



# 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,\* Andorra,\* Australia,\* Belgium, Bosnia and Herzegovina,\* Bulgaria,\* Canada,\* Croatia,\* Cyprus,\* Czechia, Denmark,\* Estonia,\* Finland, France, Georgia, Germany, Guatemala,\* Iceland,\* Ireland,\* Israel,\* Italy,\* Jordan,\* Latvia,\* Liechtenstein,\* Lithuania, Luxembourg, Malta,\* Marshall Islands,\* Monaco,\* Montenegro, Netherlands (Kingdom of the),\* North Macedonia,\* Norway,\* Qatar, Republic of Moldova,\* Romania,\* San Marino,\* Slovakia,\* Slovenia,\* Spain,\* Sweden,\* Türkiye,\* Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution**

### 52/... 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,

*Condemning* the grave situation of human rights across the Syrian Arab Republic, and demanding that the Syrian regime meet its 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,

*Welcoming* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic and that 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>1</sup> noting with appreciation the work of the United Nations Headquarters Board of Inquiry, and 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,

*Noting* with grave concern the findings of the Commission of Inquiry, including its most recent report,<sup>2</sup> in which it documented continued violations of international human rights law and international humanitarian law, including attacks against civilians and civilian objects, arbitrary arrests, enforced disappearances and deaths in detention due to ill-treatment or lack of access to medical care and arbitrary arrests on return to the Syrian Arab Republic,

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

<sup>1</sup> See A/76/690, A/77/751 and A/HRC/52/69.

<sup>2</sup> A/HRC/52/69.



*Expressing* its deepest condolences for the victims of the earthquakes of February 2023 that affected approximately 8.8 million people<sup>3</sup> in the Syrian Arab Republic, noting their impact, expressing deep concern for the impact of the earthquakes on populations already in vulnerable situations, as well as populations at greater risk of human rights violations and abuses, in addition to the existing crisis, as a result of over a decade of devastating conflict, and the already deteriorating humanitarian situation and how this will further affect the situation in the Syrian Arab Republic, standing in solidarity with the people of the Syrian Arab Republic, and reaffirming the need for rapid, safe, unhindered and sustainable delivery of humanitarian aid to all people in need in the Syrian Arab Republic through all available modalities,

*Noting with great concern* that the Security Council-authorized cross-border access was reduced in January and July 2020, at the request of the regime and its allies, to a sole remaining United Nations-authorized border crossing at Bab al-Hawa, despite growing humanitarian needs, especially in the north-west of the Syrian Arab Republic, where it remains a lifeline for 4.1 million people, 80 per cent of whom are women and children, even prior to the devastating earthquakes of February 2023, since which time all parties have acknowledged the need for additional border crossings, such as at Bab al-Salam and Ra'i,

*Expressing its deepest concern* at the finding of the Office of the United Nations High Commissioner for Human Rights that, of the 350,209 deaths in the conflict recorded from 2011 to 2021, 143,350 were identified as civilians, in addition to an estimated 163,537 undocumented civilian deaths, representing 1.5 per cent of the total population of the Syrian Arab Republic at the beginning of the conflict,<sup>4</sup>

*Condemning* the fact that children continue to be subjected to serious violations and abuses of human rights law, as well as violations of international humanitarian law, as identified by the Secretary-General,<sup>5</sup> and that the scale and recurrent nature of such violations and abuses will affect generations to come, and noting with deep regret the finding of the Office of the High Commissioner that almost one in 13 of those who have died as a result of the conflict was a child,<sup>6</sup>

*Noting with concern* the situation of internally displaced persons in camps, the majority of whom are women and children, who are especially vulnerable to sexual and gender-based violence, which includes killings, physical, verbal and sexual abuse, neglect, movement restrictions, child, early and forced marriage, child labour and trafficking, and who often lack access to food, education, a livelihood and health care, including mental health care,

*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, demanding that all parties immediately cease the practices of involuntary or enforced disappearance and kidnapping, in accordance with Security Council resolution 2474 (2019) of 11 June 2019 and the applicable international law, and demanding also 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 violations and abuses of human rights and violations of international humanitarian law,

*Recalling* the report of the Secretary-General on missing people in the Syrian Arab Republic,<sup>7</sup> underscoring the findings in the report that any measure towards addressing the continuing tragedy of missing persons in the Syrian Arab Republic requires a coherent and holistic approach, going beyond current efforts, which must be of a humanitarian nature, inclusive and centred on victims, and calling upon all parties to the conflict, first and foremost the Syrian authorities, to release immediately all persons subjected to enforced disappearance

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<sup>3</sup> See United Nations country team, Syrian Arab Republic, "Flash appeal: Syrian Arab Republic earthquake (February–May 2023)", 18 February 2023.

