



# General Assembly

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## Human Rights Council

### Forty-second session

9–27 September 2019

Agenda item 2

### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

**Albania,\* Australia, Austria, Belgium,\* Canada,\* Croatia, Czechia, Denmark,  
Finland,\* Germany,\* Iceland, Ireland,\* Italy, Latvia,\* Liechtenstein,\* Lithuania,\*  
Luxembourg,\* Malta,\* Monaco,\* Montenegro,\* Netherlands,\* Norway,\* Portugal,\*  
Romania,\* Slovenia,\* Spain, Sweden\* and Switzerland:\* draft resolution**

#### 42/... Human rights situation in Yemen

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

*Recognizing* the primary responsibility of States to promote and protect human rights,

*Recalling* Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012, 2140 (2014) of 26 February 2014, 2216 (2015) of 14 April 2015 and 2451 (2018) of 21 December 2018,

*Recalling also* Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015, 33/16 of 29 September 2016 and, in particular, 36/31 of 29 September 2017 and 39/16 of 28 September 2018,

*Welcoming* the commitment of Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the implementation of the recommendations made in the outcome document of the National Dialogue Conference and to complete the drafting of a new constitution,

*Welcoming also* the Stockholm Agreement of 13 December 2018, emphasizing the need for its implementation and encouraging all parties to maintain their commitment to the United Nations-led process and engage with the Special Envoy of the Secretary-General for Yemen in an inclusive and political process in order to end the conflict,

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\* State not a member of the Human Rights Council.



*Reiterating* its strong support for the ongoing efforts of the Secretary-General and his Special Envoy and welcoming in this regard the positive engagement of the Government of Yemen in the peace talks,

*Taking note* of the statements made by the President of the Security Council on 15 March 2018 and 29 August 2019 on Yemen,<sup>1</sup>

*Reaffirming* its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

*Acknowledging* that international human rights law and international humanitarian law are complementary and mutually reinforcing, and reaffirming that all efforts should be made to ensure the cessation of all violations and abuses of and the full respect for international human rights law and international humanitarian law in armed conflicts,

*Recognizing* that the promotion, protection and fulfilment of human rights are key factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for the country,

*Gravely concerned* by ongoing reports by the Office for the Coordination of Humanitarian Affairs on the existing humanitarian emergency, sharing the concerns expressed by the Secretary-General that the situation in Yemen is a crisis of devastating proportions, and calling upon all parties to the armed conflict to ensure rapid, unhindered, unimpeded, sustained and safe humanitarian access, as part their obligations under international humanitarian law,

*Concerned* by the allegations of violations of international humanitarian law and of violations and abuses of human rights law in Yemen, including those involving grave violations against children and persons with disabilities, sexual and gender-based violence, attacks on humanitarian workers, civilians and civilian infrastructure, including medical facilities and missions and their personnel, as well as schools, the prevention of access for humanitarian aid, the use of import and other restrictions as a military tactic, the use of starvation of civilians as a method of warfare, the severe restrictions on freedom of religion or belief, including for minorities, such as members of the Baha'i faith, and the harassment of and attacks against journalists and human rights defenders, including women human rights defenders,

*Underlining* the important role played by free media and non-governmental human rights organizations in contributing to an objective appraisal of the human rights situation in Yemen,

*Recalling* the call of the Government of Yemen for an investigation into all cases of violations and abuses of human rights, and the relevant calls made by the United Nations High Commissioner for Human Rights, while noting in this regard the release of the sixth and seventh reports by the National Commission of Inquiry, in March and September 2019,

*Noting* the extensive work carried out by the National Commission of Inquiry and the significant challenges that it continues to face in carrying out independent comprehensive investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law in Yemen, and encouraging the Yemeni public prosecution office and judiciary to complete judicial proceedings, in accordance with international standards of fair trial and due process, to achieve justice and hold those responsible for abuses and violations accountable as soon as possible,

*Noting also* the work carried out by the Joint Incident Assessment Team,

*Welcoming* the report of the Group of Eminent International and Regional Experts as submitted to the United Nations High Commissioner for Human Rights,<sup>2</sup>

1. *Condemns* the ongoing violations and abuses of international human rights law and violations of international humanitarian law in Yemen, including those involving

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<sup>1</sup> S/PRST/2018/5 and S/PRST/2019/9.

