



Human Rights Council**Fifty-second session**

27 February–4 April 2023

Agenda item 10

Technical assistance and capacity-building**Resolution adopted by the Human Rights Council
on 4 April 2023****52/40. Cooperation with Georgia***The Human Rights Council,**Guided by the purposes and principles of the Charter of the United Nations,**Welcoming the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action, and reaffirming other relevant international human rights instruments,**Bearing in mind relevant regional instruments, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms,**Taking note of the judgment of 21 January 2021 of the European Court of Human Rights in the case *Georgia v. Russia (II)*, which confirmed, inter alia, the effective control of the Russian Federation over Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia after the war between the Russian Federation and Georgia in August 2008, and its responsibility for the human rights violations committed therein,**Taking note also of the judgment of 7 March 2023 of the European Court of Human Rights in the case *Mamasakhlisi and Others v. Georgia and Russia*, which once again confirmed the effective control of the Russian Federation over Abkhazia, Georgia before the war between the Russian Federation and Georgia in August 2008, and its full responsibility for human rights violations in the region,**Acknowledging the conclusion of the investigation phase into the situation in Georgia by the International Criminal Court in 2022, which resulted in the issuance of arrest warrants for war crimes committed against civilians perceived to be ethnically Georgian from 1 July to 10 October 2008, including during the war between the Russian Federation and Georgia in August 2008, and noting the alleged role of the Russian military official uncovered by the investigation,**Recalling Human Rights Council resolutions 34/37 of 24 March 2017, 37/40 of 23 March 2018, 40/28 of 22 March 2019, 43/37 of 22 June 2020, 46/30 of 24 March 2021 and 49/33 of 1 April 2022,**Expressing serious concern that the provisions of the above resolutions with regard to Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia have not been implemented,*

Reaffirming its commitment to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders,

Reaffirming also the primary responsibility of States to promote and protect human rights and fundamental freedoms,

Recognizing the importance of the Geneva International Discussions established on the basis of the ceasefire agreement of 12 August 2008 as an instrument for addressing security, stability, human rights and humanitarian issues on the ground,

Underlining the role of the Incident Prevention and Response Mechanisms in Gali and Ergneti in finding durable solutions for the safety and humanitarian needs of conflict-affected persons on the ground, and stressing the need for the immediate resumption of the work of the Incident Prevention and Response Mechanism in Gali without preconditions, and the functioning of both mechanisms in accordance with their ground rules and founding principles,

Welcoming the cooperation of the Government of Georgia with the Office of the United Nations High Commissioner for Human Rights and its office in Tbilisi, and with other relevant international and regional human rights mechanisms and actors,

Welcoming also the continuous technical assistance provided by the Office of the High Commissioner through its office in Tbilisi,

Recognizing the significance of the reports of the United Nations High Commissioner for Human Rights,¹ and noting the recommendations made by the High Commissioner therein,

Condemning the ongoing illegal military presence of the Russian Federation in Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia, without the consent of Georgia, and the attempts to legitimize its military presence, including through the organization of illegal so-called elections by the de facto authorities exercising effective control therein, signing so-called treaties, creating so-called joint socioeconomic spaces between the Russian Federation and Abkhazia, Georgia, land seizures, such as in the Gagra district in Abkhazia, Georgia, and statements about intent to hold a so-called referendum in the Tskhinvali region/South-Ossetia, Georgia on the matter of joining the Russian Federation,

Stressing the findings of the High Commissioner in the reports, in which the High Commissioner underscored the responsibility of the authorities exercising effective control in Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia to uphold the fundamental freedoms and human rights of all people living therein and to address any conduct that violates or abuses their human rights, and expressed regret at the continued refusal of those in control of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia to grant immediate and unimpeded access to staff members of the Office of the High Commissioner and to United Nations human rights mechanisms to both regions,

Expressing serious concern at the continued process of installation and advancement of barbed wire fences and different artificial barriers along the administrative boundary line in Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia and adjacent areas, which continue to have a negative impact on the already poor socioeconomic conditions of the conflict-affected population, their freedom of movement and sense of security, while also preventing their access to property, grazing and farming lands, religious sites and cemeteries,

Noting with concern the grave situation of human rights in both Georgian regions, particularly owing to growing violations and restrictions on humanitarian access,

Expressing serious concern at various forms of reported discrimination against ethnic Georgians, cases of torture and other forms of ill-treatment, infringements of the right to life, the right to liberty and security of person, the right to the enjoyment of the highest attainable standard of health and property rights, kidnappings, restrictions on education in one's native language in both Georgian regions, the continued practice of demolition of the ruins of houses belonging to internally displaced persons in the Tskhinvali region/South Ossetia, Georgia,

¹ A/HRC/36/65, A/HRC/39/44, A/HRC/42/34, A/HRC/45/54, A/HRC/48/45 and A/HRC/51/64.

and the obliteration and alteration of Georgian features from Georgian cultural heritage monuments in both regions,

Expressing serious concern also at the negative consequences of the prolonged closure of the so-called crossing points and the restrictions on freedom of movement, particularly at cases of denial and obstacles to swift medical evacuations by the authorities exercising effective control in both regions, which has contributed to a number of deaths and the further isolation of the regions, thereby aggravating the humanitarian and socioeconomic situation on the ground, particularly with regard to the full enjoyment of all human rights by all women, girls and older persons,

Expressing serious concern further over the arbitrary detentions and kidnappings, including of women, children and older persons, which in some cases involve shooting, torture and other forms of ill-treatment, and continue to have a negative impact on human security and health conditions of conflict-affected people, and restrict their freedom of movement,

Expressing serious concern at the lack of accountability for unlawful killings of Georgian citizens committed in the period from 2014 to 2020, which continues to contribute to impunity in both Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia,

Expressing concern that internally displaced persons and refugees continue to be deprived of the right to return to their homes in Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia in a safe and dignified manner,

Expressing serious concern that violations and abuses of human rights and fundamental freedoms of persons living therein create an additional threat of further displacement,

Expressing serious concern also at the repeated denial of access to international and regional monitors, including the United Nations human rights mechanisms, to both Georgian regions by the authorities exercising effective control in those regions,

Recognizing in this context the importance of and need for periodic reports of the Office of the High Commissioner for an objective and impartial assessment of the situation of human rights in both Georgian regions,

1. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance through the Office of the United Nations High Commissioner for Human Rights in Tbilisi;

2. *Demands* that immediate and unimpeded access be given to the Office of the High Commissioner and international and regional human rights mechanisms to Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia;

3. *Requests* the High Commissioner to present to the Human Rights Council, in accordance with its resolution 5/1 of 18 June 2007, an oral update on the follow-up to the present resolution at its fifty-third session, and to present a report on developments relating to and the implementation of the present resolution at its fifty-fourth session.

57th meeting
4 April 2023

[Adopted by a recorded vote of 22 to 4, with 21 abstentions. The voting was as follows:

In favour:

Belgium, Chile, Costa Rica, Czechia, Finland, France, Gambia, Georgia, Germany, Honduras, Lithuania, Luxembourg, Malawi, Maldives, Mexico, Montenegro, Paraguay, Romania, Senegal, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Bolivia (Plurinational State of), China, Cuba and Eritrea

Abstaining:

Algeria, Argentina, Bangladesh, Benin, Cameroon, Côte d'Ivoire, Gabon, India, Kazakhstan, Kyrgyzstan, Malaysia, Morocco, Nepal, Pakistan, Qatar,

Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet
Nam]
