



# General Assembly

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## Human Rights Council

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Agenda item 4

### Human rights situations that require the Council's attention

**Albania,\* Australia,\* Austria,\* Belgium,\* Bulgaria,\* Canada,\* Croatia,\* Czechia,\* Denmark,\* Estonia,\* Finland, France, Georgia,\* Germany, Iceland,\* Ireland,\* Israel,\* Italy,\* Jordan,\* Kuwait,\* Latvia,\* Liechtenstein,\* Lithuania, Luxembourg, Malta,\* Marshall Islands, Micronesia (Federated States of),\* Monaco,\* Montenegro, Netherlands, New Zealand,\* Norway,\* Poland, Qatar, Slovakia,\* Slovenia,\* Sweden,\* Turkey,\* Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution**

### 49/... Situation of human rights in the Syrian Arab Republic

*The Human Rights Council,*

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

*Reaffirming its previous resolutions on the Syrian Arab Republic,*

*Reaffirming also its strong commitment to full respect for the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,*

*Expressing deep concern at the continued violence across different parts of the Syrian Arab Republic and its devastating impact on civilians, including through the ongoing humanitarian crisis, grave violations and abuses of international human rights law and violations of international humanitarian law,*

*Urging all parties to implement a complete, immediate and nationwide ceasefire monitored under the auspices of the United Nations, and to engage meaningfully and in good faith with the United Nations-led political process to achieve a peaceful end to the conflict,*

*Condemning the grave situation of human rights across the Syrian Arab Republic, and demanding that the Syrian authorities meet their responsibility to protect the Syrian population and to respect and protect the human rights of all persons within its jurisdiction, including persons in detention and their families,*

*Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic, and the conclusions of the Independent International Commission of Inquiry on the Syrian Arab Republic that violations and abuses have included acts that are likely to constitute crimes against humanity, war crimes and other international crimes, including genocide,*

*Expressing its deepest concern about the findings of the Commission of Inquiry, including in its most recent report,<sup>1</sup> including the Commission's conclusion that the situation*

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\* State not a member of the Human Rights Council.

<sup>1</sup> A/HRC/49/77.



of human rights has worsened for many Syrians over the past year, expressing support for the mandate of the Commission, and deploring the lack of cooperation by the Syrian authorities with the Commission,

*Acknowledging* the importance of including victims' perspectives, including the perspectives of women victims and survivors, and their demands for truth and justice in the international community's efforts with regard to the Syrian Arab Republic,

*Welcoming* the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011,<sup>2</sup> and noting with appreciation the work of the United Nations Board of Inquiry,

*Reiterating its deep concern* at the situation of the tens of thousands of individuals forcibly disappeared and those missing and detained in the Syrian Arab Republic, first and foremost by the Syrian regime, and demanding that all parties immediately cease the use of involuntary or enforced disappearance or kidnappings, in accordance with Security Council resolution 2474 (2019) of 11 June 2019 and the applicable international law, and demanding that all parties to the conflict cease the use of torture and other cruel, inhuman or degrading treatment or punishment and sexual and gender-based violence in places of detention, and all related human rights violations and abuses and violations of international humanitarian law,

*Expressing its profound concern* about the findings of the Commission of Inquiry that sexual and gender-based violence against women, girls, men and boys has been a persistent issue in the Syrian Arab Republic since the uprising in 2011, that rape and other forms of sexual and gender-based violence continue to be perpetrated and that women and girls have been disproportionately affected and victimized on multiple grounds, and noting with deep regret the findings of the Office of the United Nations High Commissioner for Human Rights that more than 1 in 13 of those who have died as a result of the conflict were women,<sup>3</sup>

*Condemning* the fact that children continue to be subjected to grave violations, as identified by the Secretary-General, and that the scale and recurrent nature of such violations and abuses will affect generations to come, and noting with deep regret the findings of the Office of the High Commissioner that almost 1 in 13 of those who have died as a result of the conflict were children,<sup>4</sup>

