



# General Assembly

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## Human Rights Council

### Fifty-second session

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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,\* Andorra,\* Australia,\* Austria,\* Belgium, Bosnia and Herzegovina,\* Bulgaria,\* Canada,\* Croatia,\* Cyprus,\* Czechia, Denmark,\* Estonia,\* Finland, Germany, Greece,\* Iceland,\* Ireland,\* Italy,\* Latvia,\* Liechtenstein,\* Lithuania, Luxembourg, Malta,\* Monaco,\* Montenegro, Netherlands (Kingdom of the),\* New Zealand,\* North Macedonia,\* Norway,\* Portugal,\* Romania, Slovakia,\* Slovenia,\* Spain,\* Sweden,\* Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution**

### 52/... Advancing human rights in 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 instruments,*

*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,*

*Reaffirming also Human Rights Council resolutions S-26/1 of 14 December 2016 and 31/20 of 23 March 2016, in which the Council established the Commission on Human Rights in South Sudan, and all subsequent Council resolutions on South Sudan,*

*Recalling all previous General Assembly and Security Council resolutions on South Sudan, and relevant statements made by the President of the Security Council, the Secretary-General and the Special Representative of the Secretary-General for South Sudan,*

*Noting all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development, the communiqués of the Peace and Security Council of the African Union on South Sudan, and the report of the Peace and Security Council on its field mission, adopted on 28 February 2023,*

*Noting also resolution 542 (LXXIII) 2022 of the African Commission for Human and Peoples' Rights on the situation of human rights in the Republic of South Sudan of 9 November 2022,*

*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*

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



responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity,

*Recalling* the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan and the obligations it imposes on all signatories, including the protection of the human rights of civilians at all times to ensure the safety and dignity of individuals and communities,

*Expressing disappointment* at the failure to implement the commitments made in the Revitalized Agreement, which resulted in the decision made on 22 February 2023 by the parties to extend the transitional period of the Revitalized Agreement by two years, approved by the reconstituted Joint Monitoring and Evaluation Commission, and the launch of a road map for implementation,

*Stressing* the urgent need to implement fully all provisions of the Revitalized Agreement during this period, including the transitional justice provisions and mechanisms under Chapter V,

*Highlighting* that, while the transitional justice mechanisms envisioned by Chapter V of the Revitalized Agreement, namely the commission for truth, reconciliation and healing, the compensation and reparation authority and the hybrid court for South Sudan, are yet to be established, there is a need for continued monitoring of and reporting on human rights violations and abuses, as well as for ongoing investigations and the collection and preservation of evidence to support the future work of these institutions,

*Noting* the binding commitment made by the parties to the Revitalized Agreement to ensure its full implementation, and the corresponding commitments made by the African Union, the Intergovernmental Authority on Development and key guarantor States to support the efforts of South Sudan,

*Recognizing* the continuing important role played and efforts made by the African Union, the Intergovernmental Authority on Development and the guarantors of the Revitalized Agreement in bringing parties together to advance its implementation, as well as the mediation efforts in the framework of the peace process between signatories and non-signatories of the Revitalized Agreement of the Community of Sant'Egidio,

*Expressing alarm* at the reports documented by the Commission on Human Rights in South Sudan of ongoing human rights violations and abuses by both State and non-State actors, including extrajudicial killings, forced disappearances, pervasive sexual and gender-based violence, including conflict-related sexual violence, arbitrary arrests and detentions, torture and other cruel, inhuman and degrading treatment, excessive restrictions on freedoms of expression and peaceful assembly in South Sudan, and in particular at reports of a continuing culture of impunity and lack of justice or accountability for alleged violations and abuses, even when supported by clear and verifiable evidence, and dismayed at the impact of human rights violations and abuses on the people of South Sudan and their potential to achieve full enjoyment of all human rights,

*Noting* efforts to address conflict-related sexual violence and to strengthen accountability for crimes involving sexual and gender-based violence, including through the implementation of the Joint Action Plan for the Armed Forces on addressing conflict-related sexual violence in South Sudan, and welcoming the endorsement by South Sudan of the political declaration on conflict-related sexual violence in November 2022, and the renewal of its commitments to eliminate conflict-related sexual violence within its territory,

*Welcoming* the convening of the first International Conference on Women's Transformational Leadership in Juba from 13 to 15 February 2023, while noting that the 35 per cent quota for women in executive positions mandated by the Revitalized Agreement has not yet been met and stressing that the full, equal and meaningful participation and leadership of women in public and political life are key to sustaining peace in South Sudan,

