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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 52/40, outlines the technical assistance provided by the Office of the United Nations High Commissioner for Human Rights between 1 June 2022 and 31 May 2023 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 in Tbilisi-controlled territory.



I. Introduction

1. In its resolution 52/40, the Human Rights Council requested the United Nations High Commissioner for Human Rights to present an oral update at its fifty-third session on follow-up to the resolution and a written report at its fifty-fourth 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 52/40, 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 2022 to 31 May 2023. 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 the Government of Georgia and other stakeholders, OHCHR issued a public call³ for written submissions pursuant to resolution 52/40.
4. The report is based on information made available to OHCHR, including submissions from the Government of Georgia, the Office of the Public Defender of Georgia (an A status national human rights institution), international and regional organizations, and non-governmental organizations, and on desk research. Given limitations resulting from lack of direct access, the report does not present a comprehensive account of the human rights situations in Abkhazia and South Ossetia.

II. Context

5. Following the submission on 3 March 2022 of an application to become a member of the European Union, the European Commission issued its opinion on this application on 17 June 2022.⁴ On 23 June 2022, Georgia was given the perspective to become a member of the European Union by the European Council, comprising leaders of 27 European Union member States. The European Council stated that it “is ready to grant the status of candidate country to Georgia once the priorities specified in the Commission’s opinion on Georgia’s membership application have been addressed”.⁵ The discussions on these priorities – 12 in total – related to various human rights, economic and political issues, and were a key issue of focus domestically, including in the Parliament of Georgia, during the reporting period.

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

6. An OHCHR Senior Human Rights Adviser has been posted in Tbilisi since 2007. The Adviser enjoys full cooperation from the Government of Georgia and is supported by national staff in both Georgia and Azerbaijan. The Adviser, who works with the United Nations

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 and 5; [A/HRC/42/34](#), paras. 3 and 4; and [A/HRC/48/45](#), paras. 3 and 4.

³ See <https://www.ohchr.org/en/calls-for-input/2023/2023-call-submissions-pursuant-human-rights-council-resolution-5240>.

⁴ See https://neighbourhood-enlargement.ec.europa.eu/opinion-georgias-application-membership-european-union_en.

⁵ See www.consilium.europa.eu/en/press/press-releases/2022/06/23/european-council-conclusions-on-ukraine-the-membership-applications-of-ukraine-the-republic-of-moldova-and-georgia-western-balkans-and-external-relations-23-june-2022, para. 13.

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 has 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

7. In September 2022, the Government of Georgia approved the second National Human Rights Strategy, the main domestic human rights policy document for up to 2030. In March 2023, the Strategy was approved by Parliament. The United Nations Development Programme and OHCHR supported the initial stages of developing the Strategy. The United Nations country team in Georgia, in its various communications with the Government, highlighted important initiatives envisaged in the Strategy, such as the separation of prosecutorial and investigatory powers in criminal justice, the promotion of diversity, and assistance for national minorities. The United Nations country team also underscored the need to address issues relating to LGBTQI+ persons, and the right to adequate housing, as well as the lack of sufficient legal and practical safeguards with regard to potential abuse of secret surveillance and of the monitoring of communications. The Parliament of Georgia recommended that the Government interpret the provisions of the Strategy broadly when elaborating the related action plans.

8. OHCHR continued to build the capacity of national counterparts in human rights – including the Ministry of Internal Affairs, the State Legal Aid Service, the Public Defender's Office, the Special Investigative Service, legal professionals, and civil society, including non-governmental organizations, organizations representing persons with disabilities, and students. Many of these activities were carried out under phase 2 of the Human Rights for All programme.⁶

9. During the reporting period, OHCHR conducted 34 capacity-building events (all in person) in Georgia for 818 beneficiaries, of whom 501 were women. On 10 December 2022, to mark Human Rights Day, OHCHR co-organized, with the United Nations Development Programme and in partnership with the Delegation of the European Union to Georgia, a conference entitled “Stand up for Dignity, Freedom and Justice for All”, where key human rights challenges facing Georgia were discussed.

10. Between 1 June 2022 and 31 May 2023, four human rights treaty bodies examined periodic reports of Georgia on its implementation of pertinent United Nations human rights treaties.⁷ In December 2022, Georgia submitted its overdue periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights. OHCHR provided assistance to the Government of Georgia in the drafting of this report. The periodic report of Georgia on its implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment remains overdue.⁸ In May 2023, the OHCHR team in Georgia provided organizational and logistical assistance for the visit to Georgia of the Independent Expert on the promotion of a democratic and equitable international order.

11. OHCHR continued its support for the implementation of the Convention on the Rights of Persons with Disabilities, which included providing assistance to the inter-agency coordination committee for its implementation, launched by the Government in Georgia in accordance with article 33 (1) of the Convention. OHCHR continued to strengthen the capacity of lawyers from the legal aid service on the rights of persons with disabilities, including through financial support provided by the United Nations Partnership to Promote the Rights of Persons with Disabilities. OHCHR is assisting the Special Investigative Service in developing an action plan on the rights of persons with disabilities, which would

⁶ A joint United Nations initiative funded by the European Union.

⁷ CCPR/C/GEO/CO/5, CERD/C/GEO/CO/9-10, CEDAW/C/GEO/CO/6 and CRPD/C/GEO/CO/1.

