

**SURNAME CHANGES AND
PASSPORTIZATION PRACTICES IN GALI**
CONTINUATION OF ASSIMILATION POLICY



**Surname Changes and Passportization Practices in Gali –
Continuation of Assimilation Policy**

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Introduction

From the conclusion of the conflict in Abkhazia to the current day, the policies implemented by the de facto governments towards the local Georgian population have fluctuated yet have consistently maintained a discriminatory character. As a result, the ethnic Georgian community in the Gali region has endured systematic exclusion and marginalization. The inaction of the Georgian side in confronting the de facto government's discriminatory practices, along with their harsh legal and social consequences, leads to the double abandonment of the residents of Gali.¹

Systemic barriers established by the de facto authorities concerning status and documentation impede the residents of Gali from accessing their fundamental rights. These rights include the freedom of movement, property rights, the right to participate in elections and in public life, among others.² In 2005, Abkhazia introduced the so-called "Law on Citizenship of the Republic of Abkhazia," which, because of its stringent requirements, does not allow the ethnic Georgian population to acquire so-called Abkhazian citizenship. This, in turn, hinders Gali residents from engaging in local civil and political processes, accessing state services, registering property, and etc. Currently, nearly the entire Gali population³ holds residence permits (approximately 21,000 individuals)⁴, which allow them to cross the so-called border and enter Georgian controlled territory. The vast majority of Gali residents do not possess an 'Abkhazian passport' and instead carry Georgian passports and identity cards, which the de facto administration of Abkhazia does not recognize. According to the Public Defender, as of 2021, only around 1,000 Gali residents hold Abkhazian passports.⁵

According to the so-called Abkhazian legislation, it is impossible for ethnic Georgians to obtain an "Abkhazian passport". A primary requirement stipulates that an individual of non-Abkhaz ethnicity can only acquire "Abkhazian citizenship" if they had resided in Abkhazia for five years prior to 1999, before the declaration of Abkhazian independence. Thus, the regulation effectively excludes ethnic Georgians who were displaced from Gali

¹ Malkhaz Toria, Gali in Georgian and Abkhaz Historical Perceptions: The Anatomy of Double Marginalization, Social Justice Center, April 2022. Available at: <https://socialjustice.org.ge/ka/products/gali-kartul-da-afkhazur-istoriul-tsarmosakhvebshi-ormagi-marginalobis-anatomia>; See also: Teona Piranishvili, Double Exclusion Places: Human Rights and Social Challenges in Gali and Akhagori, Social Justice Center, December, 2022, available at: <https://socialjustice.org.ge/ka/products/ormkhrivi-gamotovebis-adgilebi-uflebrivi-da-sotsialuri-gamotsvevebi-galsa-da-akhagorshi>

² see. Double Exclusion Places. pg. 20-25.

³ Currently, there is no precise information regarding the number of individuals residing in the Gali district. The United Nations reports that 47,000 internally displaced persons (IDPs) returned to Gali in 1994. However, the most recent data (2016) from the Gali administration suggests that the population of Gali is likely between 25,000 and 30,000. This assertion is further substantiated by the reports of local residents who assert that the district has a high rate of migration.

⁴ Public Defender of Georgia, 2021 report, pg. 332.

⁵ Ibid.

in 1992-1993, gradually returned from 1994 to 1998, and subsequently faced renewed exile due to renewed armed hostilities.⁶

Valery Kvarchia, the "deputy" of Abkhazia's de facto parliament, introduced an initiative in 2021 that proposed that individuals who changed their Megrelian surnames to Abkhazian ones would be eligible for an Abkhazian passport. This initiative called for amendments to the so-called Abkhazian Civil Code and Civil Acts.