*Recognizing* the public consultations held in April 2022 on the design of legislation for the commission for truth, reconciliation and healing in 10 States and two of the three administrative areas of South Sudan, welcoming the inclusion of a broad range of sectors and views during this process, and encouraging the Government to apply the lessons learned from

the process to other public consultation processes in the run-up to a constitutional drafting process,

*Recalling* 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 a 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 its obligations under international humanitarian law,

*Noting* the passing of legislation in December 2022, such as the Constitution Making Process Act, as part of the implementation of the Revitalized Agreement, while noting the urgent need to open the civic and political space, to adopt an election law, to establish an inclusive electoral system and to advance an inclusive permanent constitution-making process to create the environment for free, fair and inclusive elections,

*Noting also* the agreement by the President and First Vice President to remove sections 54 and 55 of the 2014 National Security Service Act relating to the arrest and detention powers of the National Security Service, and encouraging the Government of South Sudan to secure the passage of the necessary legislative amendments and to give effect to this change without delay,

*Recognizing* the provision of technical assistance and capacity-building by the international community to South Sudan to date, including by the Office of the United Nations High Commissioner for Human Rights, the Commission for Human Rights in South Sudan and other bodies of the United Nations, and the continuing need to provide quality, coordinated and coherent technical assistance and capacity-building in the field of human rights, including in response to requests of the Government of South Sudan, and that this continued provision, in addition to the political will of the leaders of South Sudan to address ongoing challenges, remains vital to efforts by all actors to realize peace, stability and a sustainable improvement in the situation of human rights in South Sudan,

*Welcoming* the conference on transitional justice organized by the Commission on Human Rights in South Sudan in Mombasa, Kenya in February 2023, with the participation of the Government of South Sudan, which resulted in key agreed priorities and the decision to meet quarterly in Juba to review progress on these priorities and to address challenges to their implementation,

*Noting* the acceptance by South Sudan of 222 out of 258 recommendations made by States at its review during the third cycle of the universal periodic review,<sup>1</sup>

*Warmly welcoming* the joint ecumenical visit to South Sudan by Pope Francis, the Archbishop of Canterbury and the Moderator of the Church of Scotland, who assessed that the reconciliation process was “stagnant” and the “promise of peace unfulfilled”, and warmly welcoming also their call upon all parties to the Revitalized Agreement to end conflict, bloodshed, sexual and gender-based violence and mutual recrimination, and to deliver peace for the people of South Sudan through full implementation of the Revitalized Agreement; to guarantee the full enjoyment of all human rights, including the right to the freedoms of expression and of association; and to ensure the meaningful participation of women and youth in public life,

*Noting* the additional and sustained challenges posed by the global climate change, food security and energy security emergencies to local, regional, national and international efforts to advance the situation of human rights in South Sudan,

*Noting with concern* that attacks on humanitarian workers continue unabated in South Sudan, and calling upon all parties to ensure an enabling political, administrative, operational and legal environment for the delivery of humanitarian assistance and protection of humanitarian workers while ensuring full compliance with international humanitarian law,

1. *Notes with regret* the lack of sufficient progress in the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan

<sup>1</sup> See A/HRC/50/14.

since its signature and, while noting that many elements of the Revitalized Agreement that are critical to guaranteeing an enduring and sustainable peace in South Sudan are still to be implemented, calls upon the Government to demonstrate the political will to achieve tangible progress on this issue, including on implementation of the Revitalized Agreement and other efforts to further promote and protect human rights, and to prevent further human rights violations and abuses;

2. *Welcomes and expresses its appreciation* to the Government of South Sudan for its continued cooperation 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 calls upon the Government to continue to cooperate fully and constructively with and to give unhindered access to them and to the United Nations Mission in South Sudan, and to regional, subregional and international mechanisms on the ground;

3. *Notes* the ongoing cooperation of the Government of South Sudan with the African Union, the Intergovernmental Authority on Development and the United Nations Mission in South Sudan, including its Human Rights Division;

4. *Commends* the vital role played by human rights defenders, women – including women peacebuilders and women human rights defenders – youth, the media and civil society organizations in promoting human rights and the importance of promoting the inclusive, equitable and non-discriminatory participation in governance, constitution-making, electoral and transitional justice processes of all parts of society, including groups that are marginalized and in vulnerable situations;

