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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 2021

47/18. 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,

Deploring 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, 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 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 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 reports,¹ 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 and 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 2011,² 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 has entered its second decade 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. *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 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;³

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, notes that the recent presidential elections held in the Syrian Arab Republic were not part of the political process referred to by the Security Council in its resolution 2254 (2015), 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), 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, and notes the important role of the Special Envoy on the issue of arbitrary detention;

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, including those who may be responsible for crimes against humanity, 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;

¹ A/HRC/46/54 and A/HRC/46/55.

² See A/75/743.

³ S/2020/187, annex.

5. *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;

6. *Deplores* the ongoing humanitarian crisis in the Syrian Arab Republic, which the risks created by the coronavirus disease (COVID-19) pandemic have further exacerbated, 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, and, given the continuous worsening of the humanitarian situation and the increase in needs, including for COVID-19 vaccines, across the Syrian Arab Republic, especially in the north-east and north-west, notes the need to ensure that humanitarian aid is delivered on the basis of need, underlines in this respect the absolute necessity of continued and expanded cross-border access to save lives, re-emphasizes the need also for immediate, rapid, unimpeded and sustained cross-line access, and calls for respect for humanitarian principles across the Syrian Arab Republic;

7. *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 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 welcomes in this regard decision C-25/DEC.9 of 21 April 2021 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;

8. *Takes note* of the statement made by the United Nations High Commissioner for Human Rights on 11 March 2021 regarding the issue of missing and disappeared persons in the Syrian Arab Republic, and the recommendations of the Commission of Inquiry with regard to missing people, including those subjected to enforced disappearance;

9. *Strongly condemns* the continued use of involuntary or enforced disappearance in the Syrian Arab Republic, and related human rights violations and abuses, which have been carried out with consistency, in particular by the Syrian regime, but also by other parties to the conflict, urges all parties to immediately cease the use of involuntary or enforced disappearance, and all related human rights violations and abuses, and urges all parties to the conflict to take all feasible measures, in accordance with Security Council resolution 2474 (2019), to search for and reveal the fate of those missing or disappeared;

10. *Notes with deep concern* the Commission of Inquiry's recent comments that widespread enforced disappearance has been deliberately perpetrated by Syrian security forces throughout the past decade on a massive scale to spread fear, stifle dissent and as punishment, and that tens of thousands of men, women, boys and girls, who were taken into the custody of the Syrian authorities, remain forcibly disappeared 10 years after the first waves of mass arrests, and notes in this regard the link between detention and enforced disappearance in the Syrian Arab Republic;

11. *Strongly condemns* all human rights violations and abuses in detention, including summary executions, torture and ill-treatment, including through sexual and gender-based violence, and the fact that, according to the Commission of Inquiry's estimates, tens of thousands of individuals have been killed in the custody of the Syrian regime, and urges all parties to immediately cease such human rights violations and abuses;

12. *Deeply regrets* that the fate of tens of thousands of the victims 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), Hay'at Tahrir al-Sham and other armed groups, remains largely unknown;

13. *Recalls* that the Commission of Inquiry found reasonable grounds to believe that the Syrian authorities has continued to carry out a widespread or systematic attack directed against the civilian population, in pursuance of a firmly established policy to commit such acts, comprising crimes against humanity, including enforced disappearance, and that members of Islamic State in Iraq and the Levant have perpetrated crimes against humanity, including acts of enforced disappearance;

14. *Highlights* that evidence suggests that the Syrian authorities maintain a detailed bureaucracy and a high degree of centralized control with regard to those whom they have detained, including records on who is detained and where, and notes the potential value of such information to family members of those who are missing, including those forcibly disappeared;

15. *Expresses deep concern* that, according to the recent findings of the Commission of Inquiry, the Syrian authority forces continue to deliberately conceal the fate and whereabouts of those forcibly disappeared, intentionally prolonging the suffering of hundreds of thousands of family members;

16. *Also expresses deep concern* that, while not on the same scale as the Syrian regime, the refusal of Islamic State in Iraq and the Levant, Hay'at Tahrir al-Sham and other armed groups to reveal the fate or whereabouts of persons taken into their custody was found by the Commission to constitute acts tantamount to enforced disappearance;

17. *Expresses particular concern* about the impact of enforced disappearance on children, not only as direct victims and as family members of disappeared persons but also as a result of their increased vulnerability and risk of exploitation created by the disappearance of a parent;

18. *Also expresses particular concern* about the gendered impact of enforced disappearance where widespread and systematic arrests of men and boys by primarily Syrian regime forces has resulted in an additional burden for an increasing number of female-headed households, and the fact of many men and boys being missing and/or their subsequent undocumented deaths compounds the trauma and creates legal barriers for women and children in terms of access to inheritance, issues of child custody, freedom of movement and birth registration, and stresses the importance of addressing these issues;

19. *Highlights* the recommendations of the Commission of Inquiry regarding accountability and support for victims, survivors and their families, including psychosocial support and the identification of those missing and disappeared, and in the case of deaths of detainees, the issuance of the necessary documentation and allowing families to retrieve the bodies of their relatives or be informed of their whereabouts, and notes in this regard the importance of avoiding tampering with or contaminating mass grave sites in the Syrian Arab Republic;

20. *Recalls* that applicable obligations under international humanitarian law and international human rights law, including with regard to the fate and whereabouts of missing persons, exist independently of a political agreement;

21. *Emphasizes* the need for accountability, including for crimes committed in relation to enforced disappearance in the Syrian Arab Republic, and underscores that accountability is vital in peace negotiations and peacebuilding processes;

22. *Also emphasizes* the vital work of Syrian organizations of victims, survivors and families working on the issue of missing persons, including those subjected to enforced disappearance, supports their efforts to compile a comprehensive, transparent record of all casualties of the conflict and acknowledges the importance of their work regarding urgent access to information about those missing and disappeared and the need for accountability and justice for the victims and their families;

23. *Encourages* 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;

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

*38th meeting
13 July 2021*

[Adopted by a recorded vote of 26 to 6, with 15 abstentions. The voting was as follows:

In favour:

Argentina, Austria, Bahamas, Brazil, Bulgaria, Côte d'Ivoire, Czechia, Denmark, Fiji, France, Gabon, Germany, Italy, Japan, Libya, Malawi, Marshall Islands, Mexico, Netherlands, Poland, Republic of Korea, Somalia, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay

Against:

Armenia, Bolivia (Plurinational State of), China, Cuba, Russian Federation and Venezuela (Bolivarian Republic of)

Abstaining:

Bahrain, Bangladesh, Burkina Faso, Cameroon, Eritrea, India, Indonesia, Mauritania, Namibia, Nepal, Pakistan, Philippines, Senegal, Sudan and Uzbekistan]