarely come forward to report the crimes committed against them. Moreover, the definitions of rape and other forms of sexual violence in the Criminal Code of

¹⁷ See <https://georgia.un.org/index.php/en/134614-joint-statement-violence-tbilisi>.

¹⁸ See <https://georgia.un.org/index.php/en/182031-decisive-action-needed-protect-lgbtqi-rights-georgia>.

¹⁹ A/HRC/36/65, para. 22; A/HRC/39/44, para. 25; A/HRC/42/34, para. 23; A/HRC/45/54, para. 27; and A/HRC/48/45, para. 23.

Georgia do not meet the consent-based standard set by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), an issue that has been raised bilaterally by OHCHR and other United Nations entities.

26. On 25 October 2021, the Committee on the Elimination of Discrimination against Women found that Georgia had failed to provide effective protection and had not taken all appropriate measures to eliminate discrimination against Khanum Jeiranova, a Georgia woman of Azerbaijani ethnicity, who had been a victim of so-called honour-based violence by her relatives in 2014 and subsequently was found dead by hanging.²⁰ It also concluded that Georgia had violated its obligation to investigate and punish those responsible for the assault on the victim and her death.²¹ The Committee urged Georgia to conduct a prompt, thorough and independent investigation into Ms. Jeiranova's death and to prosecute those responsible. It also requested Georgia to provide appropriate reparation, including adequate compensation, as well as an official apology to Ms. Jeiranova's children. It furthermore urged Georgia to ensure that all legislation, policies and measures that address domestic violence also included "honour-based" violence. In addition, it asked the State party to strengthen measures to ensure the right to life of women and their freedom from torture, with special attention to communities that are isolated, closed and where honour-based norms apply.²² In April 2022, five persons were criminally charged in relation to this case.

27. Furthermore, the Georgian Young Lawyers' Association noted a decrease in the official rate of criminal investigations on domestic violence as well as in the rate of restraining orders for domestic violence issued during the COVID-19 pandemic. In 2021, the rate of investigations into the crime of domestic violence was reduced by 8.4 per cent.²³ Against the background it was highlighted that, while the rate of investigations into domestic violence had decreased in 2021, the rate of restraining orders issued specifically due to sexual violence increased by 38 per cent as compared with 2020. Furthermore, the lack of essential services for victims of gender-based violence reduced their access to protection measures and adequate access to justice.

28. According to the submission by the Equality Movement, despite some progressive legislative and institutional changes made by Georgia to effectively address, investigate and identify hate crimes, the gap between the official statistics and cases documented by local civil society organizations remains significant. The vast majority of violence against LGBTIQ+ persons remains undocumented and, when reported, is not properly recorded as hate crime but as a lesser offence. Some members of the LGBTIQ+ community, especially transgender women, gay or bisexual men, non-binary persons and LGBTIQ+ sex workers, reportedly experienced unfriendly and aggressive attitudes from the police officers.

G. Business and human rights

29. Due to the continuing high level of interest from youth, OHCHR repeated its one-week online course on business and human rights for advanced university students in September 2021. Information on business and human rights continued to be incorporated into training activities for lawyers.

30. The occurrence of deaths and injuries in the workplace continued to be of serious concern. The Georgian Young Lawyers' Association reported that there were 37 deaths and 253 injuries in the workplace in 2021. It identified the lack of adequate human and financial resources of the Labour Inspection Service under the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs as the main challenge to exercising effective oversight over the implementation of labour rights. The institutional problems of the Labour Inspection Service highlighted in the submission included the absence of a dedicated website and proactive publication of inspection reports;

²⁰ CEDAW/C/80/D/140/2019, para. 7.4.

²¹ *Ibid.*, para. 7.5.

²² *Ibid.*, para. 9.

²³ This statistic relates to number of investigations related to article 126¹ of the Criminal Code of Georgia, entitled "Domestic Violence".

the lack of a digital database and difficulties in preparing accurate statistics; and a low level of awareness among workers, which was reflected in the low number of complaints reported to the Service (36 in 2021).

