



Human Rights Council

Twenty-seventh session

Agenda item 10

Technical assistance and capacity-building

draft resolution

Technical assistance and capacity-building for Yemen in the field of human rights

The Human Rights Council,

- (1) *Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the relevant human rights treaties,*
- (2) *Recalling Security Council resolutions 2014 (2011) of 21 October 2011 and 2051 (2012) of 12 June 2012 and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, and 24/32 of 27 September 2013*
- (3) *Recognizing that the promotion and protection of human rights are key factors in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability for the country,*
- (4) *Welcoming the progress in the political transition process, based on the Gulf Cooperation Council initiative and its implementation mechanism, and looking forward to the successful implementation of the National Dialogue Conference final outcome recommendations, to further progress in the drafting of the new constitution and to subsequent stages of the transition, and noting also in this regard the President's 10-point speech of 28 July 2014, [Yemen News Agency SABA 28 July 2014]*
- (5) *Welcoming also the ongoing implementation of the confidence-building measures contained in the 20 and 11 recommendation points contained in the reports on the preparation and the first phase of the National Dialogue Conference, in particular the measures to address the grievances of the citizens of Southern Yemen and Sada'a, (27/L.33 was clarified as above in editing process)*
- (6) *Welcoming further the commitment of the Government of Yemen to fully promote and protect human rights,*
- (7) *Welcoming the Cabinet approval of the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, and*

noting the intention of the Cabinet to accede to the Rome Statute of the International Criminal Court, while recalling the recommendation of the High Commissioner calling for a swift approval by Parliament to become party to these instruments, [report para 70d]

(8) *Recalling* UN Security Council resolution 2140 (2014),

(9) *Aware of* reports by OCHA that the existing humanitarian emergency affects the enjoyment of social and economic rights, [report para 19]

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the human rights situation in Yemen¹ and of the debate held during the twenty-fourth session of the Human Rights Council, as well as the statement and comments by the Government of Yemen on the report and its willingness to cooperate with the United Nations and Office of the High Commissioner;

2. *Notes with appreciation* the efforts made by the Government of Yemen to implement Human Rights Council resolutions 18/19, 19/29, 21/22 and 24/32;

3. *Welcomes* the active cooperation of the Government with the Office of the High Commissioner in the field of technical assistance ;

3bis *Urges* the competent state organs of Yemen, in particular the Parliament, to ensure the early adoption of the draft law establishing an independent national human rights institution, in accordance with the Paris Principles, adopted by the General Assembly of the United Nations through A/Res/48/134, and welcomes the commitments of the Government and the steps taken in this regard; [report 70d]

4. *Notes* that the appointment of the members of the committee to investigate allegations of violations of human rights in 2011, established by Republican Decree No. 140 of 2012, as invited by Human Rights Council resolution 24/32, has not yet been finalized by the President, notes also the High Commissioner's concern on the continuous delay and calls for the implementation of the pertinent recommendation of the High Commissioner in this regard, to name its members and provide the committee with all facilities to carry out its task, which is needed to secure the viability of this national mechanism; [report para 71a and introduction DHC to item 10]

5. *Welcomes* the recommendation of the National Dialogue Conference that a transitional justice law be adopted that addresses victims' rights to remedies for human rights violations and without impediments, and calls upon the Government to ensure the early adoption of a law on transitional justice and national reconciliation that is in accordance with the international obligations and commitments of Yemen and consistent with best practices and recalls in this regard the recommendation to cooperate with the OHCHR; [report para 71c][NDC final communique *emancipation from the past* and NDC recommendation 71]

6. *Calls upon* the Government to release persons arbitrarily detained and to end any practice of unlawful detention of persons, and recalls Cabinet decision No. 180 (2012) to release all those imprisoned for their participation in the events of 2011; [report 71d]

6bis *Takes note with concern* of armed violence in i.a. Dhale'a, Amran, Al Jawf, Ma'rib, Sana' and in particular the recent escalation of violence, and calls on all parties to respect their obligations under international human rights law and, as applicable, humanitarian law and to ensure humanitarian access to the affected population and in this

¹ A/HRC/27/44.

connection calls for an investigation into all cases of violations and abuses of human rights and cases of violations of international humanitarian law; [report para 70b, 71 f, 71 e]

7. *Welcomes* the measures of the Government of Yemen to end the recruitment and use of children, and looks forward to the implementation of those measures, including the action plan signed with the UN in May 2014, without further delay;

