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Resolution adopted by the Human Rights Council on 11 May 2023

S-36/1. The human rights impact of the ongoing conflict in the 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 International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, and other 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 its strong commitment to the sovereignty, political independence, territorial integrity and national unity of the Sudan, and its solidarity with the Sudanese people,

Emphasizing that States have the primary responsibility for ensuring respect for, and for the promotion of and protection of, all human rights and fundamental freedoms,

Recalling the obligations of all parties to the conflict under international humanitarian law, and the obligations of the Sudan under the International Covenants on Human Rights and other treaties to which it is a State party, and recalling also the commitment of the Sudan, reflected in the Constitutional Declaration of 2019 and the Juba Peace Agreement of 2020, to respect and protect human rights,

Reaffirming Human Rights Council resolution S-32/1 of 5 November 2021 and the mandates given therein to the United Nations High Commissioner for Human Rights and the designated Expert on human rights in the Sudan,

Recalling all relevant resolutions adopted and statements made by the Human Rights Council, the General Assembly and the Security Council on the Sudan, and relevant statements on the Sudan by the High Commissioner,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Noting all relevant communiqués of the African Union, the Intergovernmental Authority on Development and the League of Arab States, issued since the start of the conflict on 15 April, and noting in particular the communiqué issued by the African Union following its urgent special ministerial meeting on 20 April 2023, the communiqué of the eleventh high-level meeting of the Regional Oversight Mechanism of the Peace, Security and Cooperation



Framework for the Democratic Republic of the Congo and the Region, held in Bujumbura, Burundi, on 6 May 2023, and the resolution adopted by the Council of the League of Arab States on 7 May 2023,

Acknowledging the important contribution of civil society active in the Sudan, including that of human rights defenders, lawyers, journalists and media workers, and their ongoing efforts to document human rights violations and abuses and violations of international humanitarian law, despite the grave risks,

Reaffirming its condemnation in the strongest possible terms of the military takeover on 25 October 2021 by the Sudanese military against the transitional Government, the suspension of transitional institutions and the unilateral imposition of measures that remain contrary to the Constitutional Declaration of 2019 and the terms of the Juba Peace Agreement of 2020,

Reiterating its deep concern at the situation of human rights in the Sudan in response to the reports of ongoing human rights violations and abuses perpetrated since 25 October 2021, while acknowledging that, prior to the outbreak of hostilities on 15 April 2023, the situation of human rights in the Sudan had shown some signs of improvement, including the lifting of the state of emergency and the opening of intra-Sudanese talks facilitated by the Tripartite Mechanism of the United Nations, the African Union and the Intergovernmental Authority on Development,

Noting with appreciation the long-standing cooperation between the Sudan and the mechanisms of the Human Rights Council, the country office of the Office of the United Nations High Commissioner for Human Rights in the Sudan and the designated Expert since the thirty-second special session of the Human Rights Council with the mandates given to the High Commissioner, including the facilitation of two successful visits to the Sudan by the Expert, and stressing the importance of the continuation of that cooperation,

Expressing alarm at the outbreak of hostilities and significant escalation of violence across the country since 15 April, which has led to the death of hundreds of civilians, injuries to thousands, including children, increased levels of sexual and gender-based violence, mass internal and cross-border displacement and destruction of property and vital installations across the country, particularly to education, health and vital life infrastructure, which has aggravated the already precarious