IV. Situation of human rights in and around Abkhazia and South Ossetia

A. Access to Abkhazia and South Ossetia

31. During the reporting period, no progress was made in granting OHCHR access to Abkhazia and South Ossetia pursuant to Human Rights Council resolution 49/33.

32. On 7 April 2022, OHCHR sent letters to the authorities in control in Abkhazia and South Ossetia seeking immediate and unimpeded access, in accordance with resolution 49/33, to gather factual and up-to-date information about the human rights situation. The authorities in control have not replied to the letters from OHCHR at the time of finalization of the present report.

33. Several United Nations entities continued to have operational access to Abkhazia. Nonetheless, OHCHR received reports about impediments to international assistance. The authorities in control publicly criticized some confidence-building activities implemented by international and civil society organizations. This was followed by the introduction of temporary restrictions, which were subsequently softened, by the Government of Georgia on the movement of personnel and equipment across the Administrative Boundary Line. United Nations and other international organizations remained without access to South Ossetia with the notable exception of the International Committee of the Red Cross (ICRC).

34. Given the restrictions caused by the COVID-19 pandemic, activities related to some confidence-building measures facilitated by the Council of Europe continued online in the context of Abkhazia. The Council also continued its efforts to launch confidence-building measures in relation to the situation in South Ossetia.²⁴

35. No progress was reported in relation to amendments to the Law on Occupied Territories to allow greater operational access for international and local organizations to Abkhazia and South Ossetia.

B. Main human rights issues in and around Abkhazia and South Ossetia

36. The authorities in control in Abkhazia and South Ossetia have the responsibility to respect and ensure the human rights of everyone in areas under their control, including the right of victims to effective remedies. The international human rights standards and international law, including international human rights law, described in the first report of the High Commissioner on cooperation with Georgia, remain applicable.²⁵ The State also retains certain obligations to take appropriate measures in its power to seek to ensure protection of human rights in areas of its territory where it does not exercise control.

37. According to the submission by the European Union, the report of Thomas Hammarberg and Magdalena Grono of 2017 remains the most comprehensive analysis of the human rights situation in Abkhazia.²⁶ The European Union also noted that a local mechanism of relevance for human rights protection had been issuing annual reports on the human rights situation in Abkhazia that focused on key human rights issues, including comprehensive chapters on the situation of ethnic Georgians in Gali. OHCHR reiterates the need for independent updates of the existing assessment of the human rights situation in Abkhazia in view of new developments over the past five years, including in relation to the COVID-19

²⁴ Council of Europe, “Consolidated Report on the Conflict in Georgia (October 2021–March 2022)”, SG/Inf (2022)7, paras. 71–72.

²⁵ A/HRC/36/65, in particular paras. 46, 48, 51, 61, 66–67, 71–72 and 80.

²⁶ See <https://www.palmecenter.se/wp-content/uploads/2017/07/Human-Rights-in-Abkhazia-Today-report-by-Thomas-Hammarberg-and-Magdalena-Grono.pdf>.

pandemic.²⁷ OHCHR also reiterates the need for a baseline independent human rights assessment of the situation in South Ossetia.

38. Concerns about human rights and humanitarian situations in Abkhazia and South Ossetia, particularly affecting ethnic Georgians, persist. These include the adverse effects of restrictions on freedom of movement, including on the rights to liberty and security, family life, education, and property, as well as a lack of access to work, personal documents and health care. The lack of progress in finding political solutions and implementing effective confidence-building measures to address security and humanitarian-related risks for the enjoyment of human rights has been compounded by the COVID-19 pandemic. The lack of access to effective remedies and the absence of regular and independent monitoring and reporting – exacerbated by the lack of access in some instances for international organizations and international human rights mechanisms, especially to South Ossetia – continue to hinder human rights protection. These factors also deepen the existing vulnerabilities and socioeconomic isolation of the affected populations.

