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Agenda item 10

Technical assistance and capacity-building

Albania,* Australia,* Austria,* Belgium,* Bulgaria,* Croatia,* Cyprus,* Czechia,* Denmark,* Estonia,* Finland, France, Georgia,* Germany, Greece,* Hungary,* Iceland,* Italy,* Latvia,* Liechtenstein,* Lithuania, Luxembourg, Malawi, Malta,* Marshall Islands, Montenegro, Netherlands, New Zealand,* North Macedonia,* Norway,* Poland,* Portugal,* Republic of Moldova,* Slovakia,* Slovenia,* Spain,* Sweden,* Turkey,* Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

49/... Cooperation with Georgia

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and 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,

Acknowledging the recent developments in the ongoing investigation by the International Criminal Court on alleged war crimes and crimes against humanity committed from 1 July to 10 October 2008, including during the war between the Russian Federation and Georgia in August 2008,

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 and 46/30 of 24 March 2021,

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,

* State not a member of the Human Rights Council.



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,

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 by the High Commissioner made therein,

Condemning the illegitimate, so-called parliamentary elections held in Abkhazia, Georgia on 12 March 2022, and the illegitimate, so-called presidential elections scheduled to be held in the Tskhinvali region/South-Ossetia, Georgia in April 2022,

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 the 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, which are enforced periodically along the administrative boundary line in Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia and adjacent areas, including during the coronavirus disease (COVID-19) pandemic, which continue to have a negative impact on the already poor socioeconomic conditions of the conflict-affected population and their sense of security, while also preventing their access to property, grazing and farming lands, religious sites and cemeteries,

Noting with concern that, despite the Secretary-General's appeal for an immediate global ceasefire, the situation of human rights has further deteriorated 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 highest attainable standard of health and property rights, kidnappings, restrictions on education in one's native language in both Georgian regions, and the continued practice of demolition of the ruins of houses belonging to internally displaced persons in the Tskhinvali region/South Ossetia, Georgia, 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 increasing restrictions on freedom of movement, particularly the denial of 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 which has been compounded by the COVID-19 pandemic, particularly with regard to women's and girls' full enjoyment of all human rights,

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

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

Expressing serious concern 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 fiftieth session, and to present a written report on developments relating to and the implementation of the present resolution at its fifty-first session.