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Agenda item 4

Human rights situations that require the Council's attention

Resolution adopted by the Human Rights Council on 13 July 2023

53/18. 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,

Recalling the findings of the Office of the United Nations High Commissioner for Human Rights and the Independent International Commission of Inquiry on the Syrian Arab Republic, including its most recent report,¹ in which it documented continued violations of international human rights law and international humanitarian law, including those involving attacks against civilians and civilian objects, arbitrary arrests, enforced disappearances and deaths in detention due to ill-treatment, including torture or lack of access to medical care, and arbitrary arrests upon return to the Syrian Arab Republic,

Noting that gender equality and the condemnation of discrimination and violence against women and girls have been reflected in the Vienna Declaration and Programme of Action, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences,

Noting with deep concern the finding by the Commission of Inquiry that sexual and gender-based violence against women, girls, men and boys has been persistent and underreported in the Syrian Arab Republic since 2011 and continues to be perpetrated, and that the legal framework fails to effectively protect victims, including survivors, and constitutes a barrier to accountability,

Recognizing that all women and girls have been disproportionately affected by the crisis and continue to be among the worst affected, and on multiple grounds, including that many women have become the main or sole breadwinners for their families, a situation that is often exacerbated by the enforced disappearance of male members of their families,

¹ A/HRC/52/69.



increased caring responsibilities and alarming levels of violence in the home and in wider society,

Recalling the remarks of the United Nations High Commissioner for Human Rights on the unique impact that the protracted issue of enforced disappearances and missing and arbitrarily detained persons has had on Syrian women,²

Noting with concern the findings of the Commission of Inquiry, including in its paper entitled “Gendered impact of the conflict in the Syrian Arab Republic on women and girls”, that, throughout the conflict in the Syrian Arab Republic, women and girls have been targeted on the basis of their gender and that further harms have been inflicted through obstacles to exercising 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,

Noting with concern also that refugee and internally displaced Syrian women and children are disproportionately affected by the loss of livelihoods and other effects during displacement, including killings, physical, emotional, psychological and sexual abuse, neglect, movement restrictions, child, early and forced marriage, child labour and trafficking, and often lack access to food, quality education, a livelihood and health care, including mental health care, adequate hygiene, including menstrual hygiene, and health-care services, as well as services related to gender-based violence,

Noting with grave concern that female detainees face additional challenges upon their release as a result of stigma in relation to sexual and gender-based violence, which often results in divorce, loss of documentation and custody of children, harassment and abuse,

Reaffirming that parties to the armed conflict bear the primary responsibility to take appropriate 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) of 11 June 2019, in which the Council called upon parties to armed conflict to take appropriate measures to prevent persons from going missing as a result of armed conflict,

Reiterating the crucial importance of women’s full, equal, meaningful, inclusive and safe participation and leadership in all peace efforts in order to secure sustainable peace and contribute to conflict prevention, conflict resolution and peace efforts, as outlined by the Security Council in its resolution 1325 (2000) of 31 October 2000 on women and peace and security and in all subsequent resolutions,

Noting the need to ensure that measures to ensure justice and accountability for any crimes committed in the Syrian Arab Republic by all parties to the conflict are meaningful, inclusive and representative of the diverse experiences, perspectives and priorities of a broad range of victims and survivors, and in this regard welcoming the Gender Strategy and Implementation Plan 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 (2022),

Expressing its deepest condolences for the victims of the earthquakes of February 2023 that affected approximately 8.8 million people in the Syrian Arab Republic,³ noting their impact, and expressing deep concern about the impact of the earthquakes on women and girls, which could put them at a greater risk of human rights violations and abuses in addition to the existing crisis as a result of over a decade of devastating conflict and the already deteriorating humanitarian situation,

1. *Condemns* the targeting of women and girls and discriminatory laws or practices on the basis of gender by any parties to the conflict, predominantly the Syrian regime;

² www.ohchr.org/en/statements/2022/04/update-general-assembly-missing-persons-syria.

³ See United Nations country team, Syrian Arab Republic, “Flash appeal: Syrian Arab Republic earthquake (February–May 2023)”, 18 February 2023.

