



Human Rights Council**Forty-sixth session**

22 February–24 March 2021

Agenda item 10

Technical assistance and capacity-building**Resolution adopted by the Human Rights Council
on 24 March 2021****46/29. Technical assistance and capacity-building for South Sudan**

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,

Reaffirming that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights,

Recalling all relevant Human Rights Council resolutions, including 26/31 of 27 June 2014 and 29/13 of 2 July 2015, on technical assistance and capacity-building for South Sudan in the field of human rights,

Emphasizing that States have the primary responsibility for the promotion and protection of human rights, and recalling that the Government of South Sudan has the responsibility to protect its populations from crimes against humanity,

Noting with appreciation the promulgation in 2013 of the Media Authority Act, which guarantees freedom of expression and that of peaceful assembly, through which more than 100 media agencies and approximately 25 different political forces currently operate in South Sudan,

Recognizing the establishment of a task force in December 2020 by the Ministry of Justice to implement chapter V of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, namely the establishment of a commission for truth, reconciliation and healing, a compensation and reparation authority and a hybrid court for South Sudan,

Recalling the Rome Declaration on the peace process in South Sudan signed on 12 January 2020, in which the Government of South Sudan and non-signatories to the Revitalized Agreement recommitted to the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access of 21 December 2017, and calling upon all parties to the Rome process to resume fully inclusive talks mediated by the Community of Sant'Egidio, while expressing concern at ongoing violations of the permanent ceasefire and the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access and urging all parties to the conflict to fully honour their commitments in this regard,



Appreciating the formation of the Revitalized Transitional Government of National Unity, and recognizing that this represented a significant step forward in the implementation of the Revitalized Agreement and an opportunity for peace, stability and sustainable improvement in the situation in South Sudan through, inter alia, the implementation of the commitments and obligations of South Sudan with respect to international human rights law and international humanitarian law,

Welcoming the formation of State governments in February 2021, and appreciating the ongoing consultations to implement the reconstitution of the Transitional National Legislative Assembly,

1. *Appreciates* the cooperation of the Government of South Sudan with the Office of the United Nations High Commissioner for Human Rights, the special procedures of the Human Rights Council and the Commission on Human Rights in South Sudan in the fulfilment of their mandates, including by authorizing travel to and within the country and providing meetings and relevant information, and giving unhindered access to them, as well as to the United Nations Mission in South Sudan, and regional, subregional and other international mechanisms in South Sudan;

2. *Welcomes* all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development, and the communiqués of the Peace and Security Council of the African Union of 14 November 2019 and 27 January 2020, in which the Council, inter alia, re-emphasized its request to the Government of South Sudan and the African Union Commission to accelerate the establishment of all transitional justice mechanisms as provided for in the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, including a commission for truth, reconciliation and healing, a compensation and reparation authority and a hybrid court for South Sudan;

3. *Also welcomes* the recent steps taken by the Government of South Sudan towards finalizing governance structures in South Sudan, and calls upon the Government to continue to make progress on finalizing all layers of State and local government and reconstituting the Transitional National Legislative Assembly, in accordance with the Revitalized Agreement;

4. *Stresses* that States have the primary responsibility for the promotion and protection of human rights, and should take measures to prevent human rights violations and abuses and to provide an effective remedy for victims of such violations and abuses, and recalls that the Government of South Sudan has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity;

5. *Recognizes* the political will of the Government of South Sudan to promote and protect human rights and its desire for tangible progress and for the prevention of further human rights violations and abuses, as corroborated by the appointment of a high-level peace committee to address communal violence leading to the disarmament of the rural population of small and light weapons and a considerable reduction in violence;

6. *Also recognizes* the important role of the reconstituted Joint Monitoring and Evaluation Commission and the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism in supporting the implementation of the Revitalized Agreement and its ceasefire provisions, and urges all parties and international partners to engage constructively with all institutions created pursuant to the Revitalized Agreement;