In the proposed amendments, Article 64 of the so-called Law on Civil Acts incorporates the phrase "or restoration of Abkhazian nationality" into the term "change of nationality". This implies that "Abkhazian citizens, foreign nationals, or persons without citizenship residing in the territory of Abkhazia will have the opportunity to reclaim Abkhazian national affiliation through changing their surnames accordingly." The initiator of the "draft law", Valery Kvarchia, stated that obtaining Abkhazian citizenship through the change of surname or nationality would only be possible for individuals who have at least one Abkhazian parent. However, the so-called law does not regulate the restoration of nationality for those who do not hold Abkhazian citizenship and reside in Abkhazia. This refers to Abkhaz people living around the world who migrated from Abkhazia centuries ago, as well as Murzakan-Abkhazs who were forcibly stripped of their nationality. According to his explanation, this category includes ethnically Abkhazs (Abaz) who are direct descendants of those displaced and forcibly resettled from Abkhazia as a result of Russian-Caucasian or Russian-Turkish wars, and who also changed their surnames during other events in the 19th and 20th centuries, and who wish to restore their original surnames and nationalities.⁷ The same changes were applied to the so-called Article 47 of the Civil Code. According to the amendment, Abkhaz and foreign nationals, as well as persons without citizenship residing in the territory of Abkhazia, would have the opportunity to "restore Abkhazian national affiliation".⁸ **On December 7, 2023, both of these amendments were unanimously adopted by the de facto parliament.**⁹

This study explores the attitudes and opinions of Gali residents regarding the so-called passportization process. To this end, the research was conducted from April to June 2024 in the town of Gali and in six nearby villages, namely Zemo Barghebi, Sida, Saberio, Lekukhona, Chuburkhinji, and Otobaya. Eighteen respondents from diverse age groups (25-60 and 60-90 years old) participated in the study, to protect their privacy and security, their real names will remain undisclosed. The participants shared their perspectives on the necessity of obtaining the so-called Abkhazian passport and on the adoption of a new

⁶ Teona Piranishvili, Double Exclusion Places: Human Rights and Social Challenges in Gali and Akhalgori, Social Justice Center, December, 2022, 23. available at: <https://socialjustice.org.ge/ka/products/ormkhrivi-gamotovebis-adgilebi-uflebrivi-da-sotsialuri-gamotsvevebi-galsa-da-akhalgorshi>

⁷⁷ <https://apsadgil.info/news/society/samurzakanskie-abkhazy-smogut-vosstanovit-natsionalnuyu-prinadlezhnost-/>

⁸ The Problem of Essential Documents for Mobility in the Gali District, DRI, 2021, 3. Available at: <https://www.radiotavisupleba.ge/a/31763486.html>;

⁹ Information is available at: <https://www.apsnypress.info/ru/home/novosti/item/8815-parlament-utverdil-pravo-vosstanovleniya-abkhazskoj-natsionalnosti-i-familii>

approach to surname changes. Furthermore, the study evaluates the process through a human rights lens, based on international and regional legal frameworks.

Passportization of the Gali residents: An Unresolved problem of Abkhazia

The determination of the legal status of Gali residents within Abkhazia's de facto system has been a matter of ongoing debate and policy alterations over the years, with no conclusive decision reached to date. In 2010, Sergei Bagapsh, the de facto president of Abkhazia, issued Abkhazian "passports" to the Gali population in a simplified manner, despite facing disapproval from Abkhazian opposition parties. As a result, a significant number of Gali residents (over 20,000) obtained the so-called Abkhazian passports.¹⁰ In 2013, Alexander Ankvab, Bagapsh's successor as de facto president, rescinded the passports previously issued to Gali residents, thereby returning them to an uncertain legal standing within the Abkhazian de facto system. Subsequently, the issuance of the so-called Form 9 began, which Gali residents used to travel, participate in de facto elections, and engage in other civic processes. In 2017, Form 9 was substituted with a residence permit that only allows holders the freedom of movement. This permit denies Gali residents property rights, the ability to participate in elections, and involvement in other civic and political activities. Furthermore, Gali residents are required to renew their residence permits every five years, which involves navigating through burdensome and corrupt bureaucratic procedures within the Abkhazian de facto system.¹¹

The next stage of the passportization policy comprised of the so-called legislative amendments enacted in 2019-2020. These amendments, initiated by Abkhazia's de facto government, stipulate that Georgians who reclaim their "Abkhazian heritage" and become "Murzakan Abkhazians" will be eligible to receive Abkhazian passports. Furthermore, the de facto government will assist them in obtaining Russian passports. Since 2014, the public organization "Council of Murzakan Abkhazians", operating in the Gali district, has supported this initiative. The organization advocates for the "restoration of historical justice", which entails the restoration of Abkhazian heritage for Megrelians residing in Gali. According to the organization's chairman, between 2014—the founding year of the "Council of Murzakan Abkhazians"—and 2017, 500 individuals expressed a desire to restore their authentic Abkhazian surnames and ethnic identities. Of these, 300 have already been granted the opportunity. From 2017 to 2018, citizenship was granted to an additional 139 individuals, allowing them to reclaim their ethnic heritage.¹² Edisher Inal-ifa, chairman of the "Council of Murzakan Abkhazians", reports that a survey conducted by the