2. *Demands* that the Syrian Arab Republic meet its responsibility to protect its population and to respect and protect the human rights of all persons within its jurisdiction, including persons in detention and their families, in line with the recommendations agreed in the context of the universal periodic review,⁴ in particular those who are at risk of sexual and gender-based violence, in a manner consistent with the applicable international law obligations of the Syrian Arab Republic, including those that are relevant to women and children, including under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child and the Optional Protocols thereto;

3. *Reiterates its 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, and 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;

4. *Expresses grave concern* at the significant impact on women and children of the dire humanitarian conditions in all parts of the Syrian Arab Republic, and reaffirms the need for sustainable, safe, rapid and unhindered humanitarian assistance through all modalities, including the extension of cross-border assistance, for which there is no alternative that can match its scope and scale, beyond the six months authorized by the Security Council in its resolution 2672 (2023) of 9 January 2023;

5. *Calls upon* the Syrian authorities to protect returning refugees and internally displaced persons, in particular women and children, from human rights violations and abuses and to help to create the conditions necessary for the return of refugees, and recalls the finding of the Independent International Commission of Inquiry on the Syrian Arab Republic 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 the 6.8 million persons displaced inside the country;

6. *Notes with great concern* that gendered practices, including forced conscription of men, enforced disappearance and arbitrary detention upon return to the Syrian Arab Republic, have resulted in the separation of women from male relatives and the loss of property deeds, including for women returnees, owing to existing gender norms and discriminatory inheritance practices in the Syrian Arab Republic;

7. *Demands* that the processes for reclaiming property required by authorities throughout the Syrian Arab Republic, predominantly the regime, comply with the principles on housing and property restitution for refugees and displaced persons and are equally accessible, in particular for women;

8. *Welcomes* the decision taken by the General Assembly to establish, under the auspices of the United Nations, the Independent Institution on Missing Persons in the Syrian Arab Republic to clarify the fate and whereabouts of all missing persons in the Syrian Arab Republic, provide adequate support to victims, survivors and the families of those missing and 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;

9. *Calls 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;

10. *Calls upon* all parties, predominantly the Syrian regime, to put in place effective administrative procedures to process, and release to relevant parties in a timely manner, civil documentation, including death certificates, and procedures relating to property registration, inheritance and custody in an equally accessible and affordable manner, in

⁴ A/HRC/50/6.

particular for all women and girls whose spouses are missing, disappeared or have been killed, and to end the requirement to obtain security clearances for these purposes;

11. *Reiterates* the demand that all parties to the conflict, but particularly the Syrian authorities, 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, and 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;

12. *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 victim- and survivor-centred and gender- and age-sensitive approach to preventing and responding to such violence, calls for immediate, adequate 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 all their human rights and to heed the recommendations made by the Commission of Inquiry;

13. *Reaffirms* the need to end impunity through the prosecution of perpetrators of crimes under national and international law, including sexual and gender-based violence, stresses the need for the perpetrators of these crimes to be held accountable by national justice systems or, where applicable, international courts and tribunals, and acknowledges in this regard the role 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 and that of the International Criminal Court;

14. *Welcomes* the fact that Canada and the Kingdom of the Netherlands recently initiated legal proceedings at the International Court of Justice to hold the Syrian Arab Republic accountable for torture and cruel, inhuman and degrading treatment and punishment of its own people, in breach of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

15. *Calls upon* all parties to the conflict to adopt a more effective response to sexual and gender-based violence across the whole of the Syrian Arab Republic, including by raising awareness and addressing stigma, and calls for the protection of women and girl human rights defenders and women peacebuilders and for the full, equal and meaningful and safe participation, representation and leadership of Syrian women in humanitarian and political decision-making;

16. *Condemns* restrictions imposed on journalists and civil society throughout the Syrian Arab Republic, in particular those campaigning against sexual and gender-based violence, notably women, whose activities have been disproportionately affected due to fears for personal safety;

17. *Demands* that all parties to the conflict respect the human rights of all persons, including their right to life, liberty and security of person and rights to freedom of expression, peaceful assembly, association and movement, without discrimination;

18. *Expresses its strong support* for the efforts of the Special Envoy of the Secretary-General for Syria to make progress in the political process and the work of the Constitutional Committee to advance further aspects of Security Council resolution 2254 (2015) of 18 December 2015, and reaffirms the importance of the full implementation of the women and peace and security agenda pursuant to Security Council resolution 1325 (2000) in this regard, in particular the crucial role of the Syrian Women's Advisory Board and women-led Syrian civil society groups in their work to enhance the safe, full, equal and meaningful participation of women in the peace process;

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

*35th meeting
13 July 2023*

[Adopted by a recorded vote of 24 to 4, with 18 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Benin, Chile, Costa Rica, Côte d'Ivoire, Czechia, Finland, France, Gabon, Georgia, Germany, Honduras, Lithuania, Luxembourg, Malawi, Mexico, Montenegro, Paraguay, Qatar, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Bolivia (Plurinational State of), China, Cuba and Eritrea

Abstaining:

Algeria, Bangladesh, Cameroon, Gambia, India, Kazakhstan, Kyrgyzstan, Malaysia, Morocco, Nepal, Pakistan, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam]
