



Human Rights Council**Forty-fifth session**

14 September–7 October 2020

Agenda item 4

Human rights situations that require the Council's attention

Albania,* Australia, Belgium,* Czechia, Denmark, Estonia,* Finland,* France,* Georgia,* Germany, Iceland,* Italy, Jordan,* Kuwait,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Marshall Islands, Monaco,* Montenegro,* Morocco,* Netherlands, New Zealand,* Norway,* Qatar, Somalia, Spain, Sweden,* Turkey,* Ukraine and United Kingdom of Great Britain and Northern Ireland*: draft resolution

45/... 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,**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 provide their family members with any information that the parties have on their fate, and noting also that the Council in its resolution 2474 (2019) called upon parties to the conflict to take steps to prevent people from going missing in 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 at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, including in its most recent report,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,**Welcoming the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious*

* State not a member of the Human Rights Council.

¹ A/HRC/45/31.



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. *Deplores* the human rights situation in the Syrian Arab Republic and the fact that the ongoing conflict continues to have a devastating impact on the civilian population, including consistent patterns of gross violations and abuses of international human rights law and violations of international humanitarian law, and reiterates the call of the Secretary-General for a global ceasefire and that of the Special Envoy of the Secretary-General for Syria for a complete, immediate and nationwide ceasefire throughout the Syrian Arab Republic, and urges all parties to the conflict to direct their efforts to enact it;

2. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law throughout the Syrian Arab Republic, takes note of the most recent report of the Independent International Commission of Inquiry on the Syrian Arab Republic in this regard,³ demands that all parties immediately comply with their respective obligations, and emphasizes the need to ensure that all those responsible for such violations and abuses are held to account;

3. *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 can play in any effort to bring about a sustainable, inclusive and peaceful conclusion to the conflict, and 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;

4. *Welcomes* the recent efforts by the Special Envoy of the Secretary-General for Syria to convene and facilitate the third session of the Syrian-led and Syrian-owned constitutional committee in Geneva, and urges all parties, particularly 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) of 18 December 2015, including free and fair elections pursuant to the new constitution, the release of any arbitrarily detained persons, the immediate cessation of any attacks directed at civilians and civilian objects and the building of conditions for the safe, voluntary, dignified and sustainable return of Syrian refugees and internally displaced persons, and to ensure the inclusion of the equal voice and full, effective and meaningful participation and representation of women in all efforts and decision-making;

5. *Deplores* the military offensive instigated by Syrian regime forces in Idlib Governorate and surrounding areas in December 2019, which continues to indiscriminately target and severely affect the civilian population, and remains extremely concerned about the situation, notes in this regard the signing on 5 March 2020 of the Additional Protocol to the Memorandum on the Stabilization of the Situation in the Idlib De-escalation Area, between the Russian Federation and Turkey, and stresses the importance of continuing to work towards preserving calm on the ground and the urgent need for the immediate cessation of any military hostilities in Idlib and surrounding areas, the prioritization of the protection of all civilians, including those previously displaced, and the guarantee of rapid and unimpeded humanitarian access;

6. *Expresses deep concern* about the situation on the ground across other areas of the Syrian Arab Republic, including those areas retaken by the Syrian authorities and allied forces and areas under the control of non-State armed groups, noting that the Commission of Inquiry in its latest report highlighted impediments to the freedom of movement of people

² A/74/699.

³ A/HRC/45/31.

and goods, which limited access to basic services and curtailed housing, land and property rights;

7. *Strongly condemns* the continued practice of enforced disappearance and arbitrary detention, notably widespread in areas where the Syrian authorities have retaken control, which undermines the potential for genuine progress towards a political solution and that, according to the Commission of Inquiry, represents an urgent and large-scale crisis of human rights protection, and welcomes the priority given by the Special Envoy to this issue, and his intention to actively pursue efforts to scale up action in this regard in his engagement with all concerned;

8. *Takes note* of the recent findings of the Commission of Inquiry that there are reasonable grounds to believe the Syrian authorities, in pursuance of a continued State policy, have continued to perpetrate crimes against humanity, enforced disappearance, murder, torture, sexual violence and imprisonment; highlights in this regard the urgent call by the Commission of Inquiry for all parties to immediately cease torture and other cruel, inhuman or degrading treatment or punishment, including sexual and gender-based violence, in places of detention, to cease all forms of incommunicado detention and release all persons arbitrarily detained, and to take all feasible measures, under Security Council resolution 2474 (2019), to search for and reveal the fates of those detained and/or missing or disappeared, and further establish an effective channel of communication with families to ensure that their legal, economic and psychological needs are addressed adequately; and urges all parties, but particularly the Syrian authorities, to also grant appropriate international monitoring bodies and medical services immediate access, without undue restrictions, to detainees and detention facilities;

9. *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 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 such use must be held accountable;

10. *Deplores* the ongoing humanitarian crisis in the Syrian Arab Republic, which the risks created by the coronavirus disease (COVID-19) pandemic has further exacerbated, deeply regrets the reduction in approved crossing points for cross-border humanitarian aid and the impact on vulnerable populations, and demands 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, including by ensuring immediate cross-line access to prevent further suffering and loss of life and by guaranteeing respect for humanitarian principles across the Syrian Arab Republic;

11. *Recalls* that international humanitarian law prohibits the starvation of civilians as a method of warfare, and implores all parties to urgently resolve such issues, including the recurring service cuts in water distribution and electricity;

12. *Expresses concern* about the impact of the COVID-19 pandemic in the Syrian Arab Republic, and the increased impact on persons in vulnerable situations, particularly in the light of the limitations to health-care services caused by years of conflict, including the deliberate targeting of medical facilities and personnel by the regime and its allies, as noted by the United Nations Board of Inquiry, and recalls the statement by the President of the Human Rights Council on the human rights implications of the COVID-19 pandemic, adopted by the Council on 29 May 2020;⁴

13. *Demands* that all parties to the conflict fully comply with their obligations under international law 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;

14. *Recalls* Security Council resolution 1325 (2000) of 31 October 2000, the upcoming twentieth anniversary of its adoption, and other relevant resolutions on women and

⁴ A/HRC/PRST/43/1.

peace and security; expresses deep concern about the ongoing situation of human rights of women and girls throughout the Syrian Arab Republic, including those human rights violations and abuses highlighted in the latest findings of the Commission of Inquiry and systematic discrimination threatening their physical safety and dignity; and reaffirms the importance of the full implementation of the agenda of Security Council resolution 1325 (2000), noting the particular protection needs of displaced women and girls across the Syrian Arab Republic, and the need to ensure the full, effective and meaningful participation of women in peace efforts and decision-making and calls for greater protection of civil society actors, including women peacebuilders;

15. *Expresses alarm* at the upcoming tenth anniversary of the beginning of the conflict, and encourages the Commission of Inquiry to reflect on this anniversary in its reporting through the analysis of key recurrent human rights concerns over the course of the conflict and continuing trends;

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