⁸ The most recent reviews of Georgia before the Committee against Torture took place in 2006 (see https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=GEO&Lang=EN).

mainstream the rights of persons with disabilities in the activities of the service. In addition, OHCHR began implementing a United Nations multi-agency, multi-country programme entitled “Mainstreaming a disability-inclusive humanitarian response to the Ukrainian refugee crisis in Georgia and the Republic of Moldova”.

B. Administration of justice and law enforcement

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

13. On 3 November 2022, the European Court of Human Rights delivered judgment in the case of Archpriest Giorgi Mamaladze,⁹ highlighted in previous reports,¹⁰ who was deprived of his liberty after having been sentenced by Tbilisi City Court in September 2017 on charges of “preparation of murder”. The European Court of Human Rights found that the closure of the proceedings and the non-disclosure obligations imposed on Mr. Mamaladze constituted a violation of his right to a fair trial. It further found that public statements made by the authorities encouraged the perception that the applicant was guilty before he had been so proven by a court, and that together with the non-disclosure obligation that had been imposed on him, there was a violation of the presumption of innocence guaranteed under the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). The Court did not find a violation of fair trial rights with regard to the admission and use of key evidence during the proceedings. With regard to national proceedings in the case of journalist Afgan Mukhtarli, also mentioned in previous reports,¹¹ who was arbitrarily detained in March 2017 and transferred against his will across the border to Azerbaijan, there has been no progress reported. The Prosecutor’s Office, which granted Mr. Mukhtarli victim status, has yet to bring charges against any individual.

14. The Public Defender’s Office, in an October 2022 submission to the Parliament of Georgia, noted a number of recommended legislative steps for judicial reform.¹² None of those proposals have been accepted.¹³

15. In September 2022, in its concluding observations on the fifth periodic report of Georgia, the Human Rights Committee¹⁴ noted with concern allegations of the failure to uphold fair trial guarantees in the case of the former President, Mikheil Saakashvili. Mr. Saakashvili, now a citizen of Ukraine, was detained on 1 October 2021 for illegally entering the territory of Georgia and was subsequently charged with committing various other crimes. Through most of the reporting period, he was a patient at a private civilian hospital in Tbilisi due to deteriorating health. The Minister of Justice of Georgia stated on 12 May 2023 that the European Court of Human Rights had denied the request of Mr. Saakashvili to be transferred to Poland, and that Georgia had not been instructed to transfer him to another treatment facility.¹⁵ The Government of Georgia has informed OHCHR that appropriate medical care has been provided for Mr. Saakashvili and that his rights are fully respected. It is essential that the rights of persons deprived of liberty be fully upheld.

⁹ *Mamaladze v. Georgia*, application No. 9487/19, judgment, 3 November 2022.

¹⁰ A/HRC/51/64, para. 14.

¹¹ Ibid.

¹² “Public Defender calls on Parliament to consider recommendations relating to judicial reform”, 25 October 2022, available at <https://bit.ly/3NIXUEe>.

¹³ These proposals concern: (a) the need to change the decision-making rule in the High Council of Justice into the principle of double majority (with all decisions requiring the support of two thirds of the judge members and two thirds of the non-judge members of the Council); (b) the need to require in law that, for the review of a case by a panel, the composition of the panel is determined by an electronic case distribution system, rather than a court chairperson; and (c) the need to reform the current procedure of electing presidents of courts so that they are elected by individual judges rather than the High Council of Justice.

¹⁴ CCPR/C/GEO/CO/5.

¹⁵ See <https://justice.gov.ge/?m=articles&id=Lz4RIM8Qqd> (in Georgian).

16. OHCHR supported, and provided comments on, the presentation of the proposed new Code on Administrative Offences that was made by the Legal Affairs Committee of the Parliament of Georgia to representatives of civil society and the international community in Georgia. OHCHR is committed to supporting the drafting process to ensure compliance with international human rights law and standards, particularly with respect to fair trial and procedural guarantees in the context of administrative arrests and detentions.

C. Combating torture and other forms of ill-treatment

17. In 2022, OHCHR provided assistance to the Special Investigative Service, one of the institutions that succeeded the State Inspector Service.¹⁶ The Public Defender's Office noted that the jurisdiction of this Service did not cover alleged crimes committed by the Prosecutor General, the Minister of Internal Affairs or the Head of the Security Service. The Special Investigative Service is mandated to investigate allegations of torture and inhuman and degrading treatment by law enforcement officials. It is investigating allegations of such conduct committed by officials belonging to the Ministry of the Interior during the protests of 7 to 9 March 2023 (see para. 20 below). The Service is also mandated to conduct investigations in cases where Georgia has been found to have violated the European Convention on Human Rights. OHCHR has been supporting the Service in developing a set of guidelines for investigators on classifying crimes of torture, as well as of inhuman and degrading treatment. The Service reports that it initiated 237 criminal cases in 2022. One third of these cases concern acts that allegedly took place in the administrative buildings of the Ministry of Internal Affairs and 12 per cent concern acts that allegedly took place in penitentiary facilities. The Service reported that, following its investigations, during ten months in 2022, the General Prosecutor's Office initiated criminal proceedings against 17 persons, 16 of whom were law enforcement officials.¹⁷

18. On 21 June 2022, in its Views on an individual communication, the Committee on the Rights of the Child found a violation of the obligations of Georgia under article 19 of the Convention on the Rights of the Child.¹⁸ The case concerned a 3-year-old boy who was allegedly subjected to corporal punishment at the hands of his kindergarten teacher on 24 January 2017. The Committee found that the authorities had not exercised due diligence and had failed to investigate the allegations promptly and effectively. The Committee noted the obligation of Georgia to provide an effective reparation to the victim, and the obligation to take all steps necessary to prevent similar violations from occurring in the future, in particular by ensuring that cases of corporal punishment were promptly and effectively investigated.

