



General Assembly

Distr.: Limited
5 July 2022

Original: English

Human Rights Council

Fiftieth session

13 June–8 July 2022

Agenda item 4

Human rights situations that require the Council's attention

Albania,* Andorra,* Australia,* Austria,* Belgium,* Bulgaria,* Canada,* Croatia,* Czechia, Denmark,* Estonia,* Finland, France, Georgia,* Germany, Greece,* Iceland,* Ireland,* Israel,* Italy,* Jordan,* Kuwait,* Latvia,* Lithuania, Luxembourg,* Malta,* Monaco,* Montenegro, Netherlands, New Zealand,* North Macedonia,* Norway,* Qatar, Republic of Korea, Romania,* San Marino,* Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* Türkiye,* Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

50/... 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,

Recalling all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council and the relevant resolutions and agreed conclusions of the Commission on the Status of Women, which, inter alia, affirmed that all forms of violence against women and girls must be prevented, condemned and eliminated and that women's and girls' access to justice and accountability for violations of their human rights must be ensured,

Recalling also that gender equality has 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,

Expressing deep concern at the continued violence across different parts of the Syrian Arab Republic and its devastating impact on civilians, including through the ongoing humanitarian crisis, grave violations and abuses of international human rights law and violations of international humanitarian law,

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, and the conclusions of the Independent International Commission of Inquiry on the Syrian Arab Republic that violations and abuses have included acts that are likely to constitute crimes against humanity, war crimes and other international crimes, including genocide,

* State not a member of the Human Rights Council.



Noting with deep concern the findings by the Commission of Inquiry, including in its most recent report,¹ 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,

Noting also with deep concern the findings in the Commission of Inquiry's reports entitled "I lost my dignity": sexual and gender-based violence in the Syrian Arab Republic", from 2018,² and "Out of sight, out of mind: deaths in detention in the Syrian Arab Republic", from 2016,³ including that significant violence, including rape and sexual abuse, is taking place in places of detention with impunity, and during ground operations and house raids and at checkpoints, and that such acts were committed most commonly by Syrian authorities,

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 may be exacerbated by the enforced disappearance of members of their families, while they face increased caring responsibilities and alarming levels of violence,

Noting with regret the findings of the Office of the United Nations High Commissioner for Human Rights that more than 1 in 13 of those who have died as a result of the conflict were women, and that almost 1 in 13 of those who have died as a result of the conflict were children,

Noting with deep concern that internally displaced Syrian women and children are disproportionately affected by the loss of livelihoods during displacement, including inequitable access to assistance, education, adequate hygiene, including menstrual hygiene, and health-care services, and that they experience sexual and gender-based violence such as exploitation, abuse, trafficking in persons, forced recruitment and abduction,

Noting with deep concern the findings of the Commission of Inquiry that children have suffered sexual and gender-based violence since the early days of the Syrian conflict and recognizing the profound effect that the conflict has had on children, and in this regard, noting the Commission of Inquiry's report of 2020 entitled "They have erased the dreams of my children": children's rights in the Syrian Arab Republic",⁴

Acknowledging that sexual and gender-based violence against men and boys in the Syrian Arab Republic has been perpetrated on male detainees, including boys as young as 11 years, who were subjected to a range of forms of sexual and gender-based violence including rape, sexual torture, and humiliation, often in regime detention facilities during interrogations to force confessions, and occasionally even after detainees have confessed so as to further humiliate or punish them, and recognizing the need to raise awareness of sexual violence against men and boys,

Noting with deep regret that women, girls, men and boys subjected to sexual and gender-based violence often lack access to immediate health care, particularly in detention facilities where reports of sexual violence continue to be prevalent, and that authorities often deny medical care to persons in detention,

Noting with concern the situation of internally displaced persons in camps, the majority of whom are women and children, who are especially vulnerable to sexual and gender-based violence, which includes killings, physical, verbal and sexual abuse, neglect, movement restrictions, child, early and forced marriage, child labour and trafficking, and who often lack access to food, education, a livelihood and health care, including mental health care,

Noting 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, which includes carrying out the often

¹ A/HRC/49/77.

² See the conference room paper available from the Commission of Inquiry's documentation webpage at <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>.

³ Ibid.