¹⁰ Political Transitions in Abkhazia and Current Affairs - An Interview with an Abkhaz Civil Activist, Social Justice Center, September 19, 2022. Available at: <https://socialjustice.org.ge/ka/products/politikuri-tranzitsiebi-afkhazetshi-da-dghevandeloba-interviu-afkhaz-samokalako-aktivisttan>

¹¹ Teona Piranishvili, Double Exclusion Places: Human Rights and Social Challenges in Gali and Akhgori, Social Justice Center, December, 2022, 23. available at: <https://socialjustice.org.ge/ka/products/ormkhrivi-gamotovebis-adgilebi-uflebrivi-da-sotsialuri-gamotsvevebi-galsa-da-akhgorshi>, [ობ ასევე: ქართველები გალში — უცხოელები საკუთარ მიწაზე](https://socialjustice.org.ge/ka/products/ormkhrivi-gamotovebis-adgilebi-uflebrivi-da-sotsialuri-gamotsvevebi-galsa-da-akhgorshi)

¹² <https://www.radiotavisupleba.ge/a/გალელი-აფხაზები-აფხაზობას-იბრუნებენ/29378086.html>

organization revealed that approximately 5,000 Gali Georgians have Abkhazian ancestry, but Joseph Stalin and Lavrentiy Beria forcibly "Georgianized" them.¹³

However, as it turns out, the number of Abkhazian passport holders among the population of Gali did not increase following this initiative. Allegedly, only 1,130 individuals in the Gali district possess an Abkhazian passport, while up to 21,500 people remain under the residence permit mechanism.¹⁴ The de facto head of the Gali district administration stated that the rising migration of the population from the Gali district is linked to lack of prospects and documentation. According to Filia, in the Gali district, 137 children were born in 2023, but only 59 birth certificates were officially issued.¹⁵ Filia openly addresses the barriers to obtaining documentation and underscores the necessity for "legislative amendments".¹⁶ Filia states that the process of granting Abkhaz surnames and acquiring a 'passport' on this basis is progressing slowly.¹⁷

Gali Residents' Attitudes Toward Surname Changes

The positions of the interviewed respondents can be categorized into three groups. The majority fall in to the first group, consisting of individuals who are fundamentally opposed to changing their surnames. For the second group it is inconsequential whether they will be labeled as Georgian or Abkhazian in official documents, as they are disheartened with the political processes and criticize the policies of both Sokhumi and Tbilisi. The third group comprises a very small number of individuals who assert that acquiring "Abkhazian citizenship" would be acceptable provided it improves their legal status.

Those opposing the surname change view this initiative as a continuation of the enduring systematic discrimination against the ethnically Georgian community and find it unacceptable:

"It's as clear as day. It's hard to believe that after everything our local politicians have put us through, they now have a genuine interest in making life easier for us, Georgians in Abkhazia. I've been working as a teacher for 20 years, and my salary and opportunities are twice as low as those of Abkhaz teachers. For years, this violent, discriminatory policy has been carried out against us Georgians, so I personally have no desire firstly to change my

¹³ <https://dfwatch.net/gali-residents-urged-renounced-georgian-ethnicity-acquire-abkhazian-passport-50754>

¹⁴ Gali district is currently experiencing a severe population migration – Filia. Available at: <https://www.radioatinati.ge/regioni/article/84550-galis-raionidan-mosakhleobis-gadinebis-mkhriv-mdzime-situaciaa-filia.html>

¹⁵ There is a serious situation in terms of population outflow from Gali - de facto administration, Radio Tavisufleba, 2024. Available at: <https://www.radiotavisupleba.ge/a/32842174.html>

¹⁶ Struggling for survival: challenges faced by Georgians in Abkhazia discussed with Konstantin Pilia, 2024. Available at: <https://www.youtube.com/watch?v=ff7IjruQeXk>

¹⁷ The issue of documentation required for movement in the Gali region, Democracy Research Institute. 2021. pg. 29.

surname and secondly to receive Abkhazian passport. I don't want to become a citizen here even without surname change. It would be better if they helped us with challenges we face in agriculture, there we need more support. Issues like the brown marmorated stink bug, setting up irrigation systems, regenerating arable land, and a number of other problems are persistent in the Gali district." – Male, 52 years old, from the village of Nabakevi.