1. Right to life

39. According to available information, no one has been held accountable for the four deaths in Abkhazia and South Ossetia – of David Basharuli (in 2014), Giga Otkhozoria (in 2016), Archil Tatumashvili (in 2018) and Irakli Kvaratskhelia (in 2019) – that were mentioned in previous reports.²⁸ There has been no progress in the resolution of the case of Inal Jabiev, an ethnic Ossetian, who died on 28 August 2020, allegedly from injuries sustained while he was in custody in Tskhinvali. According to various submissions, Anri Ateiba, a young man in his twenties, reportedly died in September 2021 at a hospital as a result of injuries sustained at a detention facility in Gagra District in Abkhazia in August 2021.

40. OHCHR reiterates its call upon all relevant actors to ensure independent, impartial and thorough investigations into these cases.

2. Right to freedom of movement

41. Impediments to freedom of movement persisted in both Abkhazia and South Ossetia and adjacent areas, in particular along the Administrative Boundary Line. Such restrictions continued to have negative consequences on human rights with the effect of further exacerbating the isolation of the communities living on either side of the Line. These restrictions negatively impacted the already limited access of local residents to education, health care, pensions, markets and other services available in the Tbilisi-controlled territory.

42. During the reporting period, restrictions that had been introduced in March 2020, purportedly to contain the spread of COVID-19 at two main crossing points between Abkhazia and Tbilisi-controlled territory, were lifted in July 2021. The crossing of the Administrative Boundary Line became possible at the main Enguri crossing point (vehicular and pedestrian) and the Saberio-Pakhulani crossing point (pedestrian only), with the latter mostly serving the needs of a significantly smaller group of residents of adjacent villages. Other crossing points remained closed. According to available information, temporary restrictions on the freedom of movement at both crossing points for those travelling from Abkhazia to Tbilisi-controlled territory (with the exception of medical workers and patients, schoolchildren and Enguri hydropower plant workers) were imposed by the authorities in control during the two rounds of the Georgian local elections held in October 2021. These restrictions had not been implemented during the elections conducted in Tbilisi-controlled territory in previous years. While the Administrative Boundary Line was opened for general crossing in July 2021, the movement continued to be restricted for those who had a “foreign permanent resident permit or an Abkhaz “passport””, while the extension and the issuance of form No. 9,²⁹ a temporary identity document issued to ethnic Georgians for crossing purposes,

²⁷ A/HRC/45/54, para. 41.

²⁸ See A/HRC/36/65, paras. 46–47; A/HRC/39/44, paras. 54–55; A/HRC/42/34, paras. 47–49, A/HRC/45/54, para. 44; and A/HRC/48/45, paras. 40–41.

²⁹ Form No. 9 is a temporary identity document that allows residents to cross the Administrative Boundary Line but does not give access to pensions or benefits in Abkhazia. Since 2017, the issuance

was suspended. According to information received, the closures and restrictions on the freedom of movement had a significant impact on the lives and livelihoods of the affected people, including on the physical and mental state of older persons and other vulnerable communities, as well as those with chronic medical conditions.

43. According to various submissions, the closure of the Administrative Boundary Line in September 2019 by the authorities in control in South Ossetia for an indefinite period of time following the opening of a police guard post in the village of Chorchana, located on Tbilisi-controlled territory, continued to adversely impact the humanitarian and human rights of the predominantly ethnic Georgian population in Akhagori District.³⁰ The Government of Georgia raised concerns that people in Akhagori District faced difficulties in getting permission to cross the Administrative Boundary Line and receive medical treatments, pensions and social services in the Tbilisi-controlled territory.

44. According to available information, during the reporting period measures and practices imposed by the authorities in control in Abkhazia and South Ossetia for the acquisition of personal documents continued to have negative implications for the realization of human rights of the affected population.