D. Rights to freedom of expression and of peaceful assembly

19. In February 2023, a draft law "on transparency of foreign influence" was introduced into Parliament, which would have required all civil society and media organizations which receive more than 20 per cent of their revenue from outside of Georgia, including from international organizations, to be registered as "agents of foreign influence". On 26 February 2023, the United Nations country team in Georgia issued a statement in which it expressed profound concern that the adoption of this draft "would risk impeding the work of civil society and media and the essential contributions they make to Georgian democracy".¹⁹ On 5 March, Parliament passed the draft on the first reading. Following significant protests in front of the Parliament building, on the second reading, on 9 March 2023, Parliament voted to reject the draft law, thereby ending consideration of the proposal.

20. According to the submission by the Public Defender's Office, law enforcement officials used excessive force against participants in protests that took place on 7 and 8 March

¹⁶ A/HRC/51/64, para. 18.

¹⁷ See https://sis.gov.ge/uploads/files/6459199c809a2_sis2022-annual-report.pdf.

¹⁸ *N.B. v. Georgia* (CRC/C/90/D/84/2019).

¹⁹ See <https://georgia.un.org/en/220801-statement-united-nations-georgia-draft-law-transparency-foreign-influence>.

against this draft law.²⁰ In the Public Defender's assessment,²¹ in the evening hours of 7 March 2023, the assembly had a peaceful character and there was no reason to disperse it or to use force, as was done by the Ministry of Internal Affairs. According to the Public Defender, before and during the dispersal of the assemblies, mass administrative detentions of demonstrators were carried out.²² These events raise concerns about arbitrary deprivation of liberty and unlawful restriction of the right of peaceful assembly. According to the submission by the Georgian Young Lawyers' Association and other non-governmental organizations, the interference by law enforcement officers with the right to assembly of essentially peaceful demonstrators on 7 and 8 March was unlawful and disproportionate.²³ OHCHR urged the authorities to investigate all allegations of excessive use of force in policing demonstrations. The Government stated that during the protests, the police had used proportionate force, mainly in self-defence, and had acted within the scope of their lawful powers.

21. In March 2023, Tbilisi City Court issued a ruling and sentenced an individual to two years' imprisonment for attacking a television cameraman²⁴ in conjunction with the violence of 5 July 2021 during a Pride Week gathering, in which far-right groups injured over 40 media representatives.²⁵ On 4 April 2023, Tbilisi City Court sentenced another six individuals to five years of imprisonment for assaulting the cameraman. Thirteen others received shorter prison terms for their role in attacking various media workers, and one individual was ordered to pay a fine of 5,000 lari, approximately equivalent to \$1,600. On 8 May 2023, the Tbilisi Appeals Court increased the prison terms of two of the individuals found guilty from 15 months to three years of imprisonment, but rejected the appeal by the Prosecutor's Office to increase prison terms for five other individuals found guilty of the 5 July 2021 attacks. The Government noted that a legal entity, "Tbilisi Pride", and 59 individuals, had been granted victim status in relation to this incident.

22. In a statement issued on 16 May 2023, the United Nations country team, the Delegation of the European Union to Georgia, the head of the European Union Monitoring Mission, the European Investment Bank Regional Representation for the South Caucasus and embassies of 27 States Members of the United Nations noted that the instigators and many perpetrators of open acts of violence against LGBTIQ+ individuals had not been brought to justice, with a potential chilling effect on the opportunity for LGBTIQ+ persons to exercise their right to peaceful assembly.²⁶

23. In 2022, the Public Defender's Office recorded multiple incidents of alleged crimes committed against media representatives, such as illegal interference in professional activity, attacks, and breaches of privacy.²⁷ Investigations into past allegations have not been effective, including due to late initiation of investigations and to procedural errors in searches aimed at obtaining evidence.²⁸ Other obstacles faced by the media in 2022, according to the Public Defender's Office, included alleged illegal eavesdropping by the authorities, discriminatory dismissals of media workers by media owners due to differences in opinion, restrictions on attending open government sittings, verbal attacks by Members of Parliament, and a growing number of strategic lawsuits against public participation.²⁹

²⁰ "Statement of the Public Defender's Office on the draft law of Georgia on transparency of foreign influence", 17 February 2023, available at www.bit.ly/3FtNiUE.

²¹ The statement of the Public Defender of Georgia, of 13 March 2023, is available at www.bit.ly/3FuG4zQ.

²² According to the Ministry of Internal Affairs, 133 individuals were detained as a result of operational measures and investigative activities carried out on 7 and 8 March; information is available at www.bit.ly/3Tpv8t9.

²³ Available at <https://gyla.ge/en/post/mshvidobiani-samoqalaqo-protestis-tsinaaghmddeg-policiam-ukanono-da-araproporciuli-dzala-gamoiyena#sthash.fpRixgIZ.dpbs>.

²⁴ Aleksandre Lashkarava, who died a few days after being attacked.

²⁵ A/HRC/51/64, para. 21.

²⁶ See <https://georgia.un.org/en/231680-take-stand-human-rights-all-stop-discrimination-and-violence-against-lgbtqi-persons-georgia>.

²⁷ See <https://cutt.ly/0wrhthD5> (in Georgian).

²⁸ Ibid., pp. 151 and 152.

²⁹ Ibid.

