



General Assembly

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Human Rights Council

Fortieth session

25 February–22 March 2019

Agenda item 10

Resolution adopted by the Human Rights Council on 22 March 2019

40/28. 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,

Recalling its resolutions 34/37 of 24 March 2017 and 37/40 of 23 March 2018,

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,

Welcoming the cooperation of the Government of Georgia with the Office of the United Nations High Commissioner for Human Rights, its office in Tbilisi, and 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 High Commissioner,¹

Stressing the findings of the High Commissioner in the reports, in which the High Commissioner underscored the responsibility of the authorities in control in Abkhazia,

¹ A/HRC/36/65 and A/HRC/39/44.



Georgia and the Tskhinvali region/South Ossetia, Georgia to uphold the fundamental freedoms and human rights of all people living therein and expressed regret at the refusal of those in control of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia to grant 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 continuous process of installation of barbed wire fences and different artificial barriers along the administrative boundary line in Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia,

Expressing serious concern also at various forms of reported discrimination against ethnic Georgians, violations of the right to life, deprivation of liberty, arbitrary detentions and kidnappings, infringements of the right to property, violations of the right to health, restrictions on education in one's native language in both Georgian regions, and the renewed practice of demolition of the ruins of houses belonging to internally displaced persons in 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,

Recognizing with appreciation the efforts of the Government of Georgia to strengthen democracy, the rule of law and the promotion and protection of human rights, and in this context welcoming the cooperation of the Government with United Nations and regional human rights mechanisms,

Expressing serious concern at the repeated denial of access to international and regional monitors, including United Nations human rights mechanisms, to both Georgian regions by those in control of 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 her office in Tbilisi;

2. *Strongly calls* for immediate and unimpeded access to 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 forty-first session, and to present a written report on developments relating to and the implementation of the present resolution at its forty-second session.

*55th meeting
22 March 2019*

[Adopted by a recorded vote of 19 to 3, with 25 abstentions. The voting was as follows:

In favour:

Australia, Austria, Bahamas, Bulgaria, Croatia, Czechia, Denmark, Fiji, Hungary, Iceland, Italy, Japan, Mexico, Peru, Slovakia, Spain, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland

Against:

Cameroon, China, Cuba

Abstaining:

Afghanistan, Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Chile, Democratic Republic of the Congo, Egypt, Eritrea, India, Iraq, Nepal, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Somalia, South Africa, Tunisia, Uruguay]