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Report of the Human Rights Council on its eighteenth special session

Vice-President and Rapporteur: Ms. Gulnara Iskakova (Kyrgyzstan)

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I. Resolution adopted by the Human Rights Council at its eighteenth special session

S-18/1.

The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights, and that all States are bound to promote and protect human rights and fundamental freedoms,

Recalling General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011, and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Recalling also Human Rights Council resolutions S-16/1 of 29 April 2011 and S-17/1 of 22 August 2011, and the draft resolution adopted by the Third Committee of the General Assembly on 22 November 2011,¹

Deploing the refusal of the Government of the Syrian Arab Republic to implement fully Human Rights Council resolutions S-16/1 and S-17/1 and its continued non-cooperation with the independent commission of inquiry, in particular the continued lack of access to the country afforded to the commission,

Deeply concerned by all ongoing grave violations of human rights by the Syrian authorities against their population, including civil and political rights, as well as economic, social and cultural rights,

Stressing again the importance of ensuring accountability and the need to end impunity and to hold to account those responsible for human rights violations, including those violations that may amount to crimes against humanity,

Welcoming the initiatives, efforts and measures of the League of Arab States to address all aspects of the situation in the Syrian Arab Republic, and the steps taken by the League to ensure the implementation of its Plan of Action of 2 November 2011, including those steps aimed at ending all human rights violations and all acts of violence,

Expressing concern about the continued lack of commitment by the Syrian authorities to fully and immediately implement the Plan of Action of the League of Arab States,

Welcoming the statement of the Secretary-General of the League of Arab States of 16 October 2011, and welcoming also the decisions on the situation in the Syrian Arab Republic made by the League on 16 October and on 2, 12, 16, 24 and 27 November 2011,

Reaffirming that all States Members of the United Nations should refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations,

1. *Welcomes* the report of the commission of inquiry² established pursuant to Human Rights Council resolution S-17/1 and the recommendations made therein, and

¹ A/C.3/66/L.57/Rev.1.

² A/HRC/S-17/2/Add.1.

expresses profound concern about the commission's findings that gross and systematic violations of human rights have been committed by the Syrian authorities and members of the Syrian military and security forces in different locations in the Syrian Arab Republic since March 2011 that may amount to crimes against humanity;

2. *Strongly condemns:*

(a) The continued widespread, systematic and gross violations of human rights and fundamental freedoms by the Syrian authorities, such as arbitrary executions, excessive use of force and the killing and persecution of protesters, human rights defenders and journalists, arbitrary detention, enforced disappearances, torture and ill-treatment, including of children;

(b) The attacks against civilians in cities and villages across the country, their repetitive nature, the levels of excessive force used consistently by units of the Syrian armed forces and diverse security forces, the coordinated nature of these attacks and the fact that they have been conducted on the orders of the authorities, including high-ranking military officers;

(c) The extensive violations of children's rights committed by the Syrian authorities, including the killing of children during demonstrations and the widespread practice of arbitrary detention, torture and ill-treatment;

(d) The sexual violence against civilians by the Syrian armed and security forces, including against male detainees and children;

(e) The obstruction and denial of medical assistance to the injured and sick, and the raids and harassment of wounded protesters in both public and private hospitals;

3. *Urges* the Government of the Syrian Arab Republic to meet its responsibility to protect its population, to immediately put an end to all human rights violations, to stop any attacks against civilians and to comply fully with its obligations under international human rights law, and calls for an immediate end to all violence in the country;

4. *Also urges* the Government of the Syrian Arab Republic, without delay:

(a) To release immediately all prisoners of conscience and arbitrarily detained persons, and grant access for independent international monitors to all places of detention;

(b) To initiate prompt, independent and impartial investigations in accordance with international standards to end impunity, ensure accountability and bring perpetrators to justice;

(c) To suspend from the military and the security forces all alleged perpetrators of serious human rights violations;

(d) To establish a mechanism to investigate cases of disappearances by allowing relatives of disappeared persons to report the details of their cases, and ensure appropriate investigation;