E. Combating discrimination

24. In previous reports, OHCHR highlighted the situation of Muslims in Batumi.³⁰ During the reporting period, the Supreme Court, which is considering the case of a refusal by municipal authorities of authorization to construct a new mosque, did not reach a final decision.

25. The Public Defender's Office reported that protection and fulfilment of the rights of persons with disabilities remained inadequate. That included inadequate access to and lack of continuity of inclusive education; lack of meaningful participation in decision-making at various levels; and insufficient access to the physical environment, information, means of communication and public services.³¹ Persons with disabilities faced obstacles in accessing the labour market, in part due to negative stereotypes about persons with disabilities among many employers.³² The Government has not approved the national accessibility plan or set out standards to ensure access to information and means of communication. Although the technical regulation – the National Accessibility Standards³³ – came into force on 1 March 2021, it has not been implemented effectively.³⁴ Awareness about these standards among public and private service providers is low, due to the absence of a large-scale information campaign.³⁵ The Government reported that the Ministry of Internal Affairs closely cooperated with the consultative advisory group of persons with disabilities and their representatives.

26. According to the Public Defender's Office, efforts to protect and fulfil the rights of older persons continued to face significant challenges in 2022, including due to a lack of protection and of psychosocial services tailored to the needs of elderly victims of domestic violence. The Public Defender's Office is also concerned about inadequate living conditions in nursing homes and the lack of social workers in municipalities.

F. Promoting women's rights and gender equality and combating gender-based discrimination and violence

27. According to the information provided by the Public Defender's Office, the number of cases of femicide and attempted femicide of women increased in 2022 in comparison to 2021.³⁶ However, the femicide monitoring mechanism (Femicide Watch) carried out by the Public Defender's Office suggests that often murders and attempted murders of women are not classified as gender-related killings but as attempted assault. This is of concern, as it leads to plea bargains by offenders, resulting in lesser or conditional sentences, without fully assessing the gender-related dimensions of the crime and further risks for survivors.³⁷ The Prosecution Service of Georgia has stated that it does not minimize criminal liability of the defendants in such cases, nor does it classify femicide as attempted assault as a general rule. The Public Defender's Office further noted that relevant provisions of the Penal Code were not fully compatible with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), such as the definition of the crime of rape. The criminal legislation also fails to provide for an opportunity for the victim to be questioned outside of the court room or to temporarily remove the accused from the court room during trials involving cases of gender-based violence, in line with good international practice.

28. According to the Women's Initiatives Supporting Group, there is no prompt, transparent and accessible procedure in place for legal gender recognition. The Public Service

³⁰ A/HRC/51/64, para. 23.

³¹ See <https://cutt.ly/0wrhthD5> (in Georgian), p. 248.

³² Ibid.

³³ Decree No. 732 of the Government of Georgia of 4 December 2020, available at <https://matsne.gov.ge/ka/document/view/5051805?publication=0> (in Georgian).

³⁴ See <https://cutt.ly/0wrhthD5> (in Georgian), p. 248.

³⁵ Ibid.

³⁶ Ibid., p. 203.

³⁷ Ibid., p. 20.

Development Agency has not provided clarification with regard to how it defines “change of sex”, and neither is this clarified in Georgian legislation. According to information received, persons seeking to change their gender markers in identification documents need to submit a health certificate proving that they have undergone sex reassignment surgery.³⁸ Persons who are unwilling or unable to undergo costly and invasive surgeries are therefore hindered in practice from having a change of gender legally recognized.

G. Business and human rights

29. As in previous years, information on business and human rights continued to be incorporated into training activities, delivered by OHCHR, for lawyers. During the reporting period, 75 lawyers were introduced to issues related to business and human rights, including the obligations of business to respect human rights, such as the rights to freedom of peaceful assembly and of association.

30. The occurrence of deaths and injuries in the workplace continued to be of serious concern. The Labour Inspection Service reported that there had been 35 deaths (all men) and 330 injuries (69 men and 261 women) in the workplace in 2022.

IV. Situation of human rights in 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 52/40.

32. On 6 April 2023, OHCHR sent letters to the authorities in control in Abkhazia and South Ossetia seeking immediate and unimpeded access, in accordance with Human Rights Council resolution 52/40, to gather factual and up-to-date information about the human rights situation in these areas. The authorities in control did not reply to the letters from OHCHR during the reporting period.

33. Several United Nations entities continued to have operational access to Abkhazia. The authorities in control publicly criticized some confidence-building activities implemented by international and civil society organizations and interrogated staff of those organizations. According to information received, the Government of Georgia exercised certain control measures over international access to and activities of international programmes in Abkhazia. The Government of Georgia stated that it actively cooperated with international organizations accredited in Georgia and operating in Abkhazia to support their presence and work there. The United Nations and other international organizations remained without access to South Ossetia, with the exception of the International Committee of the Red Cross (ICRC).

34. The Council of Europe facilitated confidence-building measures in the context of Abkhazia and South Ossetia, which included consultative meetings and coordination between youth leaders, archive specialists and specialist psychologists from both sides of the Administrative Boundary Lines.³⁹

B. Main human rights issues in Abkhazia and South Ossetia

35. 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. International human rights law and standards, as well as other areas of international law described in the first report of the High Commissioner on

³⁸ Ketevan Bakhtadze, “Legal gender recognition in Georgia: policy paper” (Women’s Initiatives Supporting Group, 2022).

