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Agenda item 10

Technical assistance and capacity-building

Resolution adopted by the Human Rights Council on 7 October 2022

51/39. Technical assistance and capacity-building for Yemen in the field of human rights

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,

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

Recalling Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and 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, 36/31 of 29 September 2017, 39/23 of 28 September 2018, 42/31 of 27 September 2019, 45/26 of 6 October 2020 and 48/21 of 11 October 2021,

Emphasizing Security Council resolutions 2216 (2015) of 14 April 2015, 2451 (2018) of 21 December 2018 and 2624 (2022) of 28 February 2022,

Welcoming the announcement on 1 April 2022 by the Special Envoy of the Secretary-General for Yemen that a truce had been agreed between the Government of Yemen and the Houthis, his announcement on 2 August 2022 that the truce had been extended until 2 October, expressing with appreciation for the Special Envoy's ongoing efforts to renew the United Nations-mediated truce, and welcoming also the Stockholm Agreement, accepted by the Government of Yemen and the Houthis, for a ceasefire in the city of Hudaydah, and the mutual redeployment of the forces from the ports of Hudaydah, Salif and Ra's Isa, thereby establishing a mechanism for activating the exchange of prisoners, lifting the siege of the city of Ta'izz and facilitating the delivery of humanitarian aid,

Reiterating its strong support for the international efforts to reach a comprehensive ceasefire, to end the conflict in Yemen and to renew a meaningful and inclusive political dialogue for peace, represented by the initiative of the Special Envoy of the Secretary-General for Yemen, the initiative of Saudi Arabia, the efforts of the Special Envoy of the United States of America for Yemen and some countries in the region, and recalling the need for all parties to the conflict to react to these efforts in a flexible and constructive manner,



without preconditions, and to fully and immediately implement all provisions of relevant Security Council resolutions, while welcoming in this regard the positive engagement of the Government of Yemen,

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

Recalling the agreement by 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, including the completion of the drafting of a new constitution,

Recalling with appreciation Presidential Decree No. 9 of 28 September 2021, in which the mandate of the National Commission of Inquiry was extended for a period of two years with a view to investigating all human rights violations since 2011,

Recalling the Riyadh Agreement signed by the Government of Yemen and the Southern Transitional Council, and encouraging the speedy and full implementation of the Agreement as an important step towards a political solution in Yemen,

Welcoming the establishment of the Presidential Leadership Council to lead the legitimate Government of Yemen, and calling for the pursuit of negotiations with the Houthis under the supervision of the Special Envoy of the Secretary-General for Yemen with a view to reaching a final and comprehensive political settlement in Yemen, and welcoming also the position adopted by the Government of Yemen in favour of the resumption of international flights from Sana'a airport and the unimpeded entry of commercial and humanitarian shipping into all Yemeni ports, including the ports of Hudaydah and Salif,

Expressing concern about the potential environmental, economic and humanitarian risks posed by the situation of the oil tanker Safer and its possible impact on the enjoyment of human rights of the people of Yemen and the whole region,

Aware of reports by the Office for the Coordination of Humanitarian Affairs indicating that the existing humanitarian emergency affects the enjoyment of fundamental human rights, including social and economic rights, and that the parties to the conflict must facilitate the rapid, safe and unhindered delivery of humanitarian aid,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on technical assistance and capacity-building in Yemen;¹

2. *Notes* the comments made by the Government of Yemen on the report of the High Commissioner during the present session;

3. *Welcomes* the cooperation between the Government of Yemen and the Office of the United Nations High Commissioner for Human Rights and other relevant United Nations bodies and mechanisms;

4. *Takes note* of the tenth report of the National Commission of Inquiry;

5. *Welcomes* the work carried out by the Joint Incident Assessment Team and its cooperation with the Office of the High Commissioner and its country office in Yemen;

6. *Notes with appreciation* the work done to date by the National Commission of Inquiry despite the challenges it has faced, and welcomes the progress it has made, such as the regular field visits made throughout Yemen, the consultations held with civil society groups and the improved reporting on different types of human rights violations and abuses and violations of international humanitarian law by all parties to the conflict;

