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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,* Bulgaria, Canada,* Croatia,* Cyprus,* Czechia, Denmark, Estonia,* Finland,* France,* Germany, Greece,* Hungary,* Iceland,* Ireland,* Italy, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Montenegro,* Netherlands, New Zealand,* North Macedonia,* Norway,* Poland, Portugal,* Romania,* Slovakia, Slovenia,* Spain, Sweden* and Switzerland*: draft resolution

45/... 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, 2451 (2018) of 21 December 2018, 2452 (2019) of 16 January 2019, 2481 (2019) of 15 July 2019, and 2505 (2020) of 13 January 2020,

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 and 33/16 of 29 September 2016, and in particular resolutions 36/31 of 29 September 2017, 39/16 of 28 September 2018 and 42/2 of 26 September 2019,

Recalling further 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,

Reiterating its strong support for the ongoing efforts of the Secretary-General and his Special Envoy to reach an agreement on a nationwide ceasefire, humanitarian and economic measures and the resumption of an inclusive Yemeni-led and Yemeni-owned political process, as set out in relevant United Nations resolutions, including Security Council

* State not a member of the Human Rights Council.



resolution 2216 (2015), by the Cooperation Council for the Arab States of the Gulf initiative and its implementation mechanism, and by the outcome of the National Dialogue Conference, and welcoming in this regard the positive engagement of the Government of Yemen in the peace talks,

Welcoming the ceasefire agreement between the Government of Yemen and the Southern Transitional Council and the deployment of coalition ceasefire monitors, noting the efforts of Saudi Arabia to mediate this process, and encouraging parties to implement all provisions of the Riyadh Agreement as a necessary step towards a sustainable peace,

Taking note of the statements made by the President of the Security Council on 15 March 2018 on Yemen¹ and on 29 August 2019 on the situation in the Middle East,²

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 of international humanitarian law and violations and abuses of international human rights law, and to ensure also the full respect for international human rights law and international humanitarian law,

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 including the serious risk of famine, and the concerns expressed by the Secretary-General that the situation in Yemen is a crisis of devastating proportions, and urging all parties to the conflict to ensure rapid, unhindered, sustained, and safe access into and within Yemen for aid workers and humanitarian aid, including medical supplies, as part of the fulfilment of their obligations under international humanitarian law and to help to contain the spread of the coronavirus disease (COVID-19) and other deadly outbreaks in Yemen,

Gravely concerned also by the human rights violations linked to the COVID-19 pandemic as it spreads throughout Yemen, including reports of intimidation and the arrest of persons suspected of being infected with the virus, in an environment where years of conflict have destroyed much of the country's health and sanitation infrastructure,

Gravely concerned further by the ongoing violations of international humanitarian law and violations and abuses of human rights in Yemen, including attacks on humanitarian workers, civilians and civilian infrastructure, such as medical facilities and schools, the prevention of access for humanitarian aid, including the use of restrictions on imports and other restrictions as a military tactic, grave violations and abuses against children, including the recruitment and use of children by parties to armed conflict, torture, enforced disappearance and arbitrary detention, starvation of civilians as a method of warfare, sexual and gender-based violence and the targeting of migrants, journalists, human rights defenders, including women human rights defenders, children, persons with disabilities, and persons belonging to minority groups,

Underlining that international human rights law protects the right to freedom of religion or belief for all, including for minorities, such as members of the Baha'i faith, and condemning discrimination against and the persecution of persons based on their religion or belief,

Concerned by the serious humanitarian, environmental and economic threats posed by the *Safer* oil tanker, and the risks they pose to the situation of human rights in Yemen,

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

¹ S/PRST/2018/5.