1. *Expresses grave concern* that the crisis in the Syrian Arab Republic continues and that the conflict has been marked by consistent patterns of gross violations and abuses of international human rights law and violations of international humanitarian law, strongly condemns all violations and abuses and the ongoing human rights situation, demands that all parties to the conflict immediately comply with their respective obligations under international humanitarian law and international human rights law, and emphasizes the need to ensure that all those responsible for such violations and abuses are held to account;

2. *Strongly reiterates* the call of the Secretary-General for a global ceasefire, the call of the Special Envoy of the Secretary-General for Syria for a complete, immediate and nationwide ceasefire throughout the Syrian Arab Republic and the recommendation made by the Independent International Commission of Inquiry on the Syrian Arab Republic to immediately institute a permanent ceasefire in order to provide the space for Syrian-led negotiations and for the restoration of respect for human rights, and urges all parties to the conflict to direct their efforts to enact such a ceasefire, and in this regard recalls the Additional Protocol to the Memorandum on the Stabilization of the Situation in the Idlib De-escalation Area, signed by the Russian Federation and Turkey on 5 March 2020;<sup>5</sup>

3. *Strongly supports* the efforts of the Special Envoy to make progress in the political process and to advance further aspects of Security Council resolution 2254 (2015)

<sup>2</sup> See A/75/743.

<sup>3</sup> Statement by the United Nations High Commissioner for Human Rights of 24 September 2021, "Oral update on the extent of conflict-related deaths in the Syrian Arab Republic". Available from [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=27531](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=27531).

<sup>4</sup> Ibid.

<sup>5</sup> S/2020/187, annex.

of 18 December 2015, including free and fair elections, pursuant to the new constitution, with all Syrians, including members of the diaspora, eligible to participate, urges all parties, in particular the Syrian authorities, to engage meaningfully and in good faith in the political process under the auspices of the Special Envoy and his Office in Geneva, including in the Constitutional Committee, in accordance with all elements of Security Council resolution 2254 (2015), and reaffirms the importance of accountability efforts in the political process and the importance of the full implementation of the women and peace and security agenda pursuant to Security Council resolution 1325 (2000) of 31 October 2000 in this regard;

4. *Welcomes* the work and the important role played by the Commission of Inquiry, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, in supporting essential accountability efforts by investigating all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, in order to establish the facts and circumstances and to support efforts to ensure that all perpetrators of abuses and violations, which may include those responsible for crimes against humanity and war crimes, are identified and held accountable, demands that the Syrian authorities cooperate fully with the Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic, and urges all States to cooperate with the Commission in the discharge of its mandate;

5. *Reaffirms* the importance of establishing and supporting appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for violations and abuses of international human rights law and violations of international humanitarian law, and reparations and effective remedies for victims and survivors, in all their diversity, and the prerequisite role that accountability and transitional justice mechanisms, with the meaningful participation of victims and survivors, can play in any effort to bring about a sustainable, inclusive and peaceful conclusion to the conflict, welcomes in this regard victim-led initiatives on truth and justice, welcomes the significant endeavours of the Commission of Inquiry and the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, and recalls the authority of the Security Council to refer the situation in the Syrian Arab Republic to the International Criminal Court;

6. *Welcomes* the progress made on international accountability efforts, and in this regard the judgment in January 2022 in which a regional court in Germany found a former director of the Syrian intelligence service guilty of crimes against humanity and that the Syrian regime had been launching a widespread and systematic attack against its own civilian population since at least the end of April 2011, noting that evidence from the Commission of Inquiry and the International, Impartial and Independent Mechanism was used during the investigation and trial, also welcomes efforts by States to investigate conduct in the Syrian Arab Republic and to prosecute crimes committed there, as appropriate, and also the efforts to hold the Syrian Arab Republic to account, encourages States to share relevant information among themselves, as well as with relevant accountability mechanisms, in accordance with their national legislation and international law, and condemns retaliation against those who cooperate with relevant mechanisms;

7. *Deeply deplores* the fact that the civilian population continues to bear the brunt of the conflict and that civilians, as well as objects indispensable to their survival, continue to be the targets of deliberate and indiscriminate attacks, including with prohibited weapons and munitions, by all parties to the conflict, notably by the Syrian authorities and its State and non-State allies, expresses deep concern about the number of civilian casualties, including those killed or maimed by landmines, explosive remnants of war and improvised explosive devices, and notes with deep concern the findings of the Commission of Inquiry regarding the commission of war crimes and crimes against humanity in this regard;

