



General Assembly

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Human Rights Council

Twenty-third session

Agenda item 4

Human rights situations that require the Council's attention

Resolution adopted by the Human Rights Council*

23/26.

The deterioration of the situation of human rights in the Syrian Arab Republic, and the need to grant immediate access to the commission of inquiry

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Recalling also all relevant resolutions of the General Assembly, the Security Council and the Human Rights Council on the situation in the Syrian Arab Republic,

Taking note of all relevant resolutions of the League of Arab States and the Organization of Islamic Cooperation relating to the situation in the Syrian Arab Republic,

Recalling the urgent debate held by the Human Rights Council on 28 May 2013 on the deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in Al Qusayr,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Recalling all the meetings of the Group of Friends of the Syrian People, in particular the fourth Ministerial Meeting held in Marrakech on 12 December 2012, where the participants acknowledged the National Coalition for Syrian Revolutionary and Opposition Forces as the legitimate representative of the Syrian people,

Reaffirming its support for the mission of the Joint Special Representative of the United Nations and the League of Arab States, Lakhdar Brahimi, and welcoming the international efforts to organize an international conference aimed at finding a political solution to the Syrian crisis that meets the legitimate aspirations of the Syrian people for a

* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its twenty-third session (A/HRC/23/2), chap. I.

civil, democratic and pluralistic State, where all citizens are equal regardless of gender, religion and ethnicity, and demands in this regard that all Syrian parties work with the Joint Special Representative to implement rapidly the transition plan set forth in the final communiqué issued by the Action Group for Syria on 30 June 2012,

Recalling the statements made by the United Nations High Commissioner for Human Rights before the Human Rights Council and the Security Council and by the special procedures of the Human Rights Council that crimes against humanity are likely to have been committed in the Syrian Arab Republic, and noting the repeated encouragement by the High Commissioner to the Security Council to refer the situation to the International Criminal Court,

1. *Welcomes* the report of the independent international commission of inquiry on the Syrian Arab Republic submitted pursuant to Human Rights Council resolution 22/24 of 22 March 2013;¹

2. *Condemns* the lack of cooperation of the Government of the Syrian Arab Republic with the commission of inquiry, in particular the persistent denial of access to members of the commission to the Syrian Arab Republic;

3. *Notes with concern* that the lack of access by the commission of inquiry to the Syrian Arab Republic continues to hamper the commission's ability to fulfil its mandate, and stresses in this regard the need to collect evidence directly from all of the Syrian Arab Republic;

4. *Demands* that the Syrian authorities cooperate fully with the commission of inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic and responding promptly to its communications and requests;

5. *Acknowledges* the statement of the Syrian opposition coalition of 5 June 2013 to cooperate with the commission of inquiry, including in opposition-controlled areas, and calls on the opposition to assist the commission of inquiry in the fulfilment of its mandate;

6. *Condemns* all violence, especially against civilians, irrespective of where it comes from, including terrorist acts and acts of violence that may foment sectarian tensions, and demands that all parties put an immediate end to all forms of violence and comply strictly with their obligations under international law, including international humanitarian law;

7. *Urges* all parties to the conflict to refrain from any actions that may contribute to the escalation of violations of human rights or international humanitarian law;

8. *Strongly condemns* the continued widespread and systematic gross violations of human rights and fundamental freedoms and all violations of international humanitarian law by the Syrian authorities and the government-affiliated *Shabbiha* militias, as well as any human rights abuses and violations of international humanitarian law by armed opposition groups, while noting that the commission of inquiry stated in its report that abuses and violations committed by anti-Government armed groups did not reach the intensity and scale of the violations committed by government forces and its associated militia;

9. *Condemns in the strongest terms* all massacres taking place in the Syrian Arab Republic, and stresses the need to hold those responsible to account;

¹ A/HRC/23/58.