⁴ Ibid.

terrifying and demoralizing search for their loved ones as well as the financial and legal challenges they face due to persisting discriminatory laws and practices,

Acknowledging the importance of fully, equally, effectively and meaningfully engaging survivors and providing a platform for their perspectives to be heard, including the perspectives of women and child survivors, and their demands for truth and justice in the international community's efforts with regard to the Syrian Arab Republic,

Noting with deep concern that survivors of sexual and gender-based violence in the Syrian Arab Republic fear reporting such abuse, due to the stigma associated with their experiences of sexual and gender-based violence and the threat of retaliation,

Recognizing the crucial importance of women's full, equal and meaningful participation in peace efforts in order to secure sustainable peace and contribute to conflict prevention, conflict resolution and peace efforts, as outlined in Security Council resolution 1325 (2000) on women, peace and security and in subsequent resolutions,

1. *Condemns* in the strongest of terms all acts of sexual and gender-based violence, committed by all parties since the start of the conflict in 2011;

2. *Reaffirms* that acts of sexual and gender-based violence, when committed as part of a widespread or systematic attack directed against any civilian population, can constitute crimes against humanity, and that acts of sexual and gender-based violence in situations of armed conflict can constitute war crimes;

3. *Calls upon* all parties to the conflict to immediately cease the perpetration of sexual and gender-based violence against all persons in the Syrian Arab Republic;

4. *Urges* all parties to immediately respect and protect the full enjoyment by children of all their human rights, and to prevent, and protect children from, all forms of violence, including killing and maiming, sexual and gender-based violence, exploitation, and violations and abuses including the unlawful recruitment and use of children in the armed conflict and unlawful attacks on schools and hospitals;

5. *Calls upon* all parties to ensure that children affected by the conflict receive appropriate assistance, including access to identity documentation, education, justice and health care, including the provision of mental health and psychosocial support, strongly condemns the use of schools for military purposes, and encourages the Commission of Inquiry to continue its investigation and documentation of violations and abuses of the rights of the child – in particular the impact on the right to education;

6. *Strongly condemns* the continued use of arbitrary detention, torture and ill-treatment, including through sexual and gender-based violence, involuntary or enforced disappearance and summary executions, which the Commission of Inquiry noted had been carried out with consistency, by all parties to the conflict, first and foremost by the Syrian regime, and calls for the immediate cessation of arbitrary detention, as well as torture and other cruel, inhuman or degrading treatment or punishment, and sexual and gender-based violence;

7. *Also strongly condemns* that tens of thousands of individuals have been killed in the custody of the Syrian authorities, and that, in detention centres, rape and sexual and gender-based violence have been used, including against children, as a tool to punish, humiliate and instil fear, and demands, in this respect, the immediate release of all persons arbitrarily or unlawfully detained by the Syrian regime;

8. *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 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;

9. *Condemns* the gross systematic abuse of women's and children's rights by terrorist groups and armed groups, including so-called ISIL (also known as Da'esh), in particular those involving the killing of women and girls, sexual and gender-based violence

including the enslavement and sexual exploitation and abuse of women and girls, and the recruitment, use and abduction of children;

10. *Expresses grave concern* at the disproportionate impact on women and children of the dire humanitarian conditions in all parts of the Syrian Arab Republic and reaffirms the need for full, safe and unhindered humanitarian access, and calls for the renewal of the cross-border mechanism by the Security Council in its resolutions in July 2022;

11. *Calls 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 children of their human rights and to heed the recommendations made by the Commission of Inquiry;

12. *Reaffirms* the need to end impunity through the prosecution of perpetrators of sexual and gender-based crimes under national and international law, and 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 the International Criminal Court;

13. *Welcomes* the progress made on accountability efforts, and in this regard the judgment in January 2022 of a higher regional court in Germany finding a former director of the Syrian intelligence service guilty of crimes against humanity, including rape and sexual abuse, and notes the importance of this verdict and further ongoing proceedings under the principle of universal jurisdiction to bring truth to light and perpetrators to justice, and of the joint initiative taken by Canada and the Netherlands to hold the Syrian Arab Republic responsible for breach of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

14. *Recognizes* the need for a coordinated and effective survivor-centred approach in preventing and responding to such violence and abuse, and calls for immediate and non-discriminatory access to services, such as health care and psychosocial support, to be provided to all survivors of such crimes, and underlines the need for effective and gender-sensitive measures to be in place to ensure the safety, confidentiality, privacy and broader protection of survivors and witnesses of sexual violence in accountability processes;

15. *Calls upon* all parties to the conflict to adopt a more robust 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 human rights defenders and women peacebuilders and for the full, equal and meaningful participation and representation of Syrian women in humanitarian and political decision-making;

16. *Strongly supports* the efforts of the Special Envoy of the Secretary-General for Syria to make progress in the political process and to advance further aspects of Security Council resolution 2254 (2015) of 18 December 2015, and particularly the pivotal role of the Women's Advisory Board and its work to enhance the participation of women in the peace process;

17. *Calls for* the lifting of constraints faced by women in the Syrian Arab Republic in their access to economic resources and opportunities, including by ending discrimination against women with respect to access to property or on the grounds of national origin or family, particularly in regime-held areas, in order to promote equal opportunities for the benefit of Syrian society as a whole;

18. *Requests* that the Commission of Inquiry consider updating its report on sexual and gender-based violence, taking a victim- and survivor-centred approach, and in particular look to make recommendations, including on broader efforts to bolster women's full, equal and meaningful participation in political and public life;

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