8. *Expresses deep concern* in this regard at the recent increase in violence and resulting civilian casualties across the Syrian Arab Republic, notes with concern that the Office of the United Nations High Commissioner for Human Rights has identified 350,209 killed in the conflict, as a minimum verifiable number, from March 2011 to March 2021, emphasizes the importance of such comprehensive, verifiable and transparent records of the casualties of the conflict, and requests the Office of the High Commissioner to continue to

document and publish civilian deaths and to submit a report thereon for the fiftieth session of the Human Rights Council;

9. *Also expresses deep concern* in particular about the recent increase in violence in the north-west of the Syrian Arab Republic, and the impact on civilians, civilian infrastructure and cultural property, including airstrikes, that have resulted in the deaths and injuries of many civilians, including women and children, and stresses the urgent need for the immediate cessation of military hostilities in Idlib and the surrounding areas, for the prioritization of the protection of all civilians, including those displaced, and for full, timely, immediate, unrestricted and safe humanitarian access, including cross-border and cross-line access;

10. *Urges* the Syrian authorities to share further information regarding the 344,684 detained and convicted persons who they have claimed have benefited from “amnesty laws”,<sup>6</sup> and calls upon all parties to the conflict, but particularly the Syrian authorities, to cease all forms of abuse of detainees, including but not limited to torture of detainees in Syrian military intelligence facilities, physical abuses, mistreatment, and sexual and gender-based violence, and to grant appropriate international monitoring bodies and medical services immediate access, without undue restrictions, to detainees and detention facilities, including all Syrian military facilities referred to by the Commission of Inquiry in its reports, and highlights the recent recommendations of the Commission of Inquiry in this regard;

11. *Reiterates* its call for all States, relevant United Nations bodies, international organizations and civil society to coordinate further efforts and proactively focus attention on the issue of missing persons in the Syrian Arab Republic, including those subjected to enforced disappearance, recalls the importance of the full and meaningful participation of victims, survivors and their families in such efforts, and in this regard looks forward to the oral update to the General Assembly, pursuant to Assembly resolution 76/228 of 24 December 2021, on how to bolster efforts, including through existing measures and mechanisms, to clarify the fate and whereabouts of missing people in the Syrian Arab Republic, as well as to the report to follow by mid-2022;

12. *Deplores* the ongoing humanitarian crisis in the Syrian Arab Republic, notes the increasing needs, including for a sufficient supply of coronavirus disease (COVID-19) vaccines, across the Syrian Arab Republic, including in the north-east and the north-west, demands that all parties to the conflict comply with their applicable obligations under international human rights law and international humanitarian law and facilitate, and do not hinder, full, timely, immediate, unrestricted and safe humanitarian access, notes that humanitarian aid must be delivered on the basis of need, reiterates in this respect the continuing and urgent need for continued and expanded cross-border access to prevent further suffering and to save lives, and for immediate, rapid, unimpeded and sustained cross-line access, and calls for respect for humanitarian principles across the Syrian Arab Republic;

13. *Expresses deep concern* about the imposition of sieges, including the 2021 siege of Dar’a al-Balad by the Syrian regime, which the Commission of Inquiry has indicated may amount to the war crime of collective punishment, which has resulted in shortages of necessities such as food, water and medicine and recurring service cuts to water distribution and electricity, recalls that international humanitarian law prohibits the starvation of civilians as a method of warfare and prohibits parties from attacking, destroying, removing or rendering useless objects that are indispensable to the survival of the civilian population, and in this regard implores all parties to the conflict to end any use of such methods;

14. *Strongly condemns* that the targeting of humanitarian workers and persons engaged in medical duties, their means of transport and equipment and hospitals and other medical facilities has been a feature of the conflict, recalls the findings of the Commission of Inquiry regarding the bombardment of the Atarib cave hospital on 21 March 2021 and the attack impacting Al-Shifa hospital on 12 June 2021, and demands that all parties to the conflict comply fully with their obligations under international law, including to ensure

