



# General Assembly

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## Human Rights Council

### Forty-eighth session

13 September–8 October 2021

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,\* Austria, Belgium,\* Bulgaria, Canada,\* Croatia,\* Cyprus,\* Denmark,  
Finland,\* France, Germany, Greece,\* Iceland,\* Ireland,\* Italy, Latvia,\*  
Liechtenstein,\* Luxembourg,\* Malta,\* Montenegro,\* Netherlands, North  
Macedonia,\* Norway,\* Portugal,\* Romania,\* San Marino,\* Slovakia,\* Slovenia,\*  
Sweden\* and Switzerland:\* draft resolution**

## 48/... Situation of human rights 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, 2417 (2018) of 24 May 2018, 2451 (2018) of 21 December 2018, 2452 (2019) of 16 January 2019, 2481 (2019) of 15 July 2019, 2505 (2020) of 13 January 2020, 2534 (2020) of 14 July 2020, 2564 (2021) of 25 February 2021 and 2586 (2021) of 14 July 2021,*

*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, 42/2 of 26 September 2019 and 45/15 of 6 October 2020,*

*Expressing grave concern at the ongoing violence in Yemen, including the ongoing escalation in Ma'rib and the increasing Houthi attacks on Saudi Arabia, especially those affecting civilians and civilian objects,*

*Reiterating its strong support for the efforts of the Secretary-General and his former Special Envoy for Yemen to reach a resolution to the conflict,*

*Expressing full support for the newly appointed Special Envoy for Yemen in his efforts to build on the work of his predecessors and to pursue an inclusive Yemeni-led and Yemeni-owned political process,*

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



*Welcoming* the continued efforts of Saudi Arabia to support the full implementation of the provisions of the Riyadh Agreement, and noting the initiative of 2 July 2021 to end all forms of escalation,

*Recalling* the statements made by the President of the Security Council on 15 March 2018 and 29 August 2019,<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 of international humanitarian law and violations and abuses of human rights, and to ensure the full respect therefor,

*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 all parts of 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,

*Condemning* the ongoing violations of international humanitarian law and violations and abuses of human rights in Yemen, including repeated attacks targeting humanitarian workers, civilians and civilian infrastructure, such as medical facilities, torture, enforced disappearance and arbitrary detention, sexual and gender-based violence, child, early and forced marriage and the targeting of migrants, internally displaced persons, journalists, human rights defenders, including women human rights defenders, children, persons with disabilities, and persons belonging to minority groups,

*Gravely concerned* by ongoing patterns of violations of international law and violations and abuses of the rights of children, including the killing and maiming of children as a result of the conflict, the recruitment and use of children by parties to the armed conflict, attacks on schools and the use of schools for military purposes, as well as the very high dropout rate from school,

*Gravely concerned also* by reports of the use of starvation of civilians as a method of warfare, including through attacks targeting farms, water and food facilities, artisanal fishing boats, storage and transport facilities and other objects indispensable for the survival of the civilian population, and by the restriction of access for humanitarian aid, including the use of undue restrictions on imports and other restrictions as a military tactic, underlining that the denial of humanitarian assistance may amount to a violation of international humanitarian law,

*Underlining* that any use of starvation of civilians as a method of warfare is prohibited under international law and may constitute a war crime,

*Expressing its utmost alarm* at the grave threat posed by the *Safer* oil tanker, whose dire and dilapidated condition risks an environmental, economic, maritime, humanitarian and human rights catastrophe for Yemen and the region,

*Strongly condemning* the missile attack during the arrival of the newly formed Cabinet of the Government of Yemen at Aden airport in December 2020,

*Underlining* that international human rights law protects the right to freedom of religion or belief for all, including for persons belonging to religious minorities, such as members of the Baha'i and Jewish faiths, and condemning discrimination against and the

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

arbitrary arrest and detention, torture, enforced disappearance, deportation and persecution of persons based on their religion or belief,

*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 in Yemen, and condemning the further shrinkage of democratic space,

*Condemning* any attack against civil society, human rights defenders, journalists and media workers, including reported death sentences, assassinations, enforced disappearance, arbitrary detention, intimidation and torture,

*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, while stressing the need for an impartial investigation, and the relevant calls made by the United Nations High Commissioner for Human Rights, while noting in this regard the release in September 2021 of the ninth report by the National Commission of Inquiry,

*Emphasizing* the importance of compiling comprehensive, verifiable and transparent records of all casualties of conflicts,

*Emphasizing also* that, under applicable international law, the parties to an 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,

*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 conduct fair and independent criminal proceedings in accordance with international law requirements, including fair trial guarantees, 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 of the Coalition to Restore Legitimacy in Yemen,

*Welcoming* the report of the Group of Eminent International and Regional Experts on Yemen<sup>2</sup> and the recommendations therein, and the report of the Office of the United Nations High Commissioner for Human Rights on the implementation of the technical assistance provided to the National Commission of Inquiry,<sup>3</sup>

*Expressing its deepest concern* at the findings of the Group of Eminent International and Regional Experts regarding violations of international humanitarian law and violations and abuses of human rights, and deploring the continuing lack of cooperation by the parties to the conflict with it,

1. *Strongly condemns* the ongoing violations and abuses of human rights and violations of international humanitarian law in Yemen, including those involving the widespread recruitment and use of children by parties to the armed conflict and other violations of children's rights, sexual and gender-based violence, arbitrary arrests and detention, the denial of humanitarian access and attacks targeting civilians and civilian objects, including medical facilities and their personnel, as well as schools, universities, and 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 the prohibition of attacks directed at civilians and civilian objects, and to allow and facilitate rapid, unhindered, unimpeded, sustained and safe access for humanitarian supplies and personnel into the country and to the affected population nationwide, by, inter alia, lifting obstacles to the importation and movement of humanitarian goods, including at the port of Hudaydah, reducing bureaucratic delays, resuming salary

<sup>2</sup> A/HRC/48/20.

