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Poland: draft resolution

**S-18/... The human rights situation in the Syrian Arab Republic**

*The Human Rights Council,*

*Reaffirming* the purposes and principles of the Charter, the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights, and that all States are bound to promote and protect human rights and fundamental freedoms,

— *Recalling* also General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011, as well as Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

— *Recalling* further Human Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 22 August 2011 and resolution L.57 rev. 1 of the Third Committee of the General Assembly of 22 November 2011,

— *Deploring* the Government of Syria's refusal to fully implement Council resolution S-16/1 and S-17/1 and its continued non-cooperation with the independent Commission of Inquiry, in particular the continued lack of access to the Syrian Arab Republic afforded to the Commission,

— *Deeply concerned* by ~~the~~ all ongoing grave violations of human rights ~~violations~~ by the Syrian authorities against their population, including civil and political rights, as well as economic, social and cultural rights,

— *Stressing once again* the importance to ensure accountability and the need to end impunity and hold to account those responsible for human rights violations, including those that may amount to crimes against humanity, ~~through appropriate domestic or international accountability mechanisms;~~

— *Welcoming* initiatives, efforts and measures by the League of Arab States to address all aspects of the situation in the Syrian Arab Republic, and the steps undertaken by the League of



Arab States to ensure the implementation of its Plan of Action, including those aimed at ending all human rights violations and all acts of violence,

— *Expressing concern about the continued lack of commitment by the Syrian authorities to fully and immediately implement the Plan of Action of the League of Arab States of 2 November 2011,*

— *Welcoming the statement of the Secretary-General of the League of Arab States of 16 October 2011, and welcoming also the decisions on the situation in the Syrian Arab Republic of the League of Arab States of 16, 26 October, 2, 12, 16, 24 and 27 November 2011,*

1. — *Reaffirming that all States Members of the United Nations should refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations,*

1. *Welcomes the report of the Commission of Inquiry established pursuant Human Rights Council resolution S-17/1 and its recommendations and expresses profound concern about the report's findings, including in particular that crimes against humanity gross and systematic violations of human rights have been committed by the Syrian authorities and members of the Syrian military and security forces in different locations in the Syrian Arab Republic since March 2011, that may amount to crimes against humanity.*

2. — *2. — Strongly condemns:*

a) — *(a) — the continued widespread, systematic and gross violations of human rights and fundamental freedoms by the Syrian authorities, such as arbitrary executions, excessive use of force and the killing and persecution of protesters, human rights defenders and journalists, arbitrary detention, enforced disappearances, reprisals, torture and ill-treatment, including against children;*

b) — *(b) — attacks against civilians in cities and villages across the country, their repetitive nature, the levels of excessive force used consistently by units of the Syrian armed forces and diverse security forces, the coordinated nature of these attacks and the facts that they were conducted on the orders of authorities, including high-ranking military officers;*

c) — *(c) — the extensive violations of children's rights committed by the Syrian authorities, including killings of children during demonstrations and widespread practices of arbitrary detention, torture and ill-treatment;*

d) — *(d) — all sexual violence against civilians by the Syrian authorities, in particular armed and security forces, including against male detainees and children;*

e) — *(e) — the obstruction and denial of medical assistance to the injured and sick, the raids and track-down harassment of wounded protesters in both public and private hospitals.*

— *3. — Urges the Syrian government to implement without delay the recommendations addressed to it by the Commission of Inquiry, in particular to:*

3. — *(a) — Urges the Syrian government to meet its responsibility to protect its population, to immediately put an end to all human rights violations, to stop any attacks against civilians, and*



to comply fully with its obligations under international human rights law; and calls for an immediate end to all violence in the Syrian Arab Republic;

4. — (b) — Welcomes the recommendations addressed to the Syrian government by the Commission of Inquiry and further urges the Syrian government without delay to:
- a) release immediately all prisoners of conscience and arbitrarily detained persons, and grant access for independent international monitors to all places of detention;
  - b) — (e) — initiate prompt, independent and impartial investigations under both domestic and in accordance with international law standards to end impunity, ensure accountability and bring perpetrators to justice;
  - c) — (d) — suspend from the military and the security forces all alleged perpetrators of serious human rights violations;
  - d) — (e) — establish a mechanism to investigate cases of disappearances by allowing relatives of disappeared persons to report the details of their cases, and to ensure appropriate investigation;
  - e) — (f) — guarantee unhindered access to medical care without any discrimination or control and not to intervene in hospitals to arrest or abduct any wounded protestors;
  - f) — (g) — allow independent and international media to operate in Syria without undue restrictions, harassment or intimidation; allow access to the internet and telecommunications network and to lift censorship on reporting;
  - g) — (h) — respect human rights defenders and ensure that there are no reprisals against persons who have cooperated with the Commission of Inquiry;
  - h) ensure timely, safe and unhindered access for all humanitarian actors and ensure the safe passage of humanitarian and medical supplies into the country;
  - i) — (i) — facilitate the voluntary return of Syrian refugees and internally displaced persons.
5. — 4. — Expresses its grave concern over the prevailing systemic impunity for human rights violations and its entrenchment in legislation awarding immunity for State officials, in contravention of the State's international legal obligations, state government officials;
6. — 5. — Urges Syrian authorities to respect the popular will, aspirations and demands of its people.
7. Further Urges the Syrian authorities to take immediate steps to ensure the safety of foreign nationals in Syria, in particular diplomatic staff, as well as the protection of their property;
8. Recommends, given the nature of the crimes occurred, that the General Assembly and main bodies of the Security Council UN urgently consider the report of the Commission of Inquiry and take appropriate action;