<sup>4</sup> See A/HRC/50/68.

<sup>5</sup> See A/76/871-S/2022/493.

<sup>6</sup> See A/HRC/50/68.

<sup>7</sup> A/76/890.

in the Syrian Arab Republic and to provide accurate information to the families of those who are missing regarding their fate and whereabouts,

*Noting* that parties to armed conflict bear the primary responsibility to take all feasible measures to account for persons reported missing as a result of hostilities and to put in place appropriate channels enabling response and communication with families on the search process, and recalling Security Council resolution 2474 (2019), in which the Council called upon parties to armed conflict to take steps to prevent persons from going missing as a result of armed conflict,

*Welcoming* the work of the Investigation and Identification Team of the Organisation for the Prohibition of Chemical Weapons, expressing grave concern at its findings attributing responsibility for multiple chemical weapons attacks to the authorities of the Syrian Arab Republic, as outlined in its reports to date, including the chlorine attack on Duma on 7 April 2018, in which 43 people were killed and dozens more affected, and anticipating the publication of its reports on other chemical weapons attacks,

*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,

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. *Welcomes* the work and the important role played by the Independent International Commission of Inquiry on the Syrian Arab Republic, 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;

3. *Also welcomes* the progress made regarding international accountability and notes the importance of further ongoing proceedings, such as those held in Koblenz, Germany, and efforts by States and internationally mandated institutions, including 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, to investigate conduct in the Syrian Arab Republic and where possible to prosecute crimes committed there in order to bring the truth to light and perpetrators to justice, recalls the authority of the Security Council to refer the situation in the Syrian Arab Republic to the International Criminal Court and welcomes the joint initiative taken by the Netherlands and Canada to hold the Syrian Arab Republic responsible for breaching its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

4. *Calls for* sustainable, safe, rapid and unhindered cross-border humanitarian assistance, for which there is no alternative that can match its scope and scale, beyond the six months authorized by the Security Council in its resolution 2672 (2023) of 9 January 2023, in particular in the light of the impact of the earthquakes of February 2023, in addition to the existing critical levels of food insecurity and lack of access to water, among many other serious concerns, resulting in dire consequences for health and livelihoods, which have been exacerbated by continued hostilities;

5. *Calls upon* all parties, in particular the Syrian authorities, to maintain rapid, unhindered, safe and sustainable humanitarian access and to ensure that humanitarian assistance reaches its intended recipients, in this regard calls for the vital continuation of cross-border operations at Bab al-Salam and Ra'i, in addition to Bab al-Hawa, for delivering humanitarian aid and assisting vulnerable Syrians and survivors of the earthquakes, and calls upon all parties to facilitate immediate, rapid, unhindered and sustained humanitarian access, including cross-line access, to all parts of the Syrian Arab Republic;

6. *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, and notes that humanitarian aid must be delivered on the basis of need;

7. *Deeply deplores* the fact that the civilian population continues to bear the brunt of the conflict and that civilians, and 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 regime and its State and non-State allies;

8. *Expresses grave concern* in this regard at the continued violence, including air strikes and the use of cluster munitions, and the resulting civilian deaths and casualties, including children, and the destruction of civilian infrastructure, including medical facilities and schools, and cultural property across the Syrian Arab Republic, demands that all parties comply immediately with their respective obligations under international human rights law and international humanitarian law, and emphasizes the need to ensure that all those responsible for violations and abuses are held to account and that civilians are protected;

9. *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 Commission of Inquiry to immediately institute a permanent ceasefire in order to provide the space for Syrian-led negotiations, including the full and meaningful participation of women, and for the restoration of respect for human rights, 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,<sup>8</sup> signed by the Russian Federation and Türkiye on 5 March 2020;