(e) To guarantee unhindered access to medical care without any discrimination or control, and not to intervene in hospitals to arrest or abduct any wounded protesters;

(f) To allow independent and international media to operate in the Syrian Arab Republic without undue restrictions, harassment or intimidation, to allow access to the Internet and the telecommunications network, and to lift censorship on reporting;

(g) To respect human rights defenders and ensure that there are no reprisals against persons who have cooperated with the commission of inquiry;

- (h) To ensure timely, safe and unhindered access for humanitarian actors and the safe passage of humanitarian and medical supplies into the country;
- (i) To facilitate the voluntary return of Syrian refugees and internally displaced persons;
5. *Expresses its grave concern* over the prevailing systemic impunity for human rights violations and its entrenchment in legislation awarding immunity for State Government officials;
6. *Urges* the Syrian authorities to respect the popular will, aspirations and demands of its people;
7. *Also urges* the Syrian authorities to take immediate steps to ensure the safety of foreign nationals in the Syrian Arab Republic, in particular of diplomatic staff, as well as the protection of their property;
8. *Recommends* that the main bodies of the United Nations urgently consider the report of the commission of inquiry and take appropriate action;
9. *Calls upon* the Syrian authorities to cooperate fully with the Office of the United Nations High Commissioner for Human Rights, including through the establishment of a field presence in the Syrian Arab Republic;
10. *Decides* to establish the mandate of Special Rapporteur on the situation of human rights in the Syrian Arab Republic once the mandate of the commission of inquiry ends, to monitor the situation of human rights in the Syrian Arab Republic as well as the implementation of the recommendations made by the commission of inquiry addressed to the authorities of the Syrian Arab Republic and of the resolutions of the Human Rights Council on the situation of human rights in the Syrian Arab Republic, and calls upon the Government of the Syrian Arab Republic to cooperate fully with the Special Rapporteur;
11. *Requests* the Special Rapporteur to report to the Human Rights Council and the General Assembly within twelve months of the establishment of the mandate, and to present oral updates to the Council during the interim period under agenda item 4;
12. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate;
13. *Commends and supports* the efforts and measures of the League of Arab States and calls upon the Syrian authorities to implement the League's Plan of Action in its entirety, without further delay, and urges the Syrian Arab Republic to sign a draft protocol on the mission of the League's observers to the Syrian Arab Republic;
14. *Invites* the relevant United Nations agencies and regional organizations, particularly within the framework of the Plan of Action of the League of Arab States:
- (a) To support efforts to protect the population of the Syrian Arab Republic and to bring an immediate end to gross human rights violations;
- (b) To assist the Syrian Arab Republic in strengthening the independence of its judiciary and reforming its security sector through bilateral and multilateral development cooperation;
15. *Encourages* relevant thematic special procedures mandate holders, within their respective mandates, to continue to pay particular attention to the situation of human rights in the Syrian Arab Republic, and urges the Syrian Arab Republic to cooperate with all the said mandate holders, including by allowing country visits;
16. *Calls upon* the Syrian authorities to cooperate fully with the commission of inquiry, including by granting it access to the country;

17. *Invites* the United Nations High Commissioner for Human Rights to report periodically on the situation of human rights in the Syrian Arab Republic;

18. *Invites* the Secretary-General, in accordance with his functions, to take the necessary measures to support the efforts of the League of Arab States, if requested, to contribute to a peaceful solution to the situation in the Syrian Arab Republic consistent with the Charter of the United Nations and the League's decisions and resolutions;

19. *Decides* to transmit the report of the commission of inquiry to the Secretary-General for appropriate action and transmission to all relevant United Nations bodies, and requests the Secretary-General to present a report on the implementation of the present resolution to the Human Rights Council at its nineteenth session;

20. *Also decides* to remain seized of the matter and to consider further appropriate steps to be taken at its nineteenth session.

II. Organization of work of the eighteenth special session

1. Pursuant to paragraph 10 of General Assembly resolution 60/251, and in accordance with rule 6 of the rules of procedure of the Human Rights Council as contained in the annex to Council resolution 5/1, the Council shall hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council.