³⁹ Council of Europe, “Consolidated report on the conflict in Georgia (November 2022–March 2023)”, SG/Inf (2023)15, paras. 63–66.

cooperation with Georgia, remain applicable.⁴⁰ The territorial State also retains certain obligations to take appropriate measures within its power to seek to ensure protection of human rights in areas of its territory where it does not exercise effective control.

36. OHCHR reiterates the need for an independent baseline human rights study in South Ossetia and for updates to the existing assessment of the human rights situation in Abkhazia, in view of new developments over the past six years.⁴¹ OHCHR remains available to provide technical support to such processes.

37. Concerns about the human rights and humanitarian situation in Abkhazia and South Ossetia persist. The unresolved conflict situation continued to negatively impact affected populations – including in areas adjacent to the Administrative Boundary Lines in Tbilisi-controlled territory, and people who have been displaced. Impacts include restrictions on the rights to liberty and security of person, freedom of movement, access to livelihoods, access to personal documents, health care and basic services, family life, education, and property, particularly affecting ethnic Georgians in Gali and Akhagori districts. The lack of access to effective remedies for violations and abuses of human rights and the absence of regular and independent monitoring and reporting – exacerbated by the lack of international access – continued to hinder human rights protection in Abkhazia and South Ossetia. These factors, together with the lack of progress in finding political solutions and implementing effective confidence-building measures, continue to exacerbate the existing vulnerabilities and socioeconomic isolation of the affected population.

38. The Government of Georgia has noted continued implementation of initiatives aimed at improving the humanitarian and socioeconomic conditions of people living in Abkhazia and South Ossetia, and at fostering people-to-people contacts, confidence-building, and trade along the Administrative Boundary Lines – creating additional opportunities for quality education and simplifying access to benefits and services. The Social Justice Center advocates a consolidated, inclusive and transparent peace policy by the Government of Georgia and calls on the State to examine the concept of security, taking into account physical, social and information concerns. The Social Justice Center highlighted the existence of impediments to access to social services, as well as the fragmented nature of such assistance. It called for greater focus in the projects and initiatives of the Government of Georgia on the conflict-affected population. The Government stated that it continued to implement its peace policy in a transparent and inclusive manner in close cooperation with all segments of society. The Government also noted that its reconciliation and engagement policy was based on a human-centric approach, including depoliticized and status-neutral mechanisms enabling simplified access to socioeconomic programmes and services.

1. Right to life

39. With regard to the cases highlighted in previous reports,⁴² there has been no progress during the reporting period. No one has been held accountable for the four deaths in Abkhazia and South Ossetia – of David Basharuli (in 2014), Giga Otkhazia (in 2016), Archil Tatonashvili (in 2018) and Irakli Kvaratskhelia (in 2019).

40. All relevant actors are urged to ensure independent, impartial and thorough investigations into these cases and to provide redress, as appropriate.

2. Right to freedom of movement, documents, and artificial barriers

41. Impediments to freedom of movement continued in both Abkhazia and South Ossetia, as well as in adjacent areas, in particular along the Administrative Boundary Lines in Tbilisi-controlled territory. Such restrictions continued to have negative consequences for the enjoyment of human rights and to exacerbate the isolation of the communities living on either side of the Lines. These restrictions negatively affected the already limited access by local residents to education, health care, pensions, markets and other services in Tbilisi-controlled

⁴⁰ A/HRC/36/65, in particular paras. 46, 48, 51, 61, 66, 67, 71, 72 and 80.

⁴¹ A/HRC/51/64, para. 37.

⁴² A/HRC/36/65, paras. 46 and 47; A/HRC/39/44, paras. 54 and 55; A/HRC/42/34, paras. 47–49; A/HRC/45/54, para. 44; A/HRC/48/45, paras. 40 and 41; and A/HRC/51/64, para. 39.

territory, as well their rights to liberty and security of person. There were no effective measures taken to reduce the negative impact of these, including for older persons and other vulnerable communities.

42. During the reporting period, the Administrative Boundary Line had two main operational crossing points between Abkhazia and Tbilisi-controlled territory: 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. Since the reopening of the Administrative Boundary Line for general crossing in July 2021, freedom of movement has continued to be a challenge for those whose “foreign resident permits” have expired, especially since the issuance of “form No. 9” was suspended.⁴³ The Government of Georgia has stated that the “validity” of “form No. 9” was recently extended until 31 December 2023. However, the people affected continue to face uncertainties. According to the Government of Georgia, this has been the only document allowing around 5,000 residents of Gali district to cross the Administrative Boundary Line.⁴⁴

43. The Government of Georgia reiterated concerns that the Administrative Boundary Line between South Ossetia and territory controlled by Georgia has been closed since September 2019. Since August 2022, the Administrative Boundary Line at crossing points between South Ossetia and territory controlled by Georgia has been temporarily opened for crossing during the last 10 days of each month.⁴⁵ The Government of Georgia raised concerns that many of the people affected were unable to utilize this window of opportunity due to other impediments to getting permission to cross the Administrative Boundary Line. According to information received, the movement of cars and minibuses has been prohibited and only 50 kilograms of hand baggage per person have been permitted, which has also limited trade across the Line. According to the European Union, authorization to cross the Line is subject to possession of a *laissez-passer* known as a *propusk*, issued by the authorities in control in South Ossetia and associated with allegations of corruption as well as with procedures and requirements lacking transparency. The Government of Georgia has stated that until the crossing points are fully open, the humanitarian situation will continue to deteriorate.