45. In Abkhazia, the number of “foreign residence permits” issued increased as compared with the previous reporting cycle. As of April 2022, over 27,000 persons in Gali and adjacent districts have acquired the foreign permanent residence permit. Despite the “foreigner” status it conveys, this document remains practically the only means for the affected category of people to have the opportunity to cross the Administrative Boundary Line with Tbilisi-controlled territory. However, the foreign permanent residence permit does not grant the full range of political, housing, land and property rights. Restrictive eligibility requirements also exclude a number of people from obtaining this “permit”, including potential future returnees, and grounds for rejection are broad,³¹ which enhances the risk of arbitrary decision-making. Foreign permanent residence permits are issued for five years and are subject to extension. The Government of Georgia in its submission claimed that ethnic Georgians residing in Gali District in Abkhazia were forced to register as foreigners and obtain such residence permits, as well as to change their surnames and ethnic identity into Abkhazian ones, to be able to enjoy their human rights.

46. The extension and issuance of form No. 9 continued until mid-2021 despite the lack of the pertinent framework. Starting in July 2021, the extension and issuance of form No. 9 was suspended and it could only be issued on the basis of a medical certificate or authorization from the authorities in control in Abkhazia. Since January 2022, form No. 9 has been extended or issued only in exceptional cases, such as where there are urgent medical needs. Individuals unable to cross the Administrative Boundary Line are unable to access the social allowance for internally displaced persons, pensions, health care or other services in Tbilisi-controlled territory nor can they access services in Abkhazia, including banking services, pensions or other allowances.

47. Over the same period, a continued process of so-called borderization was enforced along the Administrative Boundary Lines with Abkhazia and South Ossetia. Between July 2021 and April 2022, the Government of Georgia recorded 6 cases of the installation of razor and barbed-wire fences as well as “border signs” in Abkhazia and 108 such cases in South Ossetia. According to submissions received by OHCHR, those activities have a continuing negative impact on the already poor socioeconomic conditions of the affected population, their rights to liberty and security and family life, and have prevented their access to property, grazing and farmlands, religious sites and graveyards.

of the document has been conditioned on the application for the foreign residence permit (2016 version). In practice, form No. 9 was accepted as an identity document for the purpose of education and health care but does not provide access to formal employment.

³⁰ See also [A/HRC/48/45](#), para. 48.

³¹ *Ibid.*, para. 50.

3. Deprivation of liberty and allegations of torture and other forms of ill-treatment

48. OHCHR continued to receive reports of arbitrary deprivations of liberty and ill-treatment in both Abkhazia and South Ossetia.

49. The Government of Georgia registered the detention of 7 persons in Abkhazia and 65 persons in South Ossetia during the reporting period. The Public Defender reiterated the concerns noted in the High Commissioner's previous report about the increased number of "criminal proceedings" brought against Georgian citizens who were deprived of their liberty for attempting to cross the Administrative Boundary Lines.³² The European Union reported that three ethnic Georgians had been released from long-term detentions in South Ossetia: Lasha Khetereli in June 2021, Zaza Gakheladze in July 2021 and Gennady Bestaev in November 2021.³³ According to various submissions, Genadi Bestaev died in February 2022 after three months of medical treatment following his transfer from custody in South Ossetia to the Tbilisi-controlled territory in November 2021 due to his significantly deteriorated health situation. Mamuka Chkhikvadze was detained in South Ossetia on 10 December 2021 and on 12 May 2022 his deprivation of liberty, considered by the Government of Georgia as arbitrary, was prolonged for five years and six months. According to the Government of Georgia, currently nine of its citizens are arbitrarily deprived of their liberty in South Ossetia. The Government also expressed concerns that Irakli Bebuga³⁴ continued to be arbitrarily deprived of his liberty in Abkhazia and called for his immediate release and the provision of medical treatment commensurate with the gravity of his chronic illness.

