



# General Assembly

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## Human Rights Council

Twenty-seventh session

Agenda item 10

### Technical assistance and capacity-building

**Australia,\*Austria, Bahrain,\* Bulgaria,\* Canada,\* Croatia,\* Cyprus,\* Czech Republic, Denmark,\* Djibouti,\* France, Germany, Greece,\* Hungary,\* Indonesia, Iraq,\* Ireland, Italy, Japan, Jordan,\* Latvia,\* Lebanon,\* Libya,\* Luxembourg,\* Mauritania,\* Montenegro,\* Netherlands,\* New Zealand,\* Norway,\* Oman,\* Poland,\* Qatar,\* Saudi Arabia, Slovakia,\* Somalia,\* Spain,\* State of Palestine,\* Sweden,\* Tunisia,\* Turkey,\* United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Yemen:\* draft resolution**

### **27/... Technical assistance and capacity-building for Yemen in the field of human rights**

*The Human Rights Council,*

*Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the relevant human rights treaties,*

*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,*

*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,*

*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 recommendations made in the National Dialogue Conference outcome document, to further progress in the drafting of the new Constitution and to subsequent stages of the transition, and noting also in that regard the 10-point speech made by the President on 28 July 2014,*

*Welcoming also the ongoing implementation of the confidence-building measures contained in the 20 and 11 recommendation points contained in the reports on the*

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\* Non-member State of the Human Rights Council.



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,

*Welcoming further* the commitment of the Government of Yemen to fully promote and protect human rights,

*Welcoming* the approval by the Cabinet 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 United Nations High Commissioner for Human Rights calling for a swift approval by Parliament to become party to those instruments,

*Recalling* Security Council resolution 2140 (2014) of 26 February 2014,

*Aware* of reports by the Office for the Coordination of Humanitarian Affairs that the existing humanitarian emergency affects the enjoyment of social and economic rights,

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

4. *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 principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), adopted by the General Assembly in its resolution 48/134 on 20 December 1993, and welcomes the commitments of the Government and the steps taken in that regard;

5. *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 the Human Rights Council in its resolution 24/32, has not yet been finalized by the President, also notes the High Commissioner's concern at the continuous delay and calls for the implementation of the pertinent recommendation of the High Commissioner in that 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 that national mechanism;

6. *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 that regard the recommendation to cooperate with the Office of the High Commissioner;

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<sup>1</sup> A/HRC/27/44.

7. *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;

8. *Takes note with concern* of armed violence in, inter alia, Dhale'a, Amran, Al Jawf, Ma'rib and Sana'a, and in particular the recent escalation of violence, and calls upon 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 that connection calls for an investigation into all cases of violations and abuses of human rights and cases of violations of international humanitarian law;

9. *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 United Nations in May 2014, without further delay;

10. *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;<sup>2</sup>

11. *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;

12. *Notes with appreciation* the considerable representation of women in the National Dialogue Conference, welcomes the recommendations made in the National Dialogue Conference outcome document on women's rights, and encourages the Government of Yemen to ensure that the 30 per cent quota for women in its governmental bodies recommended by the National Dialogue Conference is met and that women are able to participate in public life, free of discrimination and intimidation, including through the drafting process of the Constitution;

13. *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, supplementing the United Nations Convention against Transnational Organized Crime, by enacting an anti-trafficking law that is in accordance with international standards, by ensuring that law enforcement agencies actively investigate and prosecute perpetrators of crimes against migrants and refugees, and by ensuring protection of trafficking victims;

14. *Welcomes* the establishment of a Yemeni business and human rights forum in 2014;

15. *Encourages* the Government of Yemen to continue to implement the accepted recommendations contained in the reports of the High Commissioner<sup>3</sup> 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;<sup>1</sup>

16. *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 that connection recalls that Yemen is a party to the International

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<sup>2</sup> A/67/845-S/2013/245 and A/68/267.

<sup>3</sup> A/HRC/18/21, A/HRC/19/51, A/HRC/21/37 and A/HRC/24/34.

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 on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography thereto, and the Convention on the Rights of Persons with Disabilities;

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

18. *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 *Handbook on National Human Rights Plans of Action* produced by the Office of the High Commissioner;

19. *Stresses* that the work of the Panel of Experts established by the Security Council in its resolution 2140 (2014) is important in relation to the improvement in the human rights situation and plays an important role in the improvement of the accountability for violations and abuses of human rights in Yemen;

20. *Calls upon* 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 that connection the work of the Specialized Forensic Technical Committee and the accelerated efforts of the Government to improve birth registration with international assistance;

21. *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 putting in place appropriate legislative, administrative, social and educational measures to eliminate the occurrence of child, early and forced marriages;

22. *Calls upon* all political parties and groups to cooperate constructively in implementing the outcome document of the National Dialogue Conference and to refrain from action that might exacerbate the already fragile situation;

23. *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;

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

25. *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;

26. *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.

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