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Human rights situations that require the Council's attention

Australia,* Belgium,* Bulgaria, Canada,* Croatia,* Czechia, Denmark, Ecuador,* Estonia,* Finland,* France, Georgia,* Germany, Ireland,* Israel,* Italy, Jordan,* Kuwait,* Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands, New Zealand,* North Macedonia,* Qatar,* Romania,* San Marino,* Slovakia,* Slovenia,* Somalia, Spain,* Sweden,* Turkey,* Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America*: draft resolution

46/... 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,

Deploing the fact that March 2021 marks 10 years since the peaceful uprising and its brutal repression that led to the conflict in the Syrian Arab Republic, which has had a devastating impact on civilians, including through grave violations and abuses of international human rights law and violations of international humanitarian law, resulting in over 500,000 civilian casualties, and urging all parties to implement a complete, immediate and nationwide ceasefire monitored under the auspices of the United Nations and to engage 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, protect and fulfil the human rights of all persons within its jurisdiction,

Noting that, under applicable international law, and in line with Security Council resolution 2474 (2019) of 11 June 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 into 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 people from going missing as a result of armed conflict,

* State not a member of the Human Rights Council.



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,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, including in its most recent reports,¹ expressing support for the mandate of the Commission of Inquiry and deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the importance of including victims' perspectives and demands for truth and justice in the international community's efforts on 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 2011,² and noting with appreciation the work of the United Nations Board of Inquiry,

1. *Expresses grave concern* that March 2021 marks 10 years since the peaceful uprising and its brutal repression that led to the conflict in the Syrian Arab Republic 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, recalls 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 recent 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;

2. *Strongly condemns* all violations and abuses and the ongoing human rights situation, demands that all parties 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;

3. *Expresses grave concern* that, after 10 years of conflict, more than 11.5 million people have been displaced by the conflict, which equates to over half of the pre-conflict population of the Syrian Arab Republic;

4. *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 recent recommendation made by the Commission of Inquiry to immediately institute a permanent ceasefire, in order to provide the space for Syrian-led negotiations and for the restoration of human rights, urges all parties to the conflict to direct their efforts to enact such a ceasefire, and in this regard takes note of 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;³

5. *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, 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 in this process under the auspices of the Special Envoy and his Office in Geneva, in accordance with all elements of Security Council resolution 2254 (2015), deeply regrets in this regard that the recent meetings of the constitutional committee were a missed opportunity to make progress, stresses the need for credible engagement from all parties, first and foremost by the Syrian authorities, to ensure the committee's proper functioning, and notes the recent comment of the Commission of

¹ A/HRC/46/54 and A/HRC/46/55.

² A/75/743.

³ S/2020/187, annex.

Inquiry that, without concerted, immediate action to further a permanent ceasefire and a good faith, Syrian-led peace process, the conflict may yet descend to new levels of inhumanity;

6. *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, including those who may be responsible for crimes against humanity, are identified and held accountable, demands that the Syrian authorities cooperate fully with the Human Rights 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;

7. *Reaffirms* the importance of establishing 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, and the prerequisite role that accountability and transitional justice mechanisms, with the meaningful participation of victims, 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, and also 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, while noting the important role that the International Criminal Court can play in this regard;

8. *Welcomes* the efforts by States to investigate conduct in the Syrian Arab Republic and to prosecute crimes within their jurisdiction committed in the Syrian Arab Republic, as appropriate, encourages them to continue to do so and to share relevant information between States, as well as with relevant justice mechanisms such as the International, Impartial and Independent Mechanism, in accordance with their national legislation and international law, and also encourages other States to consider doing the same;

9. *Notes*, with regard to all human rights violations and abuses and violations of international humanitarian law throughout the course of the conflict, the differential impact and ways that they have been experienced according to victims' gender, age, disability status, profession, political beliefs, membership in religious and ethnic communities and other circumstances and characteristics, as well as the compounding effect of experiencing multiple violations and/or abuses;