2. On 30 November 2011, the Permanent Representative of Poland and the Permanent Representative of the European Union requested the convening of a special session of the Human Rights Council on 2 December 2011 to examine the situation of human rights in the Syrian Arab Republic in the light of the report of the commission of inquiry.

3. The above-mentioned request was supported by 28 States Members of the Human Rights Council: Austria, Belgium, Botswana, Chile, Costa Rica, the Czech Republic, Djibouti, Guatemala, Hungary, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Maldives, Mexico, Nigeria, Norway, Peru, Poland, Qatar, the Republic of Moldova, Romania, Saudi Arabia, Spain, Switzerland, the United States of America and Uruguay. The request was also supported by 40 observer States of the Council: Albania, Australia, Bahrain, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Côte d'Ivoire, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Iceland, Ireland, Israel, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Morocco, the Netherlands, New Zealand, Portugal, the Republic of Korea, Serbia, Slovakia, Slovenia, Sweden, Turkey and the United Kingdom of Great Britain and Northern Ireland.

4. Additional signatures by the following Member and Observer States were also received: Colombia, Saint Kitts and Nevis, Senegal, Tunisia and the former Yugoslav Republic of Macedonia.

5. As more than one third of the membership of the Human Rights Council supported the above-mentioned request, the President of the Council, following consultations with the main sponsors, decided to convene open-ended informative consultations on 1 December 2011 and a special session of the Council on 2 December 2011.

A. Opening and duration of the session

6. The Human Rights Council held its eighteenth special session at the United Nations Office at Geneva on 2 December 2011. It held two meetings during the session.

7. The eighteenth special session was opened by the President of the Human Rights Council, Laura Dupuy Lasserre.

B. Attendance

8. The special session was attended by representatives of States Members of the Human Rights Council, observer States of the Council, observers for non-Member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations.

C. Officers

9. At its first organizational meeting of the sixth cycle, on 20 June 2011, the Human Rights Council elected the following officers who also served as officers for the eighteenth special session:

President: Laura Dupuy Lasserre (Uruguay)

Vice-Presidents: Christian Strohal (Austria)
Anatole Fabien Nkou (Cameroon)
András Dékány (Hungary)

Vice-President and Rapporteur: Gulnara Iskakova (Kyrgyzstan)

D. Organization of work

10. Pursuant to paragraph 124 of the annex to Human Rights Council resolution 5/1, an open-ended informative consultation was held on 1 December 2011 in preparation for the eighteenth special session.

11. At its 1st meeting, held on 2 December 2011, the Human Rights Council considered the organization of its work, including speaking time limits, which would be three minutes for statements by States Members of the Council and two minutes for statements by observer States of the Council, observers for non-Member States of the Council and other observers. The list of speakers would be drawn up in chronological order of registration. States Members of the Council would be given the floor first, followed by observer States and observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, and observers of national human rights institutions and non-governmental organizations.

12. The special session was conducted in accordance with the relevant provisions contained in Human Rights Council resolution 5/1.

E. Resolution and documentation

13. The resolution adopted by the Human Rights Council at its eighteenth special session is reproduced in chapter I of the present report.

14. The list of documents issued for the eighteenth special session is contained in the annex to the present report.

F. Statements

15. At the 1st meeting, on 2 December 2011, the United Nations High Commissioner for Human Rights made a statement.

16. At the same meeting, the Human Rights Council listened to a pre-recorded statement read by the independent expert in the field of cultural rights, Farida Shaheed, on behalf of all special procedures mandate holders, at the request of the Coordination Committee of Special Procedures.

17. Also at the same meeting, the chairperson of the Independent International Commission of Inquiry on the Syrian Arab Republic, Paulo Pinheiro, made a statement.

