



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

### 48/... 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 marked 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,*

*Expressing deep concern at the recent escalation in violence across different parts of the Syrian Arab Republic and its impact on the ongoing humanitarian crisis, and demanding that all parties immediately comply with their respective obligations under international human rights law and international humanitarian law,*

*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 and protect the human rights of all persons within its jurisdiction, including persons in detention and their families,*

*Expressing grave concern about all persons missing as a result of the situation in the Syrian Arab Republic, including those subjected to enforced disappearance, noting the comments of the Independent International Commission of Inquiry on the Syrian Arab Republic and the Special Envoy of the Secretary-General for Syria that tens of thousands of*

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



individuals remain missing in the Syrian Arab Republic, and recalling Human Rights Council resolution 45/3 of 6 October 2020 in this regard,

*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 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 people from going missing as a result of armed conflict,

*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 Commission of Inquiry, including in its most recent report,<sup>1</sup> including the Commission's conclusion that the situation of human rights has worsened for many Syrians over the past year, expressing support for the mandate of the Commission and deploring the lack of cooperation by the Syrian authorities with the Commission,

*Acknowledging* the importance of including victims' perspectives, including the perspectives of women victims and survivors, and their demands for truth and justice in the international community's efforts with regard to 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,<sup>2</sup> and noting with appreciation the work of the United Nations Board of Inquiry,

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 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;

2. *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 Independent International Commission of Inquiry on the Syrian Arab Republic to immediately institute a permanent ceasefire in order to provide the space for Syrian-led negotiations 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 Turkey on 5 March 2020;<sup>3</sup>

3. *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 the political process under the auspices of the Special Envoy and his Office in Geneva, in accordance with all elements of Security Council resolution 2254 (2015), and reaffirms the importance of full implementation of the women and peace and security agenda pursuant to Security Council resolution 1325 (2000) of 31 October in this regard;

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<sup>1</sup> A/HRC/48/70.

<sup>2</sup> See A/75/743.

<sup>3</sup> S/2020/187, annex.

4. *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, 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;

5. *Reaffirms* the importance of establishing and supporting 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, in all their diversity, and the prerequisite role that accountability and transitional justice mechanisms, with the meaningful participation of victims and survivors, 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;

6. *Welcomes* the efforts made by States to investigate conduct in the Syrian Arab Republic and to prosecute crimes committed there, as appropriate, and also the efforts to hold the Syrian Arab Republic to account, encourages States to continue to do so and to share relevant information among themselves, as well as with relevant accountability 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;

7. *Deplores* the ongoing humanitarian crisis in the Syrian Arab Republic, and notes the increasing needs, including for a sufficient supply of coronavirus disease (COVID-19) vaccines, across the Syrian Arab Republic, including in the north-east and the north-west, demands that all parties comply with their applicable 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, notes that humanitarian aid must be delivered on the basis of need, reiterates in this respect the continuing and urgent need for continued and expanded cross-border access to prevent further suffering and to save lives, and for immediate, rapid, unimpeded and sustained cross-line access, and calls for respect for humanitarian principles across the Syrian Arab Republic;

8. *Expresses deep concern* at the recent increase in violence and resulting civilian casualties across the Syrian Arab Republic, and demands that all parties immediately comply with their respective obligations under international humanitarian law and international human rights law;

9. *Also expresses deep concern* in particular about the recent increase in violence in the north-west of the Syrian Arab Republic, including airstrikes, and the impact on civilians of that violence, including the reported deaths and injuries of at least 45 children since the beginning of July 2021, and stresses the urgent need for the immediate cessation of military hostilities in Idlib and surrounding areas, the prioritization of the protection of all civilians, including those displaced, and for full, timely, immediate, unrestricted and safe humanitarian access, including cross-border access;