A 65-year-old woman from the village of Otobaya, whose home lies right on the occupation line, says that for years she hasn't been able to use her barn or nuttury, which used to be part of her house. Russian soldiers neither give her the permission to use them nor allow her to approach the occupation line. Her child is married to an Abkhazian and holds Abkhazian citizenship. "This isn't life, and I believe that hell can exist on earth. These Russians have ruined my life. I can't use my own land anymore. I can't even visit my brother, who lives just 200 meters away from here in Orsantia. My daughter is asking me to change my surname and everything will be alright, they'll give me a passport. How should I reconcile with myself if I change my last name? am I supposed to believe they are suddenly concerned about us, or do they simply want to wipe us out and turn us into Russians or Abkhazs?

According to a 54-year-old Gali resident, while members of this council (Council of Murzakan Abkhazians) say that many have indicated a wish to restore their "historical" surnames, most are unaware of the organization's existence. "I only know about the existence of this council because I live in the city, and in 2014, when my children graduated from school, we often had to go to the SGB (State Security Service of Abkhazia) for documents." He and his wife said that until 2014, they had Abkhazian passports that indicated their ethnicity as Abkhazians. "When I discovered that my ethnicity was recorded as Abkhazian (even before the surname change policy was implemented), I returned the passport and stated that I did not identify as Abkhazian and that it was a lie. At the SGB, they assured me that I would be granted rights such as the right to vote, the ability to transfer my home into my name, tax exemption, job advancements, and so on. However, I declined and then waited three years for the so-called residency permit, which was issued to me based on my Georgian citizenship." This document allows its holder to live in Abkhazia and move freely through the Enguri crossing point, but this status does not grant the holder the right to buy or sell property nor the right to participate in elections.

"I told them that I have been a Georgian for whole my life and I cant become Abkhazian at the age of 50. Even though I bear no ill will towards Abkhazians." According to him, his wife also refused to take an Abkhazian passport, despite recognizing the importance of participating in local elections and securing legitimate claims to private property. "However, we do not believe that obtaining an Abkhazian passport will fundamentally change our lives." He added that promises have remained unfulfilled for three decades, and their rights situation remains the same.

Among the interviewed youth and representatives of the older generation, that expressed sentiment of indifference or preference for obtaining an Abkhazian passport was also

followed by political nihilism—the notion that they are indifferent to political happenings and unconcerned about which party prevails, both in the de facto Republic of Abkhazia and in the Georgian parliamentary elections. Because the Georgian side shows minimal interest in the challenges and problems confronting Georgians in Abkhazia, they are forced to adapt to the existing reality.

"As a mother of three from a mixed Georgian-Abkhazian family, I feel that staying here in Abkhazia offers us a better opportunity at making something than having to start over somewhere else. After so many years of being ignored, even though I'm Georgian, the Georgian side feels more foreign to me than Abkhazia does. What can I say, place where you grow up truly starts to become your home, versus a place you're just told is your home. This is my home, so having a local passport is essential for me. However, getting one has been tough even for me." – Says a 27-year-old woman from Gali. She further explains that even though her last name has Abkhazian roots and there are people with her surname who consider themselves Abkhazians living in various towns and villages outside Gali, she has not yet acquired an Abkhazian passport.

"Even though I paid 3000 rubles (100 lari) at the time and applied to become a citizen of Abkhazia, stating that I wanted to have an Abkhaz surname, the process has somehow dragged on. There's always some excuse—sometimes a holiday, sometimes something else. Sometimes they don't have an ink or paper at the passport department. Maybe it's worth going to the Ministry of Justice in Sukhumi to speed things up. I've wasted so much time waiting."

48 year-old respondent claims that the primary reason for passportization is to increase Abkhazian population.

"My ancestors were Abkhazians, but I was born and raised here, in one of the villages in the Gali district. My mother is from here, and my father was from the Ochamchira district. My identity is Georgian, and my family is Georgian. I was offered an Abkhaz passport, but I declined for a simple reason—I consider myself Georgian. However, my brother did get an Abkhaz passport for various reasons. He works in agriculture, and having an Abkhaz passport makes things easier for his business. When a Georgian runs a big business, it might not sit well with some people, and they could find ways to hinder you—imposing higher taxes than necessary or even taking the business away from you. He wants to live here, and considering we've been waiting years for housing for displaced people from the Georgian side but haven't received it, my brother became frustrated. I understand him, he's trying to secure proper rights where he lives. As if this Abkhazian passport will give him more rights. I don't know that yet".