44. According to available information, applications for “foreign resident permits” are associated with numerous challenges imposed by the authorities in control in Abkhazia. These continued to have negative implications for the enjoyment of human rights by the affected population. According to information received, in the first quarter of 2023, more than 29,000 persons in Gali and adjacent districts acquired a “foreign resident permit”. This document, considered by the Government of Georgia as being null and void, remains, in practical terms, the only means for the category of people affected to cross the Administrative Boundary Line within Tbilisi-controlled territory. However, some people are reluctant to apply for this “permit”, given its association with foreigner status, and the fact that it does not grant access to the full range of political, housing, land and property rights. Restrictive eligibility requirements also exclude a number of people from obtaining this “permit”,

⁴³ “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 of the document has been conditioned on applying for the “foreign resident 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. Pending the introduction of the “foreign resident permit” in 2016, the authorities in control in Abkhazia issued “form No. 9” to ethnic Georgians, thereby facilitating their freedom of movement and their access to some basic services in territory controlled by Georgia. Owing to the reluctance of the returnee population to declare themselves “foreigners”, and procedural delays in issuing “foreign resident permits”, the extension and issuance of “form No. 9” continued until mid-2021.

⁴⁴ Since January 2022, “form No. 9” has been extended or issued only for holders of the Abkhaz “passport”, thus individuals have been unable to cross the Administrative Boundary Line due to a lack of valid identity documents and have been unable to access the social allowance for internally displaced persons, pensions, health care or other services in territory controlled by Georgia. These individuals have also been unable to access services in Abkhazia, including banking services, pensions and other allowances.

⁴⁵ A/HRC/51/64, para. 43.

including potential future returnees. Grounds for rejection of applications for such permits are broad and open to interpretation,⁴⁶ which enhances the risk of arbitrary decision-making. “Foreign resident permits” are issued for five years and are subject to extension. The Government of Georgia continued to maintain 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 to Abkhazian ones and change their ethnic identity to Abkhazian, in order to be able to enjoy their full range of human rights in practice.

45. The Social Justice Center advocates for access to social services and programmes as well as for the extension of social security guarantees – including pensions for people with disabilities, municipal housing services and cash benefits – in government-controlled territory, on the basis of neutral documents, which people living in Abkhazia and South Ossetia reportedly do not have now.

46. A continued process of so-called “borderization” was enforced along the Administrative Boundary Lines with Abkhazia and South Ossetia. Between June 2022 and May 2023, the Government of Georgia recorded six cases of installation of razor and barbed wire fences as well as “border” signs, trenches and anti-fire dividing lines in Abkhazia, and 55 such cases in South Ossetia. These activities have a continuing negative impact on the socioeconomic conditions of the population affected, and on family life and access to property, grazing and farmlands, religious sites and graveyards.

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

47. OHCHR continued to receive reports of arbitrary deprivations of liberty in both Abkhazia and South Ossetia perpetuating a climate of insecurity and mistrust.

48. The Government of Georgia registered the detention of 12 persons in Abkhazia and 33 persons in South Ossetia during the reporting period.⁴⁷ According to the Government of Georgia, currently 11 of its citizens are arbitrarily deprived of their liberty in Abkhazia and South Ossetia.⁴⁸ The Government reported that some of them suffered from severe health problems which required their immediate release, also to avoid fatalities. According to the Government of Georgia, on 20 July 2022 a citizen of Georgia, Kristine Takalandze, was detained in Abkhazia on fabricated charges of “espionage”; and on 5 May 2023, her deprivation of liberty, considered by the Government of Georgia as arbitrary, was prolonged for 10 years and 6 months. On 20 October 2022, Asmat Tavadze was detained in Abkhazia on charges of the “purchase and storage of drugs”. Eka Jakonia was detained in Abkhazia in November 2022 for “carrying drugs” and was, according to the Government, released, with restrictions on leaving Abkhazia, after paying a certain amount of money. The Government of Georgia claimed that gender dimensions featured in these cases, citing attempts to discredit young women and to harm the reputation of ethnic Georgians living in Abkhazia.

4. Right to health

49. Key issues related to the enjoyment of the right to health mentioned in the previous OHCHR report remain relevant in Abkhazia and South Ossetia.⁴⁹

50. According to information received, the quality of health services in Gali and adjacent districts remains poor, and the situation presented in the previous report remains unchanged, including with respect to local hospitals and health-care facilities, water, sanitation and hygiene conditions, medical equipment, qualified personnel, and the provision of first aid assistance to the rural population.⁵⁰ Accustomed to crossing the Administrative Border Line to access health-care services, buy medicines and collect their pensions in Tbilisi-controlled territory, the population of Gali and adjacent districts who do not have documents are

⁴⁶ Ibid., para. 45.

⁴⁷ Ibid., para. 49.

⁴⁸ Among them Irakli Bebuia, Mamuka Chkhikvadze, Kakhaber Natadze, Kristine Takalandze and Asmat Tavadze. See also [A/HRC/51/64](#), para. 49.

⁴⁹ [A/HRC/51/64](#), para. 50.

⁵⁰ Ibid., para. 51.

severely challenged. However, according to available information, medical evacuations continue to take place on a case-by-case basis for persons with no documents.

51. Concerns persist over the negative impacts of restrictions on freedom of movement across the Administrative Boundary Line between South Ossetia and Tbilisi-controlled territory, on persons affected by the conflict and their right to health, including their access to health care, critical services and urgent medical evacuations.⁵¹ According to the Government of Georgia and the Public Defender's Office, these restrictions continue to claim lives: a 1-year-old child, Elza Kudukhova, reportedly died on the way from Akhagori district to government-controlled territory on 3 January 2023, due to the absence of timely medical help.