10. *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) of 18 December 2015, deplores the stalling of any efforts to engage meaningfully and in good faith with the political process, and urges all parties to the conflict, and the Syrian authorities in particular, to advance all aspects of Security Council resolution 2254 (2015);

11. *Welcomes* the findings of the Secretary-General in his report, and anticipates the further efforts of the General Assembly, on how to bolster efforts to clarify the fate and whereabouts of missing people in the Syrian Arab Republic, identify human remains and provide support to the families and encourage better coordination among existing mechanisms and other stakeholders,<sup>9</sup> strongly supports the timely implementation of a coherent and holistic humanitarian mechanism for this purpose, notes with appreciation the findings on the important role of Syrian civil society groups, in particular women-led and victim-led groups and women's rights organizations, in providing assistance to victims, survivors and their families, encourages greater support for civil society and its participation in the current multilateral process, in particular in the light of the burden on those groups, notes with appreciation the work to date of the Commission of Inquiry, the Office of the United Nations High Commissioner for Human Rights, the Special Envoy and civil society in this regard, and calls upon all parties to the conflict, first and foremost the Syrian authorities, to immediately release all those missing through abductions, enforced

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<sup>8</sup> S/2020/187, annex.

<sup>9</sup> See A/HRC/52/59.

disappearances and arbitrary detention in the Syrian Arab Republic and to provide accurate information to the families regarding their fate and whereabouts;

12. *Notes* the unique impact on the families, in particular women and children, of those subjected to enforced disappearance, arbitrarily detained or otherwise missing in the Syrian Arab Republic, which includes the often terrifying and demoralizing search for their loved ones, as well as financial and legal challenges and stigma owing to persisting gender inequalities and discriminatory laws and practices;

13. *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, and to support the right of the families of the disappeared to know the truth, and recalls the importance of promoting the full and meaningful participation of victims, survivors and their families in all efforts aimed at searching for the disappeared in the Syrian Arabic Republic;

14. *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>10</sup> and regarding the documented executions during the Tadamun massacre, 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, 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, to provide families with information on and return the remains of those missing and to cease reprisals against families for seeking further information on their missing and arbitrarily detained loved ones, and highlights the recent recommendations of the Commission in this regard;

15. *Expresses deep concern* that nearly 7 million refugees have been forced to flee the Syrian Arab Republic and that nearly 7 million people have been displaced within it during the course of the conflict, and at 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, recalls the findings of the Commission of Inquiry that the Syrian Arab Republic does not yet offer a safe and stable environment for the safe, sustainable, voluntary and dignified return of refugees or for the 6.8 million persons displaced inside the country, and calls upon the Syrian authorities to protect the human rights of returning refugees and internally displaced persons;

16. *Strongly condemns* the use of chemical weapons in the Syrian Arab Republic, demands that all parties desist from any use or preparation 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;

17. *Also strongly condemns* all acts of sexual and gender-based violence and abuse in the Syrian Arab Republic, as documented in the Commission of Inquiry’s reports to date, 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;

<sup>10</sup> See A/HRC/WG.6/40/SYR/1.

18. *Urges* all parties to immediately respect and protect the full enjoyment by children of all their human rights and to prevent, and to protect children from, all forms of violence, including sexual and gender-based violence, child, early and forced marriage, exploitation, violations and abuses, including the recruitment and use of children in the armed conflict, in contravention of international law, and attacks on schools, in contravention of international law;

19. *Also urges* all parties 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, in contravention of international law, and encourages the Commission of Inquiry to continue its investigation and documentation of violations and abuses of the rights of the child;

20. *Decides* to extend the mandate of the Commission of Inquiry on the Syrian Arab Republic for a period of one year;

21. *Requests* the Commission of Inquiry to present an oral update to the Human Rights Council during an interactive dialogue at its fifty-third session and to present an updated report during an interactive dialogue at both the fifty-fourth and fifty-fifth sessions of the Council;

22. *Reaffirms* its decision to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations, also reaffirms its recommendation 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;

23. *Decides* to remain seized of the matter.

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