4. Right to health

50. The information provided on the right to health in the previous report remains relevant³⁵ and the COVID-19 pandemic continued to aggravate concerns about the enjoyment of the right to health, including access to primary health care and the lack of adequate health-care facilities and infrastructure, in Abkhazia and South Ossetia. According to information received, impediments associated with the movement of patients across the Administrative Boundary Line negatively affect the right to health of the people concerned. According to available reports, medical evacuations from Abkhazia and South Ossetia to Tbilisi-controlled territory continued in some instances during the period when the Administrative Boundary Line was closed for general crossings.

51. According to information received, the quality of health services in Gali and adjacent districts is rudimentary. The local hospitals have inadequate hygiene and sanitary conditions, and lack medical equipment and qualified personnel, including specialized doctors. First aid stations are available in many schools; however, school nurses often have gaps in their qualifications and lack available medication and materials. The rural population in need of prompt first-aid assistance experience delayed responses, reportedly caused by poor roads and old ambulances. First aid medical services are not available in some villages and none of the public or private health-care facilities are tailored to address the needs of persons with disabilities.

52. The Government of Georgia expressed concern about the negative impacts of restrictions on freedom of movement on persons affected by the conflict and their access to health care, critical services and medicines in South Ossetia, a situation which has been exacerbated by the COVID-19 pandemic. According to the Government of Georgia, people in Akhgori District continue to face difficulties in getting permission to cross the Administrative Boundary Line and receive medical treatments in the Tbilisi-controlled

³² Ibid., para. 52.

³³ Ibid.

³⁴ According to information available, Irakli Bebuga, a citizen of Georgia, was reportedly detained on 30 September 2020 in Gali on a charge of burning the Abkhazian flag and in December 2020 was sentenced to nine years of imprisonment, including for illegal possession of weapons and for deliberate destruction or damage to property. According to the Government of Georgia, Irakli Bebuga was persecuted because of his views and ethnicity.

³⁵ A/HRC/48/45, para. 53.

territory,³⁶ despite statements from the authorities in control in South Ossetia regarding the relaxation of crossing procedures for medical evacuations.

53. According to information received, the Government of Georgia continued to provide medical and protective supplies and equipment to respond to the health crisis and to support other efforts to fight COVID-19, including with European Union funding. OHCHR was informed that considerable assistance was successfully delivered to Abkhazia. The authorities in control in South Ossetia rejected any kind of assistance coming from Tbilisi-controlled territory.

54. According to the European Union, residents in Abkhazia and South Ossetia were also eligible to participate in the Georgian COVID-19 vaccination programme, although physical access across the Administrative Boundary Line to relevant health facilities in the Tbilisi-controlled territory remained restricted. OHCHR received reports that movements across the Administrative Boundary Line from Abkhazia were facilitated to the vaccination points operating on the Tbilisi-controlled territory. According to available information, the authorities in control in Abkhazia and South Ossetia rejected the offer by the Georgian Government and relevant international entities of COVID-19 vaccines that were prequalified by the World Health Organization. Instead, Abkhazia and South Ossetia opted for and received Sputnik V and Sputnik Light vaccines from the Russian Federation. According to the European Union, the roll out of the inoculation campaigns remained limited, including as a result of widespread vaccine hesitancy among the medical community and the populations in the two regions.

5. Right to education

55. Concerns persist about continued restrictions on the use of Georgian as a language of instruction in Abkhazia and South Ossetia, which particularly affects the ethnic Georgian population.³⁷

56. According to available information, since September 2015, the Russian language has been gradually replacing Georgian as the language of instruction starting from grades one to four in the schools in Gali and adjacent districts. In September 2021, the Russian language replaced Georgian in the upper two grades of all the remaining Georgian schools in Gali District, completing the transition of Georgian schools to the Russian language of instruction. The last generation of students studying in the Georgian language graduated in May 2022. The Government of Georgia considers that this policy constitutes linguistic discrimination, and notes that it annually deprives more than 4,000 schoolchildren and around 600 children at kindergartens of their right to receive education in their native Georgian language.