² S/PRST/2019/9.

in Yemen, and condemning any attack against journalists and media workers, including in recent months the reported death sentences, assassinations, and acts of arbitrary detention and intimidation, as highlighted by the United Nations High Commissioner for Human Rights in a press release on 6 August 2020,

Recalling the call of the Government of Yemen for an investigation into all cases of violations of international humanitarian law and violations and abuses of human rights law, and the relevant calls made by the High Commissioner, while noting in this regard the release of the eighth report by the National Commission of Inquiry in August 2020,

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 on Yemen³ and the report of the Office of the High Commissioner on the implementation of the technical assistance provided to the National Commission of Inquiry,⁴

Expressing its deepest concern at the findings of the Group of Eminent International and Regional Experts, and deploring the lack of cooperation by the parties to the conflict with it,

1. *Strongly condemns* the ongoing violations and abuses of international human rights law and violations of international humanitarian law in Yemen, including those involving 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, universities, and on their students, teachers and personnel, 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, 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. *Welcomes* the call made by the Secretary-General for a global ceasefire and that of his Special Envoy for Yemen for a complete, immediate and nationwide ceasefire, urges all parties to the conflict in Yemen to direct their efforts to enact it, and also urges them to engage meaningfully in the political process under the auspices of the Special Envoy, in accordance with Security Council resolutions 2216 (2015) and 2451 (2018) and the Stockholm Agreement signed on 13 December 2018, including with the equal voice and full and meaningful participation and representation of women in all efforts and decision-making;

4. *Calls upon* all parties 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 and all conflict-resolution efforts, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent related resolutions, and with the commitments made as part of the outcome of the National Dialogue Conference;

5. *Demands* in this respect the immediate release of all persons arbitrarily detained or forcibly disappeared, including all political prisoners and journalists, notes in

³ A/HRC/45/6.

⁴ A/HRC/45/57.

particular the additional, potentially life-threatening risks to health created by COVID-19 pandemic and the potential it has to exacerbate the already dire situation of detainees, and notes in this regard the statements made by the United Nations High Commissioner for Human Rights and the Group of Eminent International and Regional Experts;

6. *Urges* all parties 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 also urges States to conduct, in an independent manner, full, prompt, impartial and effective investigations within their jurisdiction into violations of international humanitarian law relating to the use of starvation of civilians as a method of warfare;

7. *Calls upon* parties to give the United Nations immediate access to the *Safer* oil tanker without preconditions;

8. *Demands* that all parties to the armed conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties in Yemen 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;⁵

9. *Deplores* the psychological impact of the conflict on children in Yemen, and urges all parties to ensure that children affected by the conflict have access to appropriate health treatment, including mental health and psychosocial support;

10. *Urges* all States to refrain from transferring arms to any party to the conflict when they assess an overriding risk that those arms could be used to commit or facilitate a serious violation of human rights law or international humanitarian law; such risk assessments should be done thoroughly and in accordance with applicable national procedures and international obligations and standards;

11. *Calls upon* all parties 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;

12. *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;

13. *Calls upon* all parties to immediately cease the harassment and judicial persecution of all Baha'i in Yemen due to their religious belief, and to refrain from any further arbitrary arrest or detention of them;

14. *Expresses deep concern* at the devastating humanitarian situation in Yemen, and calls upon donor States and organizations to work on improving that situation through both political and diplomatic support and by urgently providing financial support for the Yemen humanitarian response plan for 2020, including by fulfilling existing pledges and promptly disbursing pledged funds, and invites all bodies of the United Nations system and Member States to assist the development process to tackle the economic and social challenges

⁵ A/72/361-S/2017/821.

faced by Yemen in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

15. *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. 50 of 23 August 2017, and urges that its tasks be completed professionally, impartially and comprehensively;

16. *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 identifying perpetrators and ending impunity;

17. *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, to collect, preserve and analyse information and, where possible, to identify those responsible;

(b) To continue to make recommendations on improving the respect for and protection and fulfilment of international human rights law and international humanitarian law, and to provide continued 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 human rights violations and abuses and violations of international humanitarian law in Yemen;

(d) To explore and report on recommended approaches and practical mechanisms of accountability to secure truth, justice and redress for victims, in coordination with relevant mandates of the special procedures of the Human Rights Council;

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

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

20. *Urges* 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;

21. *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;

22. *Requests* the High Commissioner 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 in Yemen and in line with international standards, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission and the Office of the High Commissioner;

23. *Requests* the Group of Eminent International and Regional Experts to present to the Human Rights Council, at its forty-sixth session, an oral update on the situation of human rights in Yemen and the development and implementation of the present resolution, and calls upon the High Commissioner to remain actively seized of the matter.