8. *Demands* that armed groups 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 and other qualified groups for their reintegration into their communities, taking into consideration the relevant recommendations made by the Secretary-General in his report on children and armed conflict;²

9. *Calls upon* the Government of Yemen to investigate cases of violence against journalists and review cases of detention of journalists, in accordance with its international obligations to respect the freedom of expression, peaceful assembly and association;

10. *Notes with appreciation* the considerable representation of women in the National Dialogue Conference, welcomes the National Dialogue Conference final outcome recommendations on women's rights and encourages the Government of Yemen to ensure that the 30% quota for women in its governmental bodies recommended by the National Dialogue Conference is met and that they are able to participate in public life, free of discrimination and intimidation, including through the drafting process of the constitution; [report para 71h]

10bis *Calls upon* the Government of Yemen to uphold the rights of all non-nationals, including by becoming party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, by enacting an anti-trafficking law that is in line with international standards and by ensuring that law enforcement agencies actively investigate and prosecute perpetrators of crimes against migrants and refugees and by ensuring protection of trafficking victims; [cf report para 71k]

10 ter *Welcomes* the establishment of the Yemeni Business and Human Rights Forum in 2014;

11. *Encourages* the Government of Yemen to continue to implement the accepted recommendations contained in the reports of the High Commissioner³ with the support of her Office, and calls upon the Government to address the recommendations contained in the report of the High Commissioner submitted to the Human Rights Council at its twenty-seventh session;¹

12. *Reiterates* the commitments and obligations of the Government of Yemen to promote and protect the human rights of all individuals within its territory and subject to its jurisdiction and in this connection recalls that Yemen is a party to the International Convention for the Elimination of all forms of Racial Discrimination, the International Convention for 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 its Protocol on the involvement of Children in Armed Conflict, and its protocol on the sale of children, child prostitution and child pornography) and the Convention on Rights of Persons with Disabilities;

² A/67/845-S/2013/245. UPDATE? A/68/267 ?

³ A/HRC/18/21, A/HRC/19/51, A/HRC/21/37 and A/HRC/24/34

13. *Looks forward* to the Government continuing its efforts to promote and protect human rights;

13a Welcomes the establishment of a National Committee for the Preparation of a National Human Rights Strategy and encourages the Government of Yemen to ensure the development of a National Human Rights Action Plan in accordance with the pertinent UN "Handbook on National Human Rights Plans of Action".

13bis *Stresses* that the work of the Panel of Experts established by the Security Council, is important in relation to the improvement of the human rights situation and plays an important role in the improvement of the accountability for the violations and abuses of human rights in Yemen;

14. *Calls on* the Government of Yemen to ensure, in the framework of scrupulous respect for due process-related rights, fair trial guarantees, including in cases involving the death penalty, and to continue to ensure that the death penalty is not applied to minors, in conformity with commitments undertaken by the Government, including during its universal periodic review in 2009, and in conformity with the National Dialogue Conference Outcome Document, and notes in this connection the work of the Specialized Forensic Technical Committee and the accelerated efforts of the Government to improve birth registration with international assistance; [report para 43]

15. *Welcomes* the recommendation of the National Dialogue Conference calling for the establishment of a minimal age for marriage and the criminalization of early, forced marriages and welcomes also the efforts by the Government of Yemen to promote and protect the rights of children, and calls upon the Government to ensure the early adoption of the Child Rights Bill and rapid progress in getting in place appropriate legislative, administrative, social and educational measures to eliminate the occurrence of child, early and forced marriages, [report para 43]

15bis Calls upon all political parties and groups to cooperate constructively in implementing the Outcome of the National Dialogue Conference and to refrain from action which might exacerbate the already fragile situation; [latter part from statement Pres SC 29 August 2014]

16. *Invites* all bodies of the United Nations system, including the Office of the High Commissioner, and Member States, to assist the transitional process in Yemen, including by supporting the mobilization of resources 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;

17. *Calls upon* the international community to provide financial support for the Yemen humanitarian response plan of 2014;

18. *Requests* the High Commissioner to provide technical assistance and to work with the Government of Yemen, as needed, to identify additional areas of assistance to enable Yemen to fulfil its human rights obligations;

19. *Requests* the Office of the High Commissioner to present to the Human Rights Council, at its thirtieth session, a progress report on the situation of human rights in Yemen and on the follow-up to the present resolution and Council resolutions 18/19, 19/29, 21/22 and 24/32.