57. According to information received, not all teachers in Gali District have a good command of Russian and may switch to Georgian when they are not able to explain the subject. Children, especially from rural areas, experience language barriers and many have to take additional paid classes to follow the curriculum, which puts an additional financial burden on their families. There is a shortage of textbooks in Russian and many families cannot afford to buy them. This change in the language of instruction and associated issues are undermining the quality of education in the schools and are likely to lead to significantly lower learning achievements for ethnic Georgian children in Abkhazia. According to information received, the restriction of ethnic Georgians from access to education in their mother tongue is discriminatory; Abkhaz, Armenian and Russian communities in Abkhazia continue to enjoy different degrees of education in their native languages.

58. In its submission, the Government of Georgia stated that the authorities in control in South Ossetia discouraged school graduates from ethnic Georgian backgrounds from considering studying at universities in Tbilisi-controlled territory, threatening them that they would not be able to return to South Ossetia if they did so.

³⁶ See also [A/HRC/48/45](#), para. 55.

³⁷ *Ibid.*, paras. 58 and 60.

6. Property issues and cultural heritage

59. Property issues presented in previous reports required continued attention.³⁸ According to information received, challenges associated with restrictions on the freedom of movement, artificial barriers and the acquisition of personal documents have negative implications for the enjoyment of property rights in Abkhazia and South Ossetia. The Government of Georgia raised concerns that the “family reunification programme” for ethnic Georgians was being used as a pretext to force the local population in South Ossetia to leave their houses and sign a statement that they would not return to the region and would not reclaim their property.

60. In its submission, the Government of Georgia expressed concern that the state of the monuments of Georgian cultural, historical and religious heritage located in Abkhazia and South Ossetia is deteriorating progressively and that some monuments are in urgent need of protection and rehabilitation. Of special concern were Bedia Monastery (built in the tenth century), the Church of Saint George of Ilori (established in the eleventh century) and Akhali Atoni monastery (founded in the nineteenth century).

7. Gender equality and gender-based discrimination and violence

61. Information on gender-based violence presented in the previous reports³⁹ requires continued attention.

62. In its submission, the European Union highlighted a report published by the Public Defender of Georgia in September 2021 that underscored the worrying negative impact of the COVID-19 on conflict-affected women and girls, noting that the pandemic had increased the level of gender-based violence, especially domestic violence, while access to support and protection mechanisms remained limited. Conflict-affected women also drew attention to the stigma and psychological violence associated with COVID-19, including from family members and relatives, restricting their access to testing and health facilities.

8. Civil society

63. Observations presented in previous reports concerning restrictions on civil society⁴⁰ require continued attention. According to available information, the authorities in control in Abkhazia have drafted regulations (a “law” on “countering the international isolation of Abkhazia”) that, if approved and applied, would likely restrict the work of and increase pressure on civil society organizations. These regulations may further impede efforts to address human rights issues in Abkhazia.

64. Protracted “criminal proceedings” against Tamar Mearakishvili⁴¹ require close attention in light of the intimidation and restrictions on freedom of movement in South Ossetia that she has been facing, including restrictions on crossing the Administrative Boundary Line to Tbilisi-controlled territory.

9. Accountability

65. Further to the authorization of the Pre-Trial Chamber of 27 January 2016, the International Criminal Court continued to investigate crimes allegedly committed in the context of an international armed conflict between 1 July and 10 October 2008 in and around South Ossetia.⁴² On 10 March 2022, the Prosecutor of the International Criminal Court filed an application to the Pre-Trial Chamber for review and approval of arrest warrants concerning three individuals from South Ossetia for the crimes of unlawful confinement, ill-

³⁸ A/HRC/45/54, paras. 62–64; and A/HRC/48/45, para. 62.

³⁹ A/HRC/45/54, para. 65; and A/HRC/48/45, para. 63.