10. *Reiterates* the applicable responsibilities and obligations of all parties under international human rights law and obligations under international humanitarian law, demands that all parties fulfil them, highlights the primary responsibility of the Syrian authorities to protect the Syrian civilian population and the obligation of the Syrian Arab Republic to respect, protect and fulfil the human rights of all individuals within its territory and subject to its jurisdiction, deplores the failure to do so, and expresses its concern in particular about some of the systematic and emblematic violations and abuses that have defined the situation in the Syrian Arab Republic;

11. *Deeply deplores* in this regard 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 targets of deliberate and indiscriminate attacks, including with prohibited weapons and munitions, notably by the regime 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;

12. *Strongly condemns* the continued use of arbitrary detention, torture and ill-treatment, including through sexual and gender-based violence, involuntary or enforced disappearance and summary executions, which the Commission of Inquiry recently noted

had been carried out with consistency, in particular by the Syrian authorities, but also by other parties to the conflict;

13. *Also strongly condemns* that tens of thousands of individuals have been killed in custody of the regime and that in detention centres rape and sexual violence have been used, including against children, as a tool to punish, humiliate and instill fear, recalls with deep concern the findings of the Commission of Inquiry that there are reasonable grounds to believe that the Syrian authorities carried out a widespread and systematic attack against the civilian population, in pursuance of a firmly established policy, comprising the crimes against humanity of murder, extermination, imprisonment, enforced disappearance, sexual and gender-based violence, torture and other inhumane acts, and also recalls with deep concern the recent findings of the Commission of Inquiry regarding Islamic State in Iraq and the Levant (Daesh) and Hay'at Tahrir al-Sham in this regard;

14. *Urges* all parties to immediately cease torture and other cruel, inhuman or degrading treatment or punishment, including sexual and gender-based violence, most notably in places of detention, to cease all forms of incommunicado detention, and release all persons arbitrarily detained, and to take all feasible measures, in accordance with Security Council resolution 2474 (2019), to search for and reveal the fates of those detained and/or missing or disappeared and to further establish an effective channel of communication with families to ensure that their legal, economic and psychological needs are addressed adequately, also urges all parties, but particularly the Syrian authorities, 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 in the reports of the Commission of Inquiry, and highlights the recent recommendations of the Commission of Inquiry in this regard;

15. *Deeply regrets* that the fates of tens of thousands of the victims who were subjected to arbitrary and incommunicado detention and enforced disappearance by the regime, and in lower numbers by Islamic State in Iraq and the Levant (Daesh) and Hay'at Tahrir al-Sham, remain unknown at the end of nearly a decade of conflict and that, despite the evidence showing that the regime is aware of the fates of most of those it detained, it continues to withhold information, intentionally prolonging the suffering of hundreds of thousands of family members of the forcibly disappeared, and highlights the recommendations of the Commission of Inquiry regarding accountability and supporting victims and survivors and their families, including with psychosocial support and in identifying those missing and disappeared;

16. *Deplores* the ongoing humanitarian crisis in the Syrian Arab Republic, which the risks created by the coronavirus disease (COVID-19) pandemic has further exacerbated, and the withholding or hindering of life-saving humanitarian aid by the Syrian authorities, especially in recaptured areas, which has been a recurring feature of the Syrian conflict, demands that all parties comply with their applicable responsibilities and obligations under international human rights law and international humanitarian law and that the Syrian authorities and their State and non-State allies facilitate, and all other parties to the conflict do not hinder, full, timely, immediate, unrestricted and safe humanitarian access, noting that the severity of the humanitarian situation requires the use of all aid modalities, calls for the continuation of cross-border humanitarian support beyond July 2021, including the expansion in number and geographical scope of approved crossing points for such assistance, re-emphasizes the need for immediate, rapid, unimpeded and sustained cross-line access in order to prevent further suffering and loss of life, and calls for respect for humanitarian principles across the Syrian Arab Republic;

17. *Condemns* the imposition of sieges, which have resulted in shortages of necessities such as food, water and medicine, 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, including the recurring service cuts to water distribution and electricity;

18. *Also condemns* the fact 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 recurring feature of the conflict, including the abhorrent pattern of pro-regime forces targeting hospitals and clinics in attacks that continue to deprive civilians of access to health care and which the Commission of Inquiry found amounted to war crimes, and demands that all parties to the conflict comply fully with their obligations under international law, including to ensure 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;