29 year-old respondent says that for him it is unacceptable to change his surname. "This means losing our identity, something that has been happening to us for a long time. If we managed to preserve this identity through so many difficult years, why should we give it up now? Even though there seems to be no interest in this issue from the Georgian side,

this is our own, personal fight. My father and my brother were forced to register themselves as Abkhazians and take Abkhazian citizenship." Like most Georgians residing in Abkhazia, he holds a residence permit valid for five years. Upon its expiration, he was granted a 10-year residence permit instead of "citizenship," as clarified at the time of issuance. "For me, having a passport is not of critical importance. We, the Georgians living here, almost 30,000 of us, won't be given the right to make decisions or vote in elections anyway. The discussion around the 'restoration of surnames' has sparked significant controversy in some parts of Abkhaz society. For them, granting Abkhazian citizenship to someone who also holds Georgian citizenship feels like a major threat."

As indicated by the accounts of our respondents, a significant portion oppose the policy of surname changes, regarding it as yet another political action undermining their ethnic identity. Many reject this provision imposed by de facto policymakers, instead choosing to remain in the current unjust status quo, living without fundamental rights and adapting to the challenges of their circumstances. Nonetheless, it is apparent that there exists a significant degree of political hopelessness about the future among Georgians residing in Gali. Furthermore, there is notable distrust towards both the de facto authorities and the Georgian government. It is crucial to contemplate the enduring effects that this perception of historical abandonment, alienation, and political nihilism will exert on the political consciousness and self-perception of the local residence. The respondents' accounts reveal that, in certain instances—shaped by unique family histories, personal circumstances, or survival imperatives—surname changes have occurred. However, such cases are infrequent, and respondents often express regret or even shame when discussing them.

What formal Procedures are needed for Surname Change?

Individuals seeking to adopt an Abkhaz surname must submit a proposal to the SGB, expressing their desire to obtain Abkhaz citizenship based on the change of their current surname. If the surname follows Abkhaz naming conventions, such as Tarbaia, Lakirbaia, Marshania, Inalishvili, Kvekveskiri, Kolbaia, Zukhbaia, Ezugbaia, Butbaia, Khintbaia, Ketsbaia, Kakubava, Kuprava, etc., acquiring Abkhaz citizenship is more straightforward compared for those with Megrelian surnames. According to respondents, this process can be completed very easily, sometimes within a few weeks. An individual submits an application stating their intention to "restore their ancestral surname" and, based on this, requests to be granted Abkhaz citizenship. This is accompanied by a renunciation of Georgian citizenship, which is the primary requirement for obtaining an Abkhaz "passport."

Subsequently, an individual pays a certain amount. One of the respondents indicated that he paid 2,600 rubles in 2016, although he remarked that this number tends to fluctuate. The current price has not been determined. After the payment, the applicant waits for the passport, with the waiting time ranging from two weeks to several months, and occasionally even years. If the individual pays a higher amount and leverages influential

contacts within the passport department, the passport acquisition process is considerably expedited. It is challenging to determine the present trends of this process, as none of the respondents have had to submit an application to the passport department in the past six years.

A considerable part of the respondents we interviewed for the study were unaware of what changing surnames entails or that they might get Abkhazian "citizenship" through this process. According to the majority of respondents, the surname change process is more forceful than voluntary, and hence unacceptable.

The legal dimension

The right to name and surname is an integral part of the right to identity, and protecting its inviolability from forced assimilation or other discriminatory policies has become part of human rights law since the second half of the twentieth century. Recognition of human dignity and individuality has become a cornerstone of international human rights law, one of the constituent parts of which is the right of a person to freely choose a name/surname. State interference in this right is considered a violation of human dignity.¹⁸ Thus, the post-World War II international legal space in a way rejected and condemned the practice of Nazi Germany, which did not give Jews the opportunity to choose a surname and name, and forcibly designated everyone as a Jew to make their identity obvious to everyone to exclude and segregate them from society.