5. *Expresses its deep concern* at the harassment, intimidation, arbitrary arrest and enforced disappearance of, and other attacks against, human rights defenders, members of civil society organizations, media workers and humanitarian workers, and other individuals, as well as undue restrictions on the rights to freedom of opinion and expression, online and offline, and to the freedom of peaceful assembly and of association;

6. *Emphasizes* the critical importance of the freedoms of expression and of peaceful assembly and of association in South Sudan, and urges the Government of South Sudan to take more effective steps to improve its performance in promoting and protecting political and civic space and the full respect of these freedoms, particularly with a view to ensuring a credible electoral environment;

7. *Welcomes* the report of the Commission on Human Rights in South Sudan<sup>2</sup> and its presentation to the Human Rights Council during the interactive dialogue held at its present session, while expressing concern at the findings in the report and at its overall assessment regarding the current situation of human rights on the ground, and encourages the Government of South Sudan and other actors to engage with the Commission with a view to implementing the recommendations made in the report;

8. *Takes note* of the additional conference room papers published by the Commission on Human Rights in South Sudan since the forty-sixth session of the Human Rights Council;<sup>3</sup>

9. *Welcomes* the renewal of the mandate of the United Nations Mission in South Sudan on 15 March 2023 by the Security Council in its resolution 2677 (2023);

10. *Reaffirms* the importance of the mandate of the Commission on Human Rights in South Sudan, with continued emphasis on the need to establish the facts and circumstances of, to collect and preserve evidence of, and to clarify responsibility for alleged violations and abuses of human rights and related crimes in South Sudan, and notes that, while the hybrid court for South Sudan, the commission for truth, reconciliation and healing and the compensation and reparation authority have yet to be established, as called for in chapter V of the Revitalized Agreement, there remains a need for a mechanism for the monitoring of,

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<sup>2</sup> See A/HRC/52/26.

<sup>3</sup> See [www.ohchr.org/en/hr-bodies/hrc/co-h-south-sudan/index](http://www.ohchr.org/en/hr-bodies/hrc/co-h-south-sudan/index).

reporting on and collecting evidence regarding alleged violations and abuses of human rights in South Sudan;

11. *Notes* the relevance of the work of the Commission on Human Rights in South Sudan to the mandate and functions of chapter V mechanisms, once these have been established in accordance with the Revitalized Agreement, and welcomes the efforts made by the Government to date to establish them;

12. *Decides* to extend the mandate of the Commission on Human Rights in South Sudan, composed of three members, for a further period of one year;

13. *Requests* the Commission on Human Rights in South Sudan to present a comprehensive written report on the situation of human rights in South Sudan to the Human Rights Council at its fifty-fifth session, to be followed by an enhanced interactive dialogue, which should also include the participation of the United Nations High Commissioner for Human Rights;

14. *Requests* the Office of the High Commissioner to provide all the administrative, technical and logistical support and personnel necessary to enable the Commission on Human Rights in South Sudan to carry out its mandate, and in particular to support the Commission's investigative and evidence-collection functions, including, inter alia, the use of computer software and access to witness and victim protection and support services, including psychosocial support services;

15. *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 for the implementation of the provisions of the present resolution;

16. *Requests* the Commission on Human Rights in South Sudan to work collaboratively with the African Union, the Intergovernmental Authority for Development and the African Commission on Human and Peoples' Rights and its Country Rapporteur for South Sudan, and relevant organs and subsidiary bodies of the United Nations, on the issue of human rights in South Sudan, including by sharing its reports and recommendations and exchanging other information, as appropriate;

17. *Calls upon* States and other stakeholders to continue to support efforts to further improve the situation of human rights in the South Sudan by providing additional technical assistance and capacity-building to the country, with a focus on the operationalization of transitional justice provisions as agreed to in the Revitalized Agreement, including the chapter V institutions, and to support efforts by South Sudan to implement the recommendations it accepted at its review during the third cycle of the universal periodic review;

18. *Calls upon* South Sudan to make further progress under the Revitalized Agreement and the road map to a peaceful and democratic end to the transition period of the Revitalized Agreement without delay, and to take additional related steps to develop its own capacity to investigate allegations of human rights violations and abuses and related crimes and to hold those responsible accountable, including by taking the steps necessary to ensure that its Human Rights Commission can receive full accreditation under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

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

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