⁴⁰ A/HRC/45/54, para. 66; and A/HRC/48/45, para. 64.

⁴¹ Ms. Mearakishvili is an ethnic Georgian and civil society activist in Akhagori District who had been cooperating with the international community and reporting on human rights violations. Her case was mentioned in previous reports (A/HRC/39/44, para. 85; A/HRC/42/34, para. 78; A/HRC/45/54, para. 66; and A/HRC/48/45, para. 65).

⁴² See www.icc-cpi.int/Georgia.

treatment, hostage-taking and the subsequent unlawful transfer of ethnic Georgian civilians.⁴³ The matter remains pending.

66. Concerning execution of the judgment of the European Court of Human Rights in *Georgia v. Russia (II)*,⁴⁴ by the end of the reporting period the Government of Georgia had submitted its observations, accompanied by a list of victims, while the Russian Federation indicated that the judgment had been translated, published in legal reference systems and further disseminated to the Constitutional Court and various competent State bodies. In regard to *Georgia v. Russia (IV)*,⁴⁵ which the Government of Georgia lodged in August 2018, proceedings resumed in May 2021; the parties were invited to submit written observations on the admissibility of the application, which were transmitted to the European Court of Human Rights in December 2021 and January 2022.⁴⁶ The latest developments between the Russian Federation and the Council of Europe, including the European Court of Human Rights, may affect further considerations of these cases.

10. Missing persons

67. ICRC continued its work despite the pandemic and reported on progress under its coordination mechanisms established to clarify the fate of persons missing in relation to the armed conflicts in the 1990s and in 2008 and in their aftermath. According to ICRC, as of April 2022, 219 human remains have been recovered, identified and returned to families since the start of its work and 2,333 persons remain unaccounted for.

11. Geneva International Discussions

68. During the reporting period, the fifty-third, fifty-fourth and fifty-fifth rounds of the Geneva International Discussions were held, respectively, in June, October and December 2021. The fifty-sixth round, originally scheduled to be held on 29 and 30 March 2022, was postponed until further notice. OHCHR regrets the continued suspension, since June 2018, of the Incident Prevention and Response Mechanism in Gali, which is essential for the effective functioning of the Geneva International Discussions.

C. Situation of internally displaced persons and refugees

69. Pursuant to General Assembly resolution 75/285, the Secretary-General submitted to the General Assembly, at its seventy-sixth session, a comprehensive annual report on the status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, covering the period from 1 April 2021 to 31 March 2022.⁴⁷ The information contained therein was still relevant at the time of finalization of the present report.

V. Conclusions and recommendations

70. **The United Nations High Commissioner for Human Rights appreciates the continued cooperation between the Government of Georgia and OHCHR and welcomes the Government's commitment to the promotion and protection of human rights. OHCHR remains committed to supporting the Government and other national stakeholders to further the promotion and protection of human rights in Georgia.**

71. **OHCHR welcomes the launch of the inter-agency coordination committee for the implementation of the Convention on the Rights of Persons with Disabilities, in accordance with article 33 of the Convention, by Georgia. It is concerned, however,**

⁴³ See <https://www.icc-cpi.int/news/icc-prosecutor-karim-aa-khan-qc-announces-application-arrest-warrants-situation-georgia>.

⁴⁴ Application No. 38263/08, judgment of the Grand Chamber, 21 January 2021.

⁴⁵ European Court of Human Rights, application No. 39611/18.

⁴⁶ Council of Europe, "Consolidated Report on the Conflict in Georgia", SG/Inf (2022)7, paras. 14–15.

⁴⁷ [A/76/828](#).

about the introduction and adoption of legislative amendments to the Law on the State Inspector Service.