5. Right to education

52. The continued restrictions on the use of Georgian as a language of instruction in Abkhazia and South Ossetia, which particularly affects the ethnic Georgian population in Gali and Akhagori districts,⁵² remain of concern. According to information received, the number of pupils in schools in Gali and Akhagori districts has been decreasing every year. The Government of Georgia claimed that 4,000 schoolchildren and 600 children in kindergarten in Abkhazia and South Ossetia are deprived of the right to receive education in their native language. The Government of Georgia has stated that since September 2022, the Georgian language has been completely rooted out as a language of instruction in Gali district. The Government stated that for the first 10 grades out of 11, classes are given in Russian, and that for the 2023/24 academic year, not a single grade will receive Georgian-language education in Akhagori district in South Ossetia.

53. The right to receive education in their native language continues to be one of the main issues for the residents of Gali district. According to available information, since September 2015, Russian has been gradually replacing Georgian as the language of instruction, becoming the only language of instruction as of September 2022, with a few hours per week of Georgian language and literature classes. The last group of schoolchildren that had been studying in the Georgian language graduated in May 2022. Since most teachers do not have adequate Russian-language skills for teaching, the process is associated with serious problems, heavily impacting the quality of education.⁵³ According to the Government of Georgia, in August 2022, six schoolteachers from several villages in Tkvarcheli municipality in Abkhazia were forced to resign and were threatened with charges of treason if they refused to do so, reflecting increased political pressure on Georgian teachers.

54. According to the Public Defender's Office, in Akhagori district there are six schools, five of which teach in Georgian only from grades 9 to 11, whereas teaching in Georgian was allowed from grade 7 onwards in 2020. The Public Defender stated that the authorities in control in South Ossetia have continued the practice of intimidation of teachers and pupils in order to hinder teaching in the Georgian language, with the effect that parents have to leave these regions and move to government-controlled territory to enable their children to study in Georgian.

6. Property issues and cultural heritage

55. There has been no progress reported in regard to challenges associated with restrictions on freedom of movement and barriers to the acquisition of personal documents, which have negative implications for the enjoyment of property rights in Abkhazia and South Ossetia. The Government of Georgia reiterated 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 reports indicate that families are being requested to sign a statement that they will not return to the region and will not reclaim their property.

56. The Government of Georgia reiterated concerns that the state of monuments of Georgian cultural, historical and religious heritage located in Abkhazia and South Ossetia is

⁵¹ Ibid., para. 52.

⁵² Ibid., paras. 55–57.

⁵³ Ibid., para. 57.

deteriorating progressively and that some monuments are in urgent need of protection and rehabilitation. Of special concern were Bedia Monastery (dating from the tenth century), the Church of Saint George of Ilori (eleventh century), Akhali Atoni monastery (nineteenth century) and Vanati Christ Cathedral (tenth century).

7. Gender equality and gender-based discrimination and violence

57. Allegations of gender-based violence, including domestic violence, as well as the situation of conflict-affected women and girls presented in the previous report,⁵⁴ require continued attention.

8. Civil society

58. Observations presented in previous reports concerning restrictions on civil society⁵⁵ require continued attention. Several stakeholders have underscored the draft proposal on “foreign agents”, which risks limiting the activities of international and local organizations in Abkhazia, especially activities around trust-building, education and conflict transformation. The Public Defender’s Office underlined that empowerment of local civil society organizations was also hindered by the scarcity of international donors and non-governmental organizations, and that the latter faced obstacles in accessing Abkhazia. The European Union noted that disinformation and defamation campaigns continued to restrict space for civil society actors.

59. Protracted “criminal proceedings” against Tamar Mearakishvili⁵⁶ 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 to visit her family members and to access basic services. According to available information, alleged persecution by the authorities in control in South Ossetia is aimed at forcing her to leave the region.

9. Accountability

60. On 30 June 2022, the International Criminal Court issued arrest warrants for three individuals for the crimes of unlawful confinement, ill-treatment, hostage-taking and the subsequent unlawful transfer of ethnic Georgian civilians, allegedly committed between 1 July and 10 October 2008 in the context of an international armed conflict in and around South Ossetia.⁵⁷ On 16 December 2022, the Prosecutor of the International Criminal Court announced that he was concluding his investigation into the situation in Georgia, given the absence of any material change in circumstances.⁵⁸

61. The Committee of Ministers of the Council of Europe examined the case of *Georgia v. Russia (II)* at its meetings in December 2022 and March 2023.⁵⁹ The Grand Chamber of the European Court of Human Rights issued a judgment of just satisfaction in the case on 28 April 2023, bringing the judicial proceedings to a conclusion.⁶⁰ In regard to *Georgia v. Russia (IV)*,⁶¹ which the Government of Georgia lodged in August 2018,⁶² the European Court of Human Rights announced a judgment on admissibility on 20 April 2023, declaring the case

⁵⁴ Ibid., paras. 61 and 62.

⁵⁵ Ibid., paras. 63 and 64.

⁵⁶ Ms. Mearakishvili is an ethnic Georgian and civil society activist in Akhagori district who had been cooperating with the international community and reporting allegations of human rights violations. Her case has been mentioned in previous reports (see [A/HRC/51/64](#), para. 64).

⁵⁷ See <https://www.icc-cpi.int/georgia>. See also [A/HRC/51/64](#), para. 65.