Today, within the existing regional and international legal instruments, a person's name is considered in relation to several rights: First of all, it pertains to the right to private life, which is enshrined in almost all legal instruments. Additionally, the law concerning the rights of minorities and indigenous groups provides specific rights for these groups—the right to a name—which, in turn, is not addressed in all legal documents. Furthermore, the right to a name is examined in judicial practice within the context of the prohibition of discrimination. This chapter of the article reviews and analyzes relevant legal documents and the associated judicial practices.

The European Convention on Human Rights does not explicitly define the right to a name; however, in the practice of the European Court, it has been incorporated as part of Article 8—the right to private life. Furthermore, it is considered in the context of the prohibition of discrimination within judicial processes. In a subsequent legal document adopted by the Council of Europe, which addresses the rights conditions of national minorities, the right of national minorities to a name or surname and its utilization in minority languages is formally recognized.¹⁹

¹⁸ *Fernand de Varennnes* & Elzbieta Kuzborska*, Human Rights and a Person's Name: Legal Trends and Challenges, *Human Rights Quarterly* 37 (2015) 977–1023.

¹⁹ Council of Europe Framework Convention on National Minorities, Article 11(1).

Additionally, the human rights instruments of the Council of Europe, as well as inter-American and African instruments, more precisely define the right to a name as one of the fundamental human rights. For example, Article 24 of the International Covenant on Civil and Political Rights stipulates that every child has the right to a name. The right to a name is also considered part of private and family life rights (Article 23). The Council of Europe's Convention on the Elimination of All Forms of Discrimination Against Women further clarifies that the right to a name falls within the realm of personal rights and grants spouses the freedom to choose their names upon marriage.²⁰ Moreover, the Convention on the Rights of the Child articulates that every child has the right to maintain their identity, name, and family relationships without undue interference.²¹

In addition to these mandatory legal instruments, international legal documents of a recommendatory nature also affirm the right to a name and recognize it as an integral part of an individual's identity, making arbitrary name changes impermissible. For instance, the Oslo Recommendations on the Linguistic Rights of National Minorities assert that national minorities have the right to use their names and surnames in their native languages, and that this right constitutes a part of their identity. Furthermore, these recommendations specify that state authorities are permitted to register names and surnames in accordance with the country's official language, provided that this is done while preserving the linguistic systems and traditions of the minorities.²² The Oslo Recommendations acknowledge that the right to a name is a fundamental human right connected to one's language and identity, and that altering one's name or surname against their will or through coercion is prohibited.

The Council of Europe's Framework Convention on the Protection of National Minorities provides the most precise definition of the right to a name/surname and identity, as affirmed by the Committee of Ministers' recommendatory conclusions related to the practices of specific member states. For example, during the fourth evaluation cycle, the Council of Europe's Committee of Ministers (2001-2018) urged Latvia to uphold the principles of cultural identity and the prohibition of discrimination with respect to the ethnic Russians residing in Latvia. Latvia obliged ethnic Russians seeking a passport or other official documents (identity cards) to change their surnames according to Latvian grammatical and orthographic rules, which entailed the addition of Latvian suffixes to non-Latvian surnames.²³ The Committee considers such a requirement to undermine national and personal identity and to be incompatible with the identity protection standards under the Framework Convention. Similar policies exist in Slovakia and Romania regarding their Hungarian minorities. Bulgaria also required Turkish minorities to adopt Bulgarian

²⁰ CEDAW, Article 16.

²¹ CRC, Article 8.

²² The Oslo Recommendations regarding the Linguistic Rights of National Minorities & Explanatory Note, OSCE, 1998. 14.

²³ Fourth Advisory opinion on Latvia, para 110-112.

surnames; however, this policy has been gradually softened in accordance with the Committee of Ministers' recommendations.²⁴

Concerning the practices of the European Court of Human Rights, matters of name and identity protection are considered under Article 8, which guarantees the right to private and family life, and the court has deliberated extensively on cases involving surname changes. The court's foremost standard in these situations is that any state interference must be justified by a legitimate aim, such as maintaining public order, safeguarding cultural heritage, preventing fraud, or ensuring the welfare of children. The court exercises particular caution towards policies targeting ethnic or cultural groups and evaluates such policies under Article 14 (Prohibition of Discrimination).²⁵

Although the de facto administration of Abkhazia has not imposed a universal mandatory requirement for surname changes on the population residing in the Gali district, however, initiatives that force individuals to live without passports and without legal status place the Gali residents in an rights deprived situation, thereby classifying such measures as forms of coercion. The absolute majority of Gali residents have thus far rejected the assimilationist proposals from the Abkhaz de facto authorities regarding surname changes. Nonetheless, such policies, which refuse individuals their own ethnic identity, oppose fundamental human rights and undermine the safeguarding of their dignity and identity.