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<sup>6</sup> See A/HRC/WG.6/40/SYR/1.

respect for and the protection of all persons engaged in medical duties, their means of transport and equipment and hospitals and all other medical facilities;

15. *Also strongly condemns* all acts of sexual and gender-based violence and abuse, recognizes the need for a survivor-centred approach to preventing and responding to such violence and abuse, calls for immediate and non-discriminatory access to services, such as medical and psychosocial support, to be provided to all victims and survivors of such crimes and for every effort to be made to ensure justice for those who have suffered as a result of such crimes, including accountability and reparations, and urges all parties to the conflict to respect and protect the full enjoyment by women and girls of their human rights and to heed the recommendations made by the Commission of Inquiry;

16. *Urges* all parties to immediately respect and protect the full enjoyment by children of all their human rights, to prevent, and protect children from, all forms of violence, including sexual and gender-based violence, exploitation, violations and abuses, including the unlawful recruitment and use of children in the armed conflict and unlawful attacks on schools, and to ensure that children affected by the conflict receive appropriate assistance, including access to identity documentation, education, justice and health care, including the provision of mental health and psychosocial support, strongly condemns the use of schools for military purposes, and encourages the Commission of Inquiry to continue its investigation and documentation of violations and abuses of the rights of the child;

17. *Condemns* the targeting of, threats against, and harassment, arrests and murders of, journalists and media workers and civil society activists by the Syrian authorities, as well as by armed groups and terrorist organizations designated by the Security Council;

18. *Expresses deep concern* that more than 7 million refugees have been forced to flee the Syrian Arab Republic, and that more than 7 million persons have been displaced within it during the course of the conflict, and over reports of demographic and social engineering throughout the country, calls upon all parties to the conflict to immediately cease activities that could cause further displacement, including any activities that may amount to war crimes or crimes against humanity, takes note of the recent findings of the Commission of Inquiry that the Syrian Arab Republic does not yet offer a safe and stable environment for the sustainable and dignified return of refugees or for the 7 million persons displaced inside the country, and calls upon the Syrian authorities to protect the human rights of returning refugees and internally displaced persons;

19. *Strongly condemns* the ongoing terrorist acts and violence committed against civilians by Da'esh, Nusrah Front (also known as Hay'at Tahrir al-Sham) and other terrorist organizations designated by the Security Council, and the abuses of human rights and violations of international humanitarian law throughout the conflict, reaffirms that terrorism, including the actions of Da'esh, cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014, and the importance of ensuring accountability for all such abuses of human rights and violations of international humanitarian law;

20. *Also strongly condemns* the use of chemical weapons in the Syrian Arab Republic, recalls the findings of the Commission of Inquiry and the Organisation for the Prohibition of Chemical Weapons fact-finding mission in the Syrian Arab Republic and the Investigation and Identification Team in this regard, including the findings in two recent reports of the fact-finding mission that there were reasonable grounds to believe that sulphur mustard had been used as a chemical weapon in Marea on 1 September 2015 and that chlorine had been used as a chemical weapon in an attack in Kafr Zeita on 1 October 2016, expresses deep concern about the findings of the two reports of the Investigation and Identification Team in which it concluded that there were reasonable grounds to believe that the Syrian Arab Republic had used chemical weapons in Saraqib and Ltamenah, recalls the absolute prohibition of the use of chemical weapons in armed conflict, reiterates its demand that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, expresses its strong conviction that those responsible for the use of chemical weapons must be held accountable, and recalls in this regard decision C-25/DEC.9 of 21 April 2021 of the

Conference of the States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;

21. *Decides* to extend the mandate of the Commission of Inquiry for a period of one year;

22. *Requests* the Commission of Inquiry to present an oral update to the Human Rights Council during the interactive dialogue at its fiftieth session and to present an updated written report during an interactive dialogue at the fifty-first and fifty-second sessions of the Council;

23. *Decides* to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations, recommends that the General Assembly submit the reports to the Security Council for appropriate action, expresses its appreciation to the Commission for its briefings provided to members of the Council and Assembly, and recommends the continuation of such briefings;

24. *Also decides* to remain seized of the matter.

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