7. *Further recognizes* the importance of an inclusive process for national dialogue and the implementation of the Revitalized Agreement, and urges all parties and international partners to engage constructively with the African Union Commission, the African Union High Representative for South Sudan and the institutions created pursuant to the Revitalized Agreement;

8. *Calls upon* all parties to allow and facilitate, in line with the principles of international humanitarian law, the safe, unhindered and unrestricted access of humanitarian assistance so that it can be rapidly distributed to civilians in areas of need, to ensure the protection of humanitarian workers, and to guarantee their operations in the territory;

9. *Emphasizes* the need for the Government of South Sudan to ensure the effective and meaningful participation of women during all stages and in all structures envisaged in the Revitalized Agreement, and for all parties to the Agreement to meet their commitments regarding women's representation and to ensure balance in the representation of youth, gender and national and regional diversity in their appointments;

10. *Recognizes* the measures taken by the Government of South Sudan to protect and promote the rights to freedom of expression, peaceful assembly and association in accordance with its international human rights obligations, and to ensure that members of civil society organizations and the media can operate freely and without intimidation;

11. *Welcomes* the recent announcement by the Government of South Sudan on the beginning of the establishment of the hybrid court for South Sudan and the other transitional justice mechanisms set out in chapter V of the Revitalized Agreement, and urges the Government to work with the African Union to take all steps necessary to formally establish and operationalize the hybrid court, including by adopting the statute of the hybrid court and by signing the relevant memorandum of understanding as an urgent priority, and to take all steps necessary to establish the commission for truth, reconciliation and healing and the compensation and reparation authority;

12. *Also welcomes* ongoing efforts under the national action plan on sexual and gender-based violence signed in 2019, the formation and operationalization of a court addressing gender-based violence in January 2021, the action plans of the Sudan People's Liberation Army (in Opposition) and the South Sudan People's Defence Forces to tackle conflict-related sexual and gender-based violence, initiated in 2019, and the recent efforts to address sexual and gender-based violence by the use of mobile military courts in Central Equatoria, and encourages efforts to address conflict-related sexual violence and to strengthen accountability for crimes involving sexual and gender-based violence, to be replicated to scale to address impunity;

13. *Recognizes* the important role that women play in peacebuilding, and appreciates the efforts made by the Government of South Sudan for the protection and promotion of the rights of women and their empowerment and participation in peacebuilding, conflict resolution, post-conflict processes and humanitarian responses, in accordance with Security Council resolutions 1325 (2000) of 31 October 2000 and subsequent resolutions on women and peace and security, including Council resolutions 2242 (2015) of 13 October 2015 and 2493 (2019) of 29 October 2019;

14. *Also recognizes* the continued importance of an inclusive process for national dialogue and constitutional reform to help to ensure that the Revitalized Agreement delivers long-term stable governance;

15. *Stresses* the continuing need for the effective and meaningful participation of women during all stages and in all structures envisaged in the Revitalized Agreement, and for all parties to the Agreement to meet their commitments regarding women's representation, including adherence to the gender quota of 35 per cent for executive appointments as set out in the Agreement, and to have regard to the need to ensure balance in the representation of youth, gender and national and regional diversity in their appointments;

16. *Recognizes* the continued important role and efforts of the Intergovernmental Authority on Development in bringing parties together to advance the implementation of the Revitalized Agreement, and to support the inclusion of civil society, women and youth in all negotiations, including those relating to constitutional reform;

17. *Urges* all parties to the comprehensive action plan to end and prevent all six grave violations against children to take immediate and effective steps towards its implementation, including by releasing all children that have been recruited and abducted, and to take measures to ensure that all survivors have access to justice as well as to gender- and age-responsive medical, psychological and other support services, including for survivors of sexual and gender-based violence;

18. *Commends* the signing into law of the action plan in February 2020 to effectively address concerns over children associated with armed conflict, and calls for its implementation;

