



# 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,\* Austria,\* Belgium,\* Bulgaria,\* Canada,\* Costa Rica,\* Croatia,\* Cyprus,\* Czechia, Denmark,\* Estonia,\* Finland, France, Georgia,\* Germany, Iceland,\* Ireland,\* Israel,\* Italy,\* Jordan,\* Kuwait,\* Latvia,\* Liechtenstein,\* Lithuania, Luxembourg, Malta,\* Monaco,\* Montenegro, Netherlands, Norway,\* Qatar, Romania,\* San Marino,\* Slovakia,\* Slovenia,\* Spain,\* Sweden,\* Türkiye,\* Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

### 51/... 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,

*Expressing its deepest concern* about 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,<sup>1</sup>

*Condemning* the fact that children continue to be subjected to serious violations of international humanitarian and human rights law, as identified by the Secretary-General,<sup>2</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 1 in 13 of those who have died as a result of the conflict was a child,<sup>3</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,

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

<sup>1</sup> See A/HRC/50/68.

<sup>2</sup> See A/76/871-S/2022/493.

<sup>3</sup> See A/HRC/50/68.



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, 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 violations and abuses of human rights and violations of international humanitarian law,

*Welcoming* the report of the Secretary-General on missing people in the Syrian Arab Republic,<sup>4</sup> underscoring the report's finding 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 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 missing regarding their fate and whereabouts,

*Noting* that, under applicable international law and in accordance with Security Council resolution 2474 (2019), 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 noting also that, in the same resolution, 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 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>5</sup> and noting with appreciation the work of the United Nations Headquarters Board of Inquiry,

*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,

*Welcoming* the work of the Investigation and Identification Team of the Organisation for the Prohibition of Chemical Weapons, noting its findings in its two reports to date, and anticipating the publication of its reports into further chemical weapons attacks, including those perpetrated in Mari' on 1 September 2015 and in Duma on 7 April 2018,

1. *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;

2. *Expresses grave concern* in this regard at the recent increase in violence, including air strikes, and the resulting civilian deaths and casualties, including children, and destruction of civilian infrastructure, including medical facilities and schools, and cultural property across the Syrian Arab Republic, demands that all parties immediately comply 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;

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<sup>4</sup> A/76/890.

<sup>5</sup> See A/HRC/51/45 and A/75/743.

3. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights in producing a detailed assessment of casualties during 10 years of conflict in the Syrian Arab Republic, including through a statistical analysis of available data on conflict-related death, notes that the work done by casualty recorders in documenting individually verifiable information on each casualty is centred on survivors and victims, focusing on the individuals concerned, their families and their communities by ensuring that those killed are not forgotten and that information is available for accountability-related processes and for the purposes of seeking greater respect for human rights, and demands that the Syrian Arab Republic grant the Office of the High Commissioner and the Independent International Commission of Inquiry on the Syrian Arab Republic immediate, full and unfettered access throughout the Syrian Arab Republic to facilitate human rights monitoring and casualty recording;

4. *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, 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 Türkiye on 5 March 2020;<sup>6</sup>

5. *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) of 18 December 2015;

6. *Also deplores* the deteriorating humanitarian crisis in the Syrian Arab Republic, which is at its most acute, with 14.6 million Syrians currently requiring humanitarian aid and with continued critical levels of food insecurity and lack of access to water, among other concerns, resulting in dire consequences for health and livelihoods, exacerbated by the recent increase in hostilities;

7. *Notes with deep concern* the increased humanitarian needs, especially during the winter months, and in this regard expresses its concern at the limited renewal by the Security Council, in its resolution 2642 (2022) of 12 July 2022, of its decisions regarding United Nations cross-border humanitarian assistance, by only six months, which is unsustainable and insufficient considering the growing humanitarian needs and the vital importance of cross-border assistance for the survival of more than 4.5 million Syrians, calls upon the Security Council to confirm the further extension of United Nations cross-border humanitarian assistance, for which there is no alternative that can match its scope and scale, and calls upon all parties to facilitate immediate, rapid, unimpeded and sustained humanitarian access, including cross-line access, to all parts of the Syrian Arab Republic;

8. *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;

9. *Welcomes* the findings of the Secretary-General in his report 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 their families, notes with appreciation the findings on the important role of Syrian civil society groups, in particular women- and victim-led groups and women's rights organizations, in providing assistance to victims, survivors and their families and encourages greater support for civil society, particularly 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 High Commissioner, the Special Envoy and civil society in this regard, and calls for the Syrian authorities to immediately release all those missing and

<sup>6</sup> S/2020/187, annex.

arbitrarily detained in the Syrian Arab Republic and to provide accurate information to the families regarding their fate and whereabouts;

10. *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 stigmas owing to persisting gender inequalities and discriminatory laws and practices;

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, and recalls the importance of the full and meaningful participation of victims, survivors and their families in such efforts;

12. *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>7</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;

13. *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 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 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;

14. *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;

15. *Welcomes* the progress made regarding international accountability and notes the importance of further ongoing proceedings 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;

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<sup>7</sup> See A/HRC/WG.6/40/SYR/1.

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

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

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