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Human rights situations that require the Council's attention

Albania, Andorra,* Australia,* Canada,* Finland, France, Georgia, Germany, Italy,* Liechtenstein,* Luxembourg, Monaco,* Netherlands (Kingdom of the), North Macedonia,* Poland,* Qatar, San Marino,* Türkiye,* Ukraine,* United Kingdom of Great Britain and Northern Ireland* and United States of America: draft resolution

55/... 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, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, 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 2011,¹ 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,² 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,

Recalling, one year on, the earthquakes of February 2023, reiterating its deepest condolences for the 8.8 million people in the Syrian Arab Republic affected by them, and noting the continued deterioration of the humanitarian situation throughout 2023 affecting

* State not a member of the Human Rights Council.

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

² A/HRC/55/64.



populations already in vulnerable situations, as well as populations at greater risk of human rights violations and abuses, in addition to the existing crisis, and how their suffering has been heightened by impediments to the 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, following the reduction of Security Council-authorized cross-border access in January and July 2020, Security Council authorization expired entirely in July 2023, despite growing humanitarian needs, especially in the north-west of the Syrian Arab Republic, where aid access remains a lifeline for 4.1 million people, especially following the devastating earthquakes of February 2023, including those displaced in camps, 80 per cent of whom are women and children,

Noting the decisions by the Syrian Arab Republic to consent to the use of the Bab al-Hawa crossing for two consecutive periods of six months and of the Bab al-Salam and Ra'i crossings for three consecutive periods of three months by the United Nations and its specialized agencies for the purpose of delivering humanitarian assistance, while remaining concerned by the limited time frames, which are insufficient for ensuring sustainable aid delivery to the north-west of the Syrian Arab Republic, and emphasizing the need for all actors to ensure such access is sustained and unhindered, as requested by humanitarian agencies, and is in line with international humanitarian law, and for United Nations humanitarian operations in the country to remain guided by the humanitarian principles of humanity, impartiality, neutrality and independence,

Expressing its deepest concern at the increase in violence across the Syrian Arab Republic throughout 2023, the loss of at least a further 556 civilian lives and damage to civilian infrastructure reported in 2022, especially in the context of the findings 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,³

Strongly condemning the fact that a devastatingly high number children continue to be subjected to grave violations and abuses of human rights law, as well as violations of international humanitarian law, as identified by the Secretary-General,⁴ 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,⁵

Noting with concern the findings of the Commission of Inquiry that, throughout the conflict in the Syrian Arab Republic, women and girls have been targeted on the basis of their gender and that, according to its 2023 paper entitled "Gendered impact of the conflict in the Syrian Arab Republic on women and girls" further harms have been inflicted through obstacles to their exercise of their rights, including property and inheritance rights and freedom of expression, and a lack of justice and redress for victims and survivors of sexual and gender-based violence,

Strongly condemning the reported killing of detainees in Syrian government facilities and the reported widespread practice of enforced disappearance, arbitrary detention and the use of sexual and gender-based violence, torture and ill treatment at detention centres, as documented by the Commission of Inquiry in, inter alia, its 2023 paper entitled "No end in sight": torture and ill-treatment in the Syrian Arab Republic 2020–2023,⁶ including in Branch 215, Branch 227, Branch 235, Branch 261, Branch 271, the Air Force Intelligence Investigation Branch at Mezzeh military airport and Sednaya military prison, as well as the killing of detainees in military hospitals, including in Tishrin and Harasta hospitals,

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

³ See A/HRC/50/68.

⁴ See A/76/871-S/2022/493.

⁵ See A/HRC/50/68.