<sup>2</sup> A/HRC/42/17.

the widespread recruitment and use of children by parties to the armed conflict, sexual and gender-based violence, arbitrary arrests and detention, denial of humanitarian access and attacks on civilians and civilian objects, including medical facilities and missions and their personnel, as well as schools, and emphasizes the importance of accountability;

2. *Calls upon* all parties to the armed conflict to respect their obligations and commitments under international human rights law and international humanitarian law, and in particular with regard to attacks against civilians and civilian objects, and to ensure rapid, unhindered, unimpeded, sustained and safe humanitarian access to the affected population nationwide, including by lifting obstacles to the importation of humanitarian goods, reducing bureaucratic delays, resuming salary payments for civil servants and ensuring the full cooperation of the Central Bank of Yemen;

3. *Also calls upon* all parties to the armed conflict in Yemen to end any use of starvation of civilians as a method of warfare and in this regard to implement fully Security Council resolution 2417 (2018) of 24 May 2018, and, in this context, strongly urges States to conduct, in an independent manner, full, prompt, impartial and effective investigations within their jurisdiction into violations of international humanitarian law related to the use of starvation of civilians as a method of warfare;

4. *Further calls upon* all parties to the armed conflict in Yemen to engage in the political process in an inclusive, peaceful and democratic way, ensuring the equal and meaningful participation and full involvement of women in the peace process, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent related resolutions, with all conflict resolution efforts and with commitments made as part of the outcome of the National Dialogue Conference;

5. *Demands* that all parties to the armed conflict in Yemen end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to cooperate with the United Nations for their reintegration into their communities, taking into consideration the recommendations made by the Secretary-General in his report on children and armed conflict;<sup>3</sup>

6. *Calls upon* all parties to the armed conflict in Yemen to implement fully Security Council resolutions 2216 (2015) and 2451 (2018) and the Stockholm Agreement, which will contribute to an improvement in the situation of human rights, and encourages all parties to reach a comprehensive agreement to end the conflict;

7. *Reiterates* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

8. *Calls upon* all parties to the armed conflict to immediately release all Baha'i detained in Yemen due to their religious belief, to cease their arbitrary arrest and detention and to cease the harassment and judicial persecution to which they are subjected;

9. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, and calls upon donor States and organizations to work on improving that situation, by

<sup>3</sup> A/73/907-S/2019/509.

providing both political and diplomatic support, and financial support for the Yemen humanitarian response plan for 2019, including by fulfilling their pledges, and invites all bodies of the United Nations system and Member States to assist the development process to tackle the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

10. *Acknowledges* the difficulty of the circumstances under which the National Commission of Inquiry operates, and that the continuation of the armed conflict and the continued violations and abuses of international human rights law and violations of international humanitarian law necessitate the continuation of the Commission's mandate, and the intensification of its work according to Presidential Decree No. 30 of 22 August 2019, and urges that its tasks be completed professionally, impartially and comprehensively;

11. *Urges* all parties to the armed conflict to take all the measures necessary to ensure effective, impartial and independent investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards, with a view to ending impunity;

12. *Decides* to renew the mandate of the Group of Eminent International and Regional Experts for a further period of one year, renewable as authorized by the Human Rights Council, as follows:

(a) To monitor and report on the situation of human rights, to carry out comprehensive investigations into all alleged violations and abuses of international human rights law and all alleged violations of international humanitarian law committed by all parties to the conflict since September 2014, including possible gender dimensions of such violations, to establish the facts and circumstances surrounding the alleged violations and abuses and, where possible, to identify those responsible;

(b) To make recommendations on improving respect for and protection and fulfilment of international human rights law and international humanitarian law, and to provide guidance on access to justice, accountability, reconciliation and healing, as appropriate;

(c) To engage with Yemeni authorities and all stakeholders, in particular relevant United Nations agencies, the field presence of the Office of the United Nations High Commissioner for Human Rights in Yemen, authorities of the Gulf States and the League of Arab States, with a view to exchanging information and providing support for national, regional and international efforts to promote accountability for violations and abuses of human rights and violations of international humanitarian law in Yemen;

13. *Requests* the Group of Eminent International and Regional Experts to present a comprehensive written report to the Human Rights Council at its forty-fifth session, to be followed by an interactive dialogue;

14. *Decides* to transmit that comprehensive written report of the Group of Eminent International and Regional Experts to the General Assembly, and recommends that the Assembly transmit the reports to all relevant bodies of the United Nations;

15. *Encourages* all parties to the armed conflict in Yemen to extend full and unfettered access and cooperation to the Group of Eminent International and Regional Experts;

16. *Requests* the Secretary-General and the High Commissioner to continue to provide the full administrative, technical and logistical support necessary to enable the Group of Eminent International and Regional Experts to carry out its mandate;

17. *Requests* the High Commissioner also to continue to provide substantive capacity-building, technical assistance and advice and legal support to enable the National Commission of Inquiry to continue to investigate allegations of violations and abuses committed by all parties to the armed conflict in Yemen, and in line with international standards, and encourages all parties to the armed conflict in Yemen to extend full and

transparent access and cooperation to the National Commission and the Office of the High Commissioner;

18. *Also requests* the High Commissioner to present to the Human Rights Council, at its forty-third session, an oral update on the situation of human rights in Yemen and the development and implementation of the present resolution.

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