19. *Expresses concern* about the immediate and long-term impact that such attacks have on the civilian population and health-care systems, including on the provision of life-saving assistance, as well as mental health and psychosocial support, and on the ability to tackle the COVID-19 pandemic, takes note of Security Council resolution 2286 (2016) of 3 May 2016 in this regard, and welcomes the creation by the Secretary-General of a panel to follow up on the recommendations of the United Nations Board of Inquiry, which investigated attacks on deconflicted and United Nations-supported facilities in the north-west of the Syrian Arab Republic;

20. *Expresses continued concern* about the impact of the COVID-19 pandemic in the Syrian Arab Republic and the increased impact on persons in vulnerable situations, in particular in the light of the limitations of health-care services caused by years of conflict, emphasises the importance of equitable access to COVID-19 supplies, including vaccines, throughout the Syrian Arab Republic, reaffirms the role of the Syrian authorities in this regard, and recalls the statement made by the President of the Human Rights Council on 29 May 2020 on the human rights implications of the COVID-19 pandemic;⁴

21. *Strongly condemns* the fact that, throughout the conflict, children have been subjected to serious violations and abuses and that the unprecedented and recurrent nature of such violations and abuses will affect generations to come, takes note with deep concern of the findings of the Commission of Inquiry that the impact of these violations has been extremely severe, that children's mental health has been, and will continue to be, deeply affected by the brutality of the war, that their physical health, in particular that of children with disabilities, has been acutely affected by the lack of physical infrastructure and that children's experiences in the Syrian conflict have been deeply gendered, and encourages the Commission to continue its investigation and documentation of violations and abuses of the rights of the child;

22. *Urges* all parties to immediately respect and protect the full enjoyment by children of all their human rights and to prevent, and 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 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, and strongly condemns the use of schools for military purposes;

23. *Expresses 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 takes note of the findings of the Commission that such acts of sexual and gender-based violence were committed most commonly by Syrian authorities and associated militia, as well as by so-called Islamic State in Iraq and the Levant (Daesh) and Hay'at Tahrir al-Sham, that they represent a widespread and systematic attack directed against the civilian population, amounting to crimes against humanity, and that such acts constitute the war crimes of rape and other forms of sexual violence, including torture and outrages upon personal dignity;

⁴ A/HRC/PRST/43/1.

24. *Strongly condemns* all acts of sexual and gender-based violence and abuse, recognizes the need for a survivor-centred approach in 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;

25. *Condemns* the targeting of, threats against, harassment, arrests and murders of journalists and media workers by the Syrian authorities, as well as by armed groups and terrorist organizations designated by the Security Council, while noting that attacks on journalists and the pressure placed on the media compound the difficulties of documenting violations and abuses;

26. *Expresses deep concern* that over 6.2 million people have been internally displaced within the Syrian Arab Republic, and that the findings of the Commission of Inquiry indicate that many were victims of the crime against humanity of forcible transfer, the war crime of ordering the displacement of civilian populations, or both, and that the commission of multiple war crimes and violations of international humanitarian law prompted many millions to flee internally or seek asylum abroad, also expresses deep concern that repeated displacement has been a feature of the conflict and that Syrians in various parts of the Syrian Arab Republic are routinely denied return to their homes, notably due to restrictions on access placed by the Syrian authorities and fear of arrest in retaken and formerly besieged areas, and urges all parties to the conflict to take note of the recommendations on this matter made by the Commission;

27. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic, expresses deep concern about reports of social and demographic engineering in areas throughout the country, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes or crimes against humanity;

28. *Expresses deep concern* for the more than 5.3 million registered persons who have fled the situation in the Syrian Arab Republic over the past 10 years, primarily to neighbouring countries, and increasingly as a global diaspora, deeply appreciates the efforts of the neighbouring countries of Turkey, Lebanon, Jordan and Iraq, as well as of Egypt, to host Syrian refugees, acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries, urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, including the particular needs of women, girls and persons with disabilities, while emphasizing the principles of responsibility and burden-sharing, and notes with concern that one of the main obstacles to refugees' safe, voluntary and dignified return to their country of origin derives from the Syrian regime's own practices of violating the human rights of civilians in areas under their control;