9. — 6. — ~~Invites the~~ Calls upon the Syrian authorities to fully cooperate with the Office of the High Commissioner to consider, including through the establishment of a field presence in the Syrian Arab Republic with a protection and promotion mandate;
10. — 7. — ~~Establishes the~~ Decides to establish a mandate of a Special Rapporteur on the situation of human rights in the Syrian Arab Republic to follow up on, once the workmandate of the Commission of Inquiry once the Commission sends, to monitor the situation of human rights in the Syrian Arab Republic, as well as to monitor the implementation of the recommendations from the Commission of Inquiry addressed to the authorities of the Syrian Arab Republic and of the Human Rights Council's resolutions on the situation of human rights in the Syrian Arab Republic and calls upon the Syrian government to cooperate fully with the Special Rapporteur;
11. Requests the Special Rapporteur to report to the Human Rights Council and the United Nations General Assembly within 12 months of the establishment and to present oral updates to the Human Rights Council during the interim period under Item 4 of the Council's agenda;
12. Also Requests the Secretary General to provide the Special Rapporteur with the resources necessary to fulfil the mandate ends;
13. — 8. — Commends and supports the efforts and measures by the Arab League of Arab States and calls upon the Syrian authorities to implement the League of Arab States' Plan of Action in its entirety without further delay and urges the Syrian Arab Republic to sign a draft Protocol on the mission of the League of Arab States' observers to the Syrian Arab Republic;
14. — 9. — ~~Recommends that~~ Invites the relevant UN Member States agencies and regional organisations, particularly within the framework of the Action Plan of the League of Arab States to
- a) — (a) — support efforts to protect the population of the Syrian Arab Republic and to bring an immediate end to gross human rights violations;
- b) — (b) — assist the Syrian Arab Republic in addressing serious institutional weaknesses by strengthening the independence of its judiciary and reforming its security sector through bilateral and multilateral development cooperation;
- (c) — provide Syrian nationals seeking protection with refuge in accordance with the provisions of the international law governing asylum.
15. — 10. — Encourages relevant thematic special procedures mandate holders, in particular the special rapporteurs on the promotion and protection of the right to freedom of opinion and expression, on the situation of human rights defenders, on the independence of judges and lawyers, on torture and other cruel, inhuman or degrading treatment or punishment, on the rights to freedom of peaceful assembly and of association, the Working Group on Enforced or Involuntary Disappearances as well as the Working Group on Arbitrary Detention, within their respective mandates, to continue to pay particular attention to the human rights situation in the Syrian Arab Republic and to include their observations in their annual reports to the Council



and urges the Syrian Arab Republic to cooperate with all those ~~all~~ mandate holders, including by allowing country visits,

16.—11.—Calls upon the Syrian authorities to fully cooperate with the Commission of Inquiry and ~~with the Office of the High Commissioner and Human Rights Council mechanisms,~~ including through granting ~~an~~ access to the country;

17.—12.—Invites~~Invites~~ the United Nations High Commissioner for Human Rights to report periodically on the human rights situation in the Syrian Arab Republic;

18. ~~Recommend~~ Also invites the Secretary-General of the United Nations, in accordance with his functions, to take the necessary measures ~~according to the UN Charter, if requested,~~ to support the efforts of the League of Arab States, if requested ~~regarding~~ to contribute to a peaceful solution to the situation in the Syrian Arab Republic, if requested, ~~consistently~~ consistent with the UN Charter and the League of Arab States' decisions of 12, 16, 24 and 27 November 2011 resolutions,

19.—13.—Decides to transmit the Commission of Inquiry report to the UN Secretary General for appropriate action and transmission to all UN relevant bodies and requests the Secretary General to present a report on the implementation of the resolution to the Human Rights Council at its 19<sup>th</sup> session,

20.—14.—Decides to remain seized of the matter and to consider further appropriate steps to be taken at its 19<sup>th</sup> session,

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