18. At the same meeting, the representative of the Syrian Arab Republic made a statement as the concerned country.

19. Also at the same meeting, on the same day, statements were made by the following States Members of the Human Rights Council: Angola, Austria, Belgium, Chile, China, Costa Rica, Cuba, the Czech Republic, Djibouti, Ecuador, Ecuador (on behalf of the Bolivarian Alliance for the Peoples of Our America–(Venezuela (Bolivarian Republic of), Cuba, Bolivia (Plurinational State of), Nicaragua, Ecuador)), Guatemala, Hungary, India, Indonesia, Italy, Kuwait, Kyrgyzstan, Libya, Maldives, Mexico, Nigeria, Norway, Peru, Poland (on behalf of the European Union), Qatar, Romania, the Russian Federation, Saudi Arabia, Spain, Switzerland, Thailand, the United States of America and Uruguay.

20. At the same meeting, on the same day, statements were made by the following observer States Australia, Canada, Egypt, France, Iran (Islamic Republic of), the Republic of Korea, and Turkey, and by the League of Arab States.

21. At the 2nd meeting, on the same day, statements were made by the following:

(a) Observer States of the Human Rights Council: Algeria, Belarus, Bulgaria, Croatia, Democratic People's Republic of Korea, Denmark, Germany, Holy See, Honduras, Ireland, Japan, Luxembourg, Morocco, Netherlands, New Zealand, Paraguay, Portugal, Slovakia, Slovenia, Sri Lanka, Sudan, Sweden, Tunisia, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of);

(b) Observers for the following non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies, CIVICUS - World Alliance for Citizen Participation, Human Rights Watch, Indian Movement "Tupaj Amaru", International Commission of Jurists, the International Federation for Human Rights Leagues, Rencontre africaine pour la défense des droits de l'homme, United Nations Watch, United Towns Agency for North-South Cooperation, Union of Arab Jurists, General Arab Women Federation (joint statement).

G. Action on the draft proposal

22. At the 2nd meeting, on 2 December 2011, the representative of Poland introduced draft resolution A/HRC/S-18/L.1, sponsored by Poland. Subsequently, Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kuwait, Latvia, Libya, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Monaco, Montenegro, the Netherlands, New Zealand, Nigeria, Norway, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Saint Kitts and Nevis, Saudi Arabia, Senegal, Serbia, Slovakia,

Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.

23. At the same meeting, the representatives of China, Cuba, Libya and the Russian Federation made general comments.

24. Also at the same meeting, the representative of the Syrian Arab Republic made a statement as the concerned country.

25. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

26. Also at the same meeting, the representatives of India and Uganda made statements in explanation of vote before the vote.

27. At the same meeting, at the request of the representatives of China, Cuba and the Russian Federation, a recorded vote was taken on the draft resolution as orally revised. The draft resolution as orally revised was adopted by 37 votes in favour, 4 against, with 6 abstentions. The voting was as follows:

In favour:

Austria, Belgium, Benin, Botswana, Burkina Faso, Chile, Congo, Costa Rica, Czech Republic, Djibouti, Guatemala, Hungary, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Qatar, Republic of Moldova, Romania, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, United States of America, Uruguay

Against:

China, Cuba, Ecuador, Russian Federation

Abstaining:

Angola, Bangladesh, Cameroon, India, Philippines, Uganda

For the text of the resolution as adopted, see chapter I.

28. Also at the same meeting, the representative of Thailand made a statement in explanation of vote after the vote.

III. Report of the Human Rights Council on its eighteenth special session

29. At the 2nd meeting, held on 2 December 2011, the report was adopted ad referendum and the Rapporteur was entrusted with its finalization.

Annex

List of documents issued for the eighteenth special session of the Human Rights Council

In the general series

- A/HRC/S-18/1 Letter dated 30 November 2011 from the Permanent Representative of the European Union to the United Nations Office in Geneva and the Permanent Representative of Poland to the United Nations Office in Geneva addressed to the President of the Human Rights Council
- A/HRC/S-18/2 Report of the Human Rights Council on its eighteenth special session

In the limited series

- A/HRC/S-18/L.1 The human rights situation in the Syrian Arab Republic

In the non-governmental series

- A/HRC/S-18/NGO/1 Written statement submitted by Press Emblem Campaign
- A/HRC/S-18/NGO/2 Written statement submitted by Amnesty International
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