29. *Urges* all parties to implement the recommendations of the Commission of Inquiry on ensuring that the right of return is fully respected and facilitated, by guaranteeing that all return movements are safe, voluntary and dignified and subject to informed consent, to the places of origin and protect all property and tenancy rights, consistent with relevant international law, and in cooperation with competent organizations, such as the Office of the United Nations High Commissioner for Refugees;

30. *Expresses deep concern* about the lack of security of housing, land and property rights for the millions of displaced Syrians, noting its gendered impact and that this has been further deliberately compounded by legislation, policies and practices, and the challenges faced by Syrians, especially those who are displaced, in retaining and keeping up to date their basic civil documents, which prevent them from gaining access to essential governmental services, such as health care, education, social benefits and humanitarian aid, and put them at risk of being deprived of their rights, including to identity and movement, and of their property;

31. *Reaffirms* the importance of the full implementation of the women and peace and security agenda of the Security Council, pursuant to resolution 1325 (2000) of 31 October 2000, noting the particular protection needs of displaced women and girls across the Syrian Arab Republic and the need to ensure the full, equal and meaningful participation of women in peace efforts and decision-making, and calls for greater protection of civil society actors, including women peacebuilders;

32. *Strongly condemns* the fact that the use of chemical weapons has been a devastating feature of the Syrian conflict, notes with deep concern that the Commission of Inquiry has documented 38 separate instances of the use of chemical weapons, of which 32 met its standard of proof for attribution to the Syrian regime and 1 to Islamic State in Iraq and the Levant (Daesh), and that each such use of a chemical weapon amounts to a war crime, demands that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, in violation of international law, including obligations under international customary law, Security Council resolution 2118 (2013) of 27 September 2013 and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, to which the Syrian Arab Republic acceded in 2013, and expresses its strong conviction that those responsible for the use of chemical weapons must be held accountable;

33. *Welcomes* in this regard decision EC-94/DEC.2 of 9 July 2020 of the Executive Council of the Organisation for the Prohibition of Chemical Weapons and the release of the first report of the Organisation for the Prohibition of Chemical Weapons 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 Ltamenah on 24, 25 and 30 March 2017, expresses deep concern that the Syrian Arab Republic did not cooperate with, nor provide access to, the Investigation and Identification Team, as required by Security Council resolution 2118 (2013), and demands that the Syrian Arab Republic cooperate fully with the Organisation for the Prohibition of Chemical Weapons and comply with its obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and Security Council resolution 2118 (2013);

34. *Strongly condemns* the ongoing terrorist acts and violence committed against civilians by so-called Islamic State in Iraq and the Levant (Daesh), Al-Nusrah Front (also known as Hay'at Tahrir al-Sham) and other terrorist organizations designated by the Security Council and their gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law throughout the conflict, reaffirms that terrorism, including the actions of so-called Islamic State in Iraq and the Levant (Daesh), 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, as well as the importance of ensuring accountability for all such abuses of international human rights law and violations of international humanitarian law;

35. *Welcomes* the relevant international campaigns and initiatives to support the Syrian people, and renews its call for the international community to deliver all pledges in full;

36. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, demands that all parties work towards a comprehensive, genuine and inclusive political transition based on the Geneva communiqué of 30 June 2012 and Security Council resolution 2254 (2015), within the framework of the United Nations-led intra-Syrian talks held in Geneva and with the full, equal and meaningful leadership and participation of women in decision-making at all levels and in all efforts consistent with Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security, that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, in which all citizens receive equal protection, regardless of gender, ethnicity, religion or belief, and welcomes the inclusion of civil society in this process;

37. *Requests* the Office of the United Nations High Commissioner for Human Rights to resume its work to establish the extent of civilian casualties in the Syrian Arab Republic, in cooperation with civil society, in order to fully assess the number of people

killed as a result of 10 years of conflict, and to report on progress through an oral update to the Human Rights Council at its forty-eighth session;

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

39. *Requests* the Commission of Inquiry to provide an oral update to the Human Rights Council during the interactive dialogue at its forty-seventh session and to present an updated written report during an interactive dialogue at the forty-eighth and forty-ninth sessions of the Council;

40. *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 Security Council and General Assembly, and recommends the continuation of such briefings;

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