72. In addition to the recommendations made in previous reports,⁴⁸ which remain relevant for addressing the ongoing human rights challenges identified in the present report, OHCHR presents the following recommendations to the Government of Georgia:

(a) Revisit the legislative amendments to the Law on the State Inspector Service to ensure that an independent, credible and adequately resourced mechanism to investigate allegations of torture and other serious human rights violations by law enforcement authorities continues to function;

(b) Ensure implementation of the Law on the Rights of Persons with Disabilities;

(c) Finalize the new National Human Rights Strategy, for the period 2022–2030, through a transparent and participatory process involving civil society;

(d) Intensify efforts to combat gender-based discrimination and violence;

(e) Conduct full investigations into the events of 5 July 2021 in Tbilisi and guarantee the right of peaceful assembly to LGBTIQ+ persons;

(f) Take legislative steps to ensure the independence of the judiciary;

(g) Strengthen cooperation with United Nations human rights mechanisms, including by submitting overdue reports to the treaty bodies and fully implementing the decisions of treaty bodies regarding individual cases.

73. The High Commissioner regrets the continued lack of access for international and regional human rights mechanisms to Abkhazia and South Ossetia, while noting that the authorities in control in Abkhazia continued to provide access to some United Nations development and humanitarian actors. OHCHR reiterates its call for immediate and unimpeded access for OHCHR and international and regional human rights organizations and mechanisms to Abkhazia and South Ossetia so that they may deliver assistance and contribute to the prevention of human rights violations, confidence-building and the protection of human rights.

74. OHCHR continues to support efforts made within the framework of the Geneva International Discussions to create the necessary conditions to improve the human rights situation in Abkhazia and South Ossetia and adjacent areas.

75. The High Commissioner addresses the following recommendations to all relevant parties:

(a) Concerning the situation of human rights in and around Abkhazia and South Ossetia:

(i) All actors involved should implement the recommendations from the High Commissioner's previous reports to the Human Rights Council on this subject, resolve outstanding issues and cases, minimize tensions and find a middle ground between conflicting claims with a view to building trust and preventing human rights violations;

(ii) Refrain from using language or actions that may provoke tensions and incite discrimination, hostility or violence. Promote dialogue, protect civic space and allow international organizations to operate without restrictions;

(iii) As noted in previous recommendations, promptly and thoroughly investigate all allegations of the violation of the right to life, torture and ill-treatment, and intensify efforts to establish accountability, provide redress and prevent the occurrence of similar acts;

⁴⁸ A/HRC/42/34, para. 91; A/HRC/45/54, para. 76; and A/HRC/48/45, para. 73.

- (iv) **End the practice of arbitrary deprivation of liberty and conduct a thorough review and prompt resolution of the pertinent individual cases, consistent with international human rights law;**
 - (v) **Take all measures necessary to identify sustainable solutions regarding personal identity and border-crossing documents and address the adverse effects of the current practices to ensure equality in exercising all human rights;**
 - (vi) **Lift all restrictions on the freedom of movement in order to facilitate the enjoyment of human rights and services and access to livelihoods by the affected populations, and refrain from adopting measures leading to discrimination and increased vulnerability, including in the area of the right to education;**
 - (vii) **Reiterate calls to ensure the effective and meaningful participation of women in all processes of conflict prevention and resolution, including by strengthening such efforts with complementary measures against gender inequality, gender-based discrimination and violence and gender stereotypes regarding women, men, girls and boy's roles and responsibilities in the family and society;**
 - (b) **Concerning the situation of human rights in and around Abkhazia:**
 - (i) **Ensure access to quality education for all without discrimination, including the right to receive instructions in one's mother tongue;**
 - (ii) **Support the local mechanism for human rights protection, including through transfer of experience, technical advice and good practices to identify and address allegations of human rights violations;**
 - (c) **Concerning the situation of human rights in and around South Ossetia:**
 - (i) **Facilitate access by international organizations, including human rights, humanitarian and development actors, to allow delivery of assistance and support the human rights' needs of the affected people;**
 - (ii) **Immediately lift all restrictions on the freedom of movement.**
-