⁶ Available at <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session53/list-reports>.

gender-based violence, which includes killings, physical, verbal and sexual abuse, neglect, movement restrictions, child, early and forced marriage and child labour and trafficking, and who often lack access to food, water and sanitation, education, a livelihood and health care, including mental health care,

Noting with concern also that up to 30 per cent of internally displaced persons in camps are persons with disabilities, who regularly experience discrimination and challenges in their access to basic services, including psychosocial support,

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 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,⁷ underscoring his findings 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 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,

Reiterating its grave concern at the findings of the Investigation and Identification Team of the Organisation for the Prohibition of Chemical Weapons 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, expressing its grave concern at the finding in its fourth report attributing responsibility to Da'esh for the use of sulphur mustard in attacks in Marea on 1 September 2015, and looking forward to the publication of its reports on other chemical weapons attacks in the Syrian Arab Republic,

Noting that the twenty-sixth round of consultations between the authorities of the Syrian Arab Republic and the Declaration Assessment Team of the Organisation for the Prohibition of Chemical Weapons took place in early 2024, and demanding that the authorities of the Syrian Arab Republic fully comply with their obligations under Security Council resolution 2118 (2013) of 27 September 2013, including to fully cooperate with the Technical Secretariat of the Organisation,

Acknowledging the importance of including the perspectives of victims, including the perspectives of women victims and survivors and the families of the missing, and their demands for truth and justice in the efforts of the international community 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

⁷ A/76/890.

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 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, in this regard notes the landmark conviction and sentencing by a German Court, in January 2022, of a former director of the Syrian intelligence service for crimes against humanity as part of a widespread or systematic attack against the civilian population in the Syrian Arab Republic, also notes that evidence from the Commission of Inquiry and the International, Impartial and Independent Mechanism was used as evidence during the investigation and trial, and recalls the authority of the Security Council to refer the situation in the Syrian Arab Republic to the International Criminal Court;

4. *Further welcomes* the legal proceedings initiated by Canada and the Kingdom of the Netherlands at the International Court of Justice to hold the Syrian Arab Republic accountable for torture and other cruel, inhuman or degrading treatment or punishment of its own people and for breaches of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, urges the Syrian regime to immediately implement the order of the court of 16 November 2023 indicating provisional measures, including that it take all measures within its power to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment and ensure that its officials or persons subject to its control do not commit any such acts, as well as effective measures to prevent the destruction and ensure the preservation of related evidence, and acknowledges the reliable and credible reporting of the Commission of Inquiry referenced by the Court in its order and in the legal proceedings initiated by Canada and the Kingdom of the Netherlands;

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, for as long as needed, of consent to the cross-border operations at Bab al-Salam and Ra'i, in addition to Bab al-Hawa, for which there is no equivalent in terms of scope and scale 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 and escalating 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, and urges all parties to the conflict to direct their efforts to enact such a ceasefire;

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, deplors the stalling of 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 resolution 2254 (2015);

11. *Welcomes* the progress made towards establishing the Independent Institution on Missing Persons in the Syrian Arab Republic, as outlined by the Secretary-General in his report on the implementation of the decision taken by the General Assembly in its resolution 77/301 of 29 June 2023 establishing the Independent Institution on Missing Persons, under the auspices of the United Nations,⁸ to clarify the fate and whereabouts of all missing persons in the Syrian Arab Republic, to provide adequate support to victims, survivors and the families of those missing and to ensure the full and meaningful participation and representation of victims, survivors and the families of missing persons in the Syrian Arab Republic in its operationalization and work, including engagement with women's organizations and other civil society organizations in a regular and sustained manner, and calls upon all parties to the conflict and other relevant actors to cooperate in good faith with the Independent Institution;

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 the 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 who have been subjected to enforced disappearance, and to support the right of the families of the missing 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 claim to have benefited from "amnesty laws",⁹ with regard to 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

⁸ A/78/627.

⁹ See A/HRC/WG.6/40/SYR/1.

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 and the Office of the United Nations High Commissioner for Human Rights that the Syrian Arab Republic does not yet offer a safe and stable environment for the safe, voluntary and dignified return of refugees or for those displaced inside the country, calls upon the Syrian authorities to protect returning refugees and internally displaced persons from human rights violations and abuses and to help to create the conditions necessary for the safe, voluntary and dignified return of refugees, and notes in this regard the vulnerability of returnees due to gendered laws, including but not limited to discriminatory property and inheritance practices affecting women and the forced conscription of men;

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 welcomes in this regard the measures adopted in decision C-28/DEC.12 of 30 November 2023 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 by the Commission of Inquiry in its 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;

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 Independent International 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-sixth session and to present an updated report during an interactive dialogue at both the fifty-seventh and fifty-eighth 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.