In the context of a protracted conflict, responsibility for human rights violations committed by the de facto regime rests with the state exercising effective control—in this case, the Russian Federation. The Russian Federation, as an international legal entity exercising effective control in the occupied regions, is accountable for all human rights violations occurring under its control. In its 2021 decision, the European Court of Human Rights (ECtHR) determined that the Russian Federation's ongoing effective control over the territories of South Ossetia and Abkhazia, as well as the strong dependence of the de facto authorities on Russia, rendered Russia the responsible state.²⁶ Notably, according to the practice of the European Court of Human Rights, it is not necessary for the state exercising effective control to have absolute oversight over every administrative process during which human rights are violated.²⁷

Forceful Assimilation policy of Gali Residents

Assimilation is the process and condition in which one ethnic group undergoes changes through interaction with another ethnic group, ultimately adopting the cultural and self-identifying characteristics of the latter. As a result, cultural and ethnic distinctions between the groups disappear, and typically, the minority ethnic group loses its unique (distinctive)

²⁴ Fourth opinion on Bulgaria, para 120-124.

²⁵ *Bulut v. Turkey* (2013); *Kiss v. Hungary* (2010); *Gorzelik and Others v. Poland* (2004).

²⁶ *Georgia v. Russia (ii)*, paras 165-175.

²⁷ *Cyprus v. Turkey*, App 25781/94 (ECtHR, 28 June, 1996) 21; *Loizidou v Turkey*, para 52; Cullen Anthony and Wheatley Steven, 'Human Rights of Individuals in De Facto Regimes' (2013) 13 Human Rights Law Review 691-728, 705.

traits. Assimilation is a one-sided process.²⁸ Unlike integration policies, which involve the socioeconomic, political, and cultural rapprochement of different ethnic groups, assimilation theory entails the merging with the dominant group and the loss of self-identifying characteristics.²⁹

The policy of changing national identities and restoring surnames for the population of the Gali district is a continuation of assimilation policies that have been ongoing for 30 years. These policies are expressed in various discriminatory restrictions, including the Russification of the education system and the gradual and complete removal of the Georgian language from both educational and public life.³⁰ The Russification of Georgian-language schools was implemented in a gradual manner, and as of 2022, all classes in all schools in the Gali district are entirely conducted in Russian language.³¹ According to the explanations provided by the de facto government, the Russification of the education system served two purposes. On the one hand, it aimed to reduce Gali residents' connections with the Georgian state, as the majority of Gali residents pursue higher education, work, and maintain personal ties in Tbilisi. On the other hand, it sought to diminish Georgian cultural influences in Abkhazia, which could have been facilitated by Georgian textbooks and "Georgian ideology." Ultimately, the Russification of education policies has made it increasingly difficult for young people living in Gali to maintain proficiency in their native language. Local residents have begun to actively voice concerns that Gali's youth are forgetting Georgian, which creates additional barriers for them to pursue higher education in Georgian institutions.

Legislative regulations regarding the adoption of Abkhaz surnames effectively demand that Georgians renounce their ethnic identity. While, in isolated cases, specific family or surname experiences in Gali may make such changes acceptable. However, as practice shows, the vast majority of Georgians living in Gali reject these conditions, and despite the law being enacted, its enforcement is largely ineffective. Nevertheless, it is evident that political disillusionment, alienation, and a sense of abandonment are pervasive among the Gali population. These feelings could have long-term implications for their political awareness and self-identification. For this reason, it is crucial for the Georgian state to adopt a targeted and positive policy to ensure the security, rights, identity, and well-being of the ethnically Georgian population in Gali.

²⁸ Małgorzata Budyta-Budzyńska, Adaptation, integration, assimilation – an attempt at a theoretical approach, 2011. Available at: <http://migracje.civitas.edu.pl/migracje/index.php/en/adaptation-integration-assimilation>

²⁹ Ibid, pg. 49.

³⁰ Teona Piranishvili, Access to Quality Education in Gali and Akhgori, Social Justice Center, 2023. Available at: <https://socialjustice.org.ge/ka/products/khelsatsvdomoba-khariskhian-ganatlaze-galsa-da-akhgorshi>

³¹ Ibid. pg. 3.