10. *Strongly condemns* the intervention of all foreign combatants in the Syrian Arab Republic, including those fighting on behalf of the regime and most recently Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating human rights and humanitarian situation, which has a serious negative impact on the region;

11. *Stresses* the imperative need to follow up on the report of the commission of inquiry and to conduct a prompt and transparent independent international investigation into all abuses and all violations of international law committed by all parties, with a view to hold to account those responsible for violations and abuses, including those that may amount to crimes against humanity and war crimes;

12. *Calls upon* all parties to respect fully international law applicable to the rights and protection of women and girls, and to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and also calls for the involvement of women at decision-making levels in conflict resolution and peace processes;

13. *Notes with grave concern* that violations of the rights of the child are being committed in the Syrian Arab Republic, in violation of the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict to which the Syrian Arab Republic is a party, and urgently calls for refraining from recruiting and involving children in the conduct of hostilities;

14. *Encourages* members of the international community to ensure that there is no impunity for such violations or abuses, and stresses that the Syrian authorities have failed to prosecute alleged perpetrators of serious violations or abuses that may amount to war crimes or crimes against humanity;

15. *Reaffirms* that the Syrian people, on the basis of broad, inclusive and credible consultations, should determine, within the framework provided by international law, the process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations, as well as reparations and effective remedies for victims, while underlining the relevance of referrals to the appropriate international criminal justice mechanism under appropriate circumstances;

16. *Demands* that the Syrian authorities meet their responsibility to protect the Syrian population;

17. *Deplores* the further deterioration of the humanitarian situation and the failure to ensure the safe and timely provision of humanitarian assistance to all areas affected by the fighting;

18. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence, and welcomes the efforts by neighbouring countries to host Syrian refugees, while acknowledging the socioeconomic consequences of the presence of large-scale refugee populations in these countries;

19. *Notes* the request made by the General Assembly to the Special Rapporteur on the human rights of internally displaced persons to submit a written report on the very dire situation of internally displaced persons in the Syrian Arab Republic,² and invites the Special Rapporteur to present that report to the Council at its twenty-fourth session;

² General Assembly resolution 67/262, para. 21.

20. *Urges* the international community to provide urgent financial support to the host countries to enable them to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

21. *Urges* all relevant United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees, and other international organizations and donor States to provide urgent and more support to Syrian refugees and their host countries;

22. *Urges* all donors to provide expeditiously financial support to the Office for the Coordination of Humanitarian Affairs and international humanitarian organizations, as requested in the humanitarian appeal on the Syrian Arab Republic, so that they can implement more actively the humanitarian response plan inside the country;

23. *Takes note with appreciation* of the international assistance offered since the Kuwait Donors Conference of 30 January 2013, notes the scale of the Syrian regional humanitarian appeal launched on 7 June 2013, and calls on all members of the international community to respond expeditiously to the appeal and to fulfil previous pledges;

24. *Demands* that the Syrian authorities facilitate the access of humanitarian organizations to all people in need through the most efficient routes, including by providing authorization for cross-border humanitarian operations as an urgent priority, encourages all parties in the Syrian Arab Republic to facilitate the delivery of assistance in areas under their control, including across conflict lines, in order to implement fully the humanitarian response plan, and calls on all sides to respect the safety of humanitarian workers and United Nations personnel and to protect medical personnel, facilities and transport consistent with applicable international law, as well as to allow the provision of medical care on a non-discriminatory basis;

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

*41st meeting
14 June 2013*

[Adopted by a recorded vote of 37 to 1, with 9 abstentions. The voting was as follows:

In favour:

Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, Germany, Guatemala, Indonesia, Ireland, Italy, Japan, Kenya, Kuwait, Libya, Malaysia, Maldives, Mauritania, Montenegro, Peru, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland, Thailand, United Arab Emirates, United States of America

Against:

Venezuela (Bolivarian Republic of)

Abstaining:

Angola, Ecuador, Ethiopia, Gabon, India, Kazakhstan, Pakistan, Philippines, Uganda]