7. *Calls upon* the Houthis to lift the siege they are imposing on the city of Ta'izz, and upon all parties to immediately implement the Stockholm Agreement in order to begin

¹ A/HRC/51/62.

negotiations for a comprehensive and inclusive political solution to the current crisis in Yemen;

8. *Expresses deep concern* at the serious human rights abuses and violations of international human rights law and international humanitarian law in Yemen committed by all parties to the conflict, including those involving sexual and gender-based violence, the continued recruitment of children, contrary to international treaties, the abduction of political activists, the human rights violations against journalists, the killing of civilians, the prevention of access for relief and humanitarian aid, persecution on the basis of religion or belief, the cutting of electricity and water supplies, attacks against hospitals and ambulances and the destruction of crops, irrigation canals, fishing vessels and food supplies;

9. *Calls upon* all parties to the conflict in Yemen to respect their obligations under international human rights law and international humanitarian law, to immediately cease attacks on civilians, including on those delivering medical supplies and on aid workers, and to facilitate rapid, safe and unhindered humanitarian access to the affected population nationwide;

10. *Expresses deep concern* at all attacks against civilian objects, in violation of international humanitarian law, recalls the obligations of all parties to the conflict to take all precautions necessary to avoid and in any event to minimize harm to civilians and civilian objects, such as schools, markets and medical facilities, and the prohibition on attacking or destroying infrastructure and provisions that are indispensable to the survival of the civilian population, including water installations, supplies and foodstuffs, and strongly condemns the launching of ballistic and other missiles targeting the territory of neighbouring countries and posing a major threat to regional peace and stability and the security of international trade in Red Sea shipping lanes;

11. *Urges* the Government of Yemen to take measures to protect civilians and to take appropriate measures with a view to ending impunity for all cases involving violations and abuses of human rights and international humanitarian law, violence against journalists and the detention of journalists and political activists;

12. *Requests* all parties to the conflict in Yemen to fully implement Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encourages all parties to the conflict to reach a comprehensive agreement to end the conflict while ensuring the full participation of women in the political and peacemaking process;

13. *Demands* that all parties to the conflict in Yemen abide by the truce, cease all military operations, continue the inter-Yemeni negotiations with a view to reaching a mutually agreed comprehensive and lasting political solution to the conflict, and allow access for humanitarian assistance to all Yemeni towns and villages, urges the Houthis to respond to the requests of the Special Envoy of the Secretary-General for Yemen for them to open the crossing points to the city of Ta'izz, end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to the conflict to cooperate with the United Nations for their reintegration into their communities;

14. *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 the territory that it controls and that is 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;

15. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, which is further exacerbated by the spread of the coronavirus disease (COVID-19), expresses its appreciation to donor States and organizations working on improving that situation and for their commitment to provide financial support for the United Nations Yemen humanitarian response plan for 2022, calls upon all States to increase their financial support for United Nations relief operations and urges States to fulfil their pledges to the relevant United Nations humanitarian appeal;

16. *Reaffirms* the responsibilities of all parties to the conflict to facilitate the immediate, safe and unhindered delivery of humanitarian assistance to all those who are in need, in accordance with the principles of international human rights law and international humanitarian law;

17. *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 consequences of the violence and 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;

18. *Welcomes* the technical assistance provided by the Office of the High Commissioner to the National Commission of Inquiry, and requests the High Commissioner to continue to provide substantive capacity-building and technical assistance to the Government of Yemen and all requisite technical and logistical support to the National Commission of Inquiry, at the same level as any investigation commission, to enable it to continue to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen, and in line with international standards, and to submit its comprehensive report on alleged human rights violations and abuses in all parts of Yemen, in accordance with Presidential Decree No. 9 of 28 September 2021, as soon as it is available, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission;

19. *Requests* the High Commissioner to present a report on the implementation of technical assistance, as stipulated in the present resolution, to the Human Rights Council at its fifty-fourth session.

*44th meeting
7 October 2022*

[Adopted without a vote.]