<sup>3</sup> A/HRC/48/48.

payments for civil servants, including through the use of port revenues, and ensuring the full cooperation of the Central Bank of Yemen;

3. *Calls upon* all parties in Yemen to fully cooperate with the Special Envoy of the Secretary-General for Yemen, without preconditions, and engage in a political process under the auspices of the United Nations in an inclusive, peaceful and democratic way, ensuring the equal and meaningful participation and full involvement of women in the political process and all peacebuilding and 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, including with regard to children's rights and protection concerns;

4. *Demands* in this respect the immediate release of all persons arbitrarily detained or forcibly disappeared, including political prisoners, human rights defenders and journalists, notes in particular the additional, potentially life-threatening risks to health created by the COVID-19 pandemic and its potential 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 on Yemen;

5. *Strongly 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 to take proactive steps to prevent further harm to civilians, 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 and attacks on objects indispensable for the survival of the civilian population;

6. *Calls upon* all parties to fully cooperate with and support initiatives to prevent the foreseen environmental, humanitarian and economic disaster threatened by the *Safer* oil tanker, and requests the Houthis to grant access to the *Safer* and to give urgent consideration to contingency planning in the event of a leak, fire or explosion;

7. *Welcomes* the report of the Secretary-General on children and armed conflict,<sup>4</sup> and urges all parties to ensure that the Secretary-General's recommendations are implemented fully, to take all the preventive and mitigating action necessary to avoid and minimize harm to children and better protect them, to cease indiscriminate attacks on schools and educational facilities and the use of schools for military purposes, contrary to international humanitarian law, to end the recruitment and use of children and to immediately release those who have been recruited, and calls upon all parties to treat children formerly associated with parties to the conflict primarily as victims and to cooperate with the United Nations for their reintegration into their communities;

8. *Deeply deplores* the physical and psychological impact of the conflict on children in Yemen,<sup>5</sup> and urges all parties to ensure that all children affected by the conflict have access to gender- and age-responsive health services, including mental health and psychosocial support;

9. *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;

10. *Calls upon* all parties in Yemen to implement fully Security Council resolutions 2216 (2015), 2451 (2018), 2532 (2020) of 1 July 2020 and 2565 (2021) of 26 February 2021 and the Stockholm Agreement signed on 13 December 2018, 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;

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<sup>4</sup> A/75/873-S/2021/437.

<sup>5</sup> See A/72/361-S/2017/821.

11. *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 Worst Forms of Child Labour Convention, 1999 (No. 182), of the International Labour Organization, 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;

12. *Calls upon* all parties to immediately cease the harassment, detention, torture, enforced disappearance, deportation and judicial persecution of all persons belonging to religious minorities in Yemen, including members of the Baha'i and Jewish faiths, due to their religious belief, and to refrain from any further arbitrary arrest or detention of them;

13. *Expresses deep concern* at the devastating humanitarian situation in Yemen, including the growing risk of large-scale famine, 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 2021, 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 faced by Yemen in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

14. *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 human rights and violations of international humanitarian law necessitate the continuation of the Commission's mandate and the intensification of its work in accordance with presidential decree No. 50 of 23 August 2017, and urges that its tasks be completed professionally, impartially and comprehensively;

15. *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, including the preservation of evidence, in accordance with international standards, with a view to identifying perpetrators and ending impunity;

16. *Decides* to renew the mandate of the Group of Eminent International and Regional Experts for a further period of two years, 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 human rights and all alleged violations of international humanitarian law committed by all parties to the conflict since September 2014, including the age and gender dimensions of any 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 respect for and the 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, including 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, the League of Arab States and civil society, 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, and to advancing on specific avenues for pursuing accountability;

(d) To engage with Yemeni authorities and all relevant stakeholders to bring forward recommended approaches and practical mechanisms of accountability to secure truth, justice and redress for victims;

17. *Requests* the Group of Eminent International and Regional Experts to present to the Human Rights Council, at its forty-ninth and fifty-second sessions, an oral update on the situation of human rights in Yemen and the development and implementation of the present resolution;

18. *Also requests* the Group of Eminent International and Regional Experts to present to the Human Rights Council, at its fifty-first and fifty-fourth sessions, a comprehensive written report, 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 to and to cooperate fully with the Group of Eminent International and Regional Experts;

21. *Requests* the Secretary-General, the High Commissioner, the General Assembly and the Office of the High Commissioner to continue to provide the full administrative, technical, resourcing 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 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 to and cooperate with the National Commission and the Office of the High Commissioner;

23. *Calls upon* the High Commissioner to remain actively seized of the matter.

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