19. *Takes note* of the report of the Commission on Human Rights in South Sudan¹ and the recommendations contained therein;

20. *Appreciates* the efforts of the Government of South Sudan, through its Ministry of Gender, Child and Social Welfare, to combat violations and abuses against women and children, particularly sexual and gender-based violence;

21. *Reaffirms* the importance of continued emphasis on the need to establish the facts and circumstances of alleged violations and abuses of human rights with a view to ensuring that those responsible are held to account, welcomes the recommendations made by the Commission on Human Rights in South Sudan on ending impunity and ensuring accountability, and requests the United Nations High Commissioner for Human Rights to provide technical assistance to the Government of South Sudan in areas, to be identified by the Government and other human rights institutions in South Sudan, to strengthen its capacity to monitor and establish the facts and circumstances of alleged violations and abuses of human rights, and to make such information available also to all transitional justice mechanisms, including those to be established pursuant to chapter V of the Revitalized Agreement, including the hybrid court for South Sudan, once established in cooperation with the African Union with a view to ensuring that those responsible are held to account;

22. *Requests* the Office of the High Commissioner, in cooperation with the Government of South Sudan and relevant mechanisms of the African Union, to urgently assist South Sudan to address human rights challenges in the post-conflict transition, by:

(a) Monitoring and reporting on the situation of human rights in South Sudan, and to make recommendations to prevent any deterioration in the situation with a view to improving it;

(b) Assessing the technical assistance and capacity-building needs of South Sudan in consultation with the Government of South Sudan and relevant African Union mechanisms;

(c) Providing the required technical assistance and capacity-building, particularly with regard to the implementation of the Revitalized Agreement;

(d) Providing guidance on transitional justice, including accountability, reconciliation and healing, as appropriate, and making recommendations on technical assistance to the Government of South Sudan to support accountability, reconciliation and healing;

(e) Engaging with the Government of South Sudan, international and regional mechanisms, including the United Nations, the United Nations Mission in South Sudan and the African Union, including by building upon the work of the African Union, the Commission on Human Rights in South Sudan and the African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development, including the Partners Forum, the Chair of the reconstituted Joint Monitoring and Evaluation Commission and civil society, with a view to promoting accountability for human rights violations and abuses committed by all parties;

(f) Making recommendations on technical assistance and capacity-building, including for law enforcement institutions, on the promotion and protection of human rights and fundamental freedoms, including on addressing sexual and gender-based violence;

(g) Making recommendations on technical assistance and capacity-building for the implementation of chapter V of the Revitalized Agreement;

(h) Making recommendations on a follow-up process for the provision of technical assistance and capacity-building to South Sudan;

¹ A/HRC/43/56.

23. *Requests* the Office of the High Commissioner to provide technical assistance to South Sudan in order to convene two workshops on transitional justice, with the participation of relevant stakeholders;

24. *Also requests* the Office of the High Commissioner to work collaboratively with the African Commission on Human and Peoples' Rights, including with the Country Rapporteur for South Sudan;

25. *Further requests* the Office of the High Commissioner to provide the Government of South Sudan with the technical assistance necessary to support the realization of the indicators contained in the present resolution;

26. *Requests* the Secretary-General to provide all the resources necessary to enable the Office of the High Commissioner to provide such administrative, technical and logistical support as necessary to implement the provisions of the present resolution;

27. *Requests* the High Commissioner to present an oral update to the Human Rights Council at its forty-eighth session, including on progress made in the provisions described in the present resolution, during an enhanced interactive dialogue, with the participation of representatives of the African Union, and to present a comprehensive written report to the Council at its forty-ninth session during an interactive dialogue;

28. *Also requests* the High Commissioner to share the above-mentioned report and the recommendations contained therein with the African Union and all relevant organs of the United Nations, including the United Nations Mission in South Sudan;

29. *Decides* to remain seized of the matter.

*51st meeting
24 March 2021*

[Adopted without a vote.]