⁵⁸ See <https://www.icc-cpi.int/news/prosecutor-international-criminal-court-karim-aa-khan-kc-announces-conclusion-investigation>.

⁵⁹ See Council of Europe, “Consolidated report on the conflict in Georgia (November 2022–March 2023)”, para. 16.

⁶⁰ Application No. 38263/08, judgment, 28 April 2023. See [A/HRC/48/45](#), para. 67; and [A/HRC/51/64](#), para. 66.

⁶¹ European Court of Human Rights, application No. 39611/18.

⁶² Council of Europe, “Consolidated report on the conflict in Georgia (October 2021–March 2022)”, SG/Inf (2022)7, paras. 14 and 15.

admissible.⁶³ The European Court of Human Rights issued its judgment on 7 March 2023, which has now become final, in *Mamasakhlisi and Others v. Georgia and Russia*, pertaining to events prior to 2008, in which the Court found a series of violations of the European Convention on Human Rights.⁶⁴

10. Missing persons

62. ICRC reported on progress under its coordination mechanisms set up 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 at April 2023, 230 human remains have been recovered, identified and returned to families, since the start of its work, and 2,047 persons remain unaccounted for.

11. Geneva International Discussions

63. The fifty-sixth and fifty-seventh rounds of the Geneva International Discussions were held during the reporting period, in October 2022 and April 2023 respectively. OHCHR regrets the continued suspension, since June 2018, of the Incident Prevention and Response Mechanism in Gali, which is essential for effective security and stability on the ground.

C. Situation of internally displaced persons and refugees

64. Pursuant to General Assembly resolution 76/267, the Secretary-General submitted to the General Assembly, at its seventy-eighth 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 2022 to 31 March 2023.⁶⁵ The information contained therein remains relevant at the time of finalization of the present report.

V. Conclusions and recommendations

65. 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, including by hosting the OHCHR presence in Tbilisi. OHCHR remains committed to supporting the Government and other national stakeholders to further the promotion and protection of human rights in Georgia.

66. OHCHR welcomes the cooperation of Georgia with the United Nations human rights mechanisms, and encourages Georgia to fully implement the recommendations of United Nations treaty bodies. The incorporation of the recommendations given to Georgia by United Nations treaty bodies in recent concluding observations into the national policy documents of Georgia, such as the National Human Rights Action Plan, with a view to their effective implementation, would be a welcome development.

67. In addition to the recommendations made in previous reports, 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) Ensure an enabling environment for civil society and the media, and take steps to prevent violence against journalists. Thoroughly investigate past cases of such violence, and ensure access by civil society to policy discussions initiated by the Government, with a view to free exchange of opinions;

⁶³ See [https://hudoc.echr.coe.int/eng-press#%7B%22itemid%22:\[%22003-7630513-10505544%22%7D](https://hudoc.echr.coe.int/eng-press#%7B%22itemid%22:[%22003-7630513-10505544%22%7D)].

⁶⁴ Applications No. 29999/04 and No. 41424/04, judgment, 7 March 2023.

⁶⁵ [A/77/870](#).

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

(c) Ensure adequate resources for the Special Investigative Service to implement its mandate, in particular with regard to investigating allegations of torture and other serious human rights violations by law enforcement authorities;

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

(e) Conduct effective investigations into the events of 7 to 9 March 2023 and 5 July 2021 in Tbilisi and guarantee the right of peaceful assembly;

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

(g) Intensify efforts to elaborate the new Code of Administrative Offences.

68. The lack of access for international and regional human rights mechanisms to Abkhazia and South Ossetia is regrettable, while it is noted that the authorities in control in Abkhazia continued to provide access to some United Nations development and humanitarian entities. 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 contribute to the promotion and the protection of human rights, as well as to confidence-building.

69. OHCHR continues to support efforts made within the framework of the Geneva International Discussions to improve the human rights situation on the ground.

(a) Concerning the situation of human rights in Abkhazia and South Ossetia, all actors involved are strongly encouraged:

(i) To implement pending recommendations from previous reports of OHCHR to the Human Rights Council as relevant;

(ii) To promote dialogue, protect civic space, and allow international organizations to operate without undue restrictions;

(iii) To refrain from using conduct that may augment tensions or incite discrimination or violence;

(iv) To promptly and thoroughly investigate all allegations of violation of the right to life, or of torture or ill-treatment, and intensify efforts to establish accountability and provide redress and prevent their recurrence;

(v) To end any practice of arbitrary deprivation of liberty, and address all related allegations, including by conducting a thorough review and promptly resolving alleged or suspected violations, consistent with international human rights law;

(vi) To take all measures necessary to identify sustainable solutions regarding personal identity and other documents in order to facilitate freedom of movement, and address the adverse effects of the current practices to ensure equality in exercising all human rights;

(vii) To lift all undue restrictions on freedom of movement, in order to facilitate the enjoyment of human rights and access to basic services and livelihoods by the affected populations, and refrain from adopting measures leading to discrimination and increased vulnerability;

(viii) To simplify the procedures for issuance of the necessary documentation to the ethnic Georgian population in eastern Abkhazia to facilitate their freedom of movement and access to rights and services;

(ix) To ensure access to quality education for all without discrimination and the right to receive instruction in one's mother tongue;

(x) To ensure the effective and meaningful participation of women in all processes of conflict prevention and resolution, along with complementary measures to address gender inequality, gender-based discrimination and

violence, and gender stereotypes regarding women's, men's, girls' and boys' roles and responsibilities in the family and society.