10. *Further expresses deep concern* about the recent situation in Dar'a al-Balad, where Syrians have supported peaceful protests since 2011 and where the Syrian regime's siege of the city and subsequent offensive have caused the deaths of civilians, including children, and the forced displacement of thousands more, and recalls the statements regarding the situation made by the United Nations High Commissioner for Human Rights

on 5 August 2021 and the Special Envoy of the Secretary General on 12 August, and urges all parties to immediately end all violence and siege-like conditions, to uphold their respective international human rights law and international humanitarian law obligations, and to ensure full, timely, immediate, unrestricted and safe humanitarian access to all those in need;

11. *Strongly condemns* the actions of the Syrian regime in Dar'a al-Balad, and notes that the Commission of Inquiry found in its most recent report that the regime's use of siege-like tactics in rural Damascus, Dar'a Governate and Qunaytirah Governate may amount to the war crime of collective punishment;

12. *Also strongly condemns* the targeting of humanitarian workers and persons engaged in medical duties, their means of transport and equipment and hospitals and other medical facilities, including the attack against the deconflicted Atarib cave hospital on 21 March 2021, regarding which the Commission of Inquiry found that pro-government forces may have committed the war crime of directing an attack against a medical facility, and the attack against Al-Shifa hospital on 12 June 2021, and noting in this regard that the Commission of Inquiry found that, while investigations were ongoing to identify perpetrators, it had reasonable grounds to believe that the war crime of launching indiscriminate attacks resulting in death or injury to civilians may have been committed in relation to the attack against Al-Shifa hospital;

13. *Expresses deep concern* that the recent increase in violence could result in further displacement of civilians across the Syrian Arab Republic and into other countries, further exacerbating the ongoing crisis that has forced more than 6.6 million refugees to flee the Syrian Arab Republic and more than 6.7 million persons displaced within it, calls upon all parties to the conflict to immediately cease activities that could cause such displacement, including any activities that may amount to war crimes or crimes against humanity, and takes note of the recent finding of the Commission of Inquiry that the Syrian Arab Republic does not yet offer a safe and stable environment for the sustainable and dignified return of refugees or for the 6.7 million persons displaced inside the country;

14. *Also expresses deep concern* at the situation of those missing, detained and forcibly disappeared in the Syrian Arab Republic, first and foremost by the Syrian regime, and demands that all parties immediately cease the use of involuntary or enforced disappearance or kidnappings, and torture and other cruel, inhuman or degrading treatment or punishment, including sexual and gender-based violence, in places of detention, and all related human rights violations and abuses and violations of international humanitarian law, recalls Human Rights Council resolution 47/18 of 13 July 2021, notes the Commission of Inquiry's comment that widespread enforced disappearances have been deliberately perpetrated by Syrian authority security forces on a massive scale throughout the past decade, and its recommendation that an independent mechanism be created with an international mandate to coordinate and consolidate claims regarding missing persons, including persons subjected to enforced disappearance, reiterates the importance of not tampering with or contaminating mass grave sites in the Syrian Arab Republic in this regard, also reiterates its call for all Member 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;

15. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights to establish the extent of civilian casualties in the Syrian Arab Republic, in cooperation with civil society, and emphasizes the importance of such comprehensive, verifiable and transparent records of the casualties of the conflict;

16. *Strongly condemns* the ongoing terrorist acts and violence committed against civilians by Da'esh, Nusrah Front (also known as Hay'at Tahrir al-Sham) and other terrorist organizations designated by the Security Council, and the abuses of human rights and violations of international humanitarian law throughout the conflict, reaffirms that terrorism, including the actions of Da'esh, 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, and the importance of ensuring accountability for all such abuses of human rights and violations of international humanitarian law;

17. *Also strongly condemns* the use of chemical weapons in the Syrian Arab Republic, recalls the findings of the Commission of Inquiry and the Organisation for the Prohibition of Chemical Weapons Fact-Finding Mission and Investigation and Identification Team in this regard, reiterates its demand that all parties desist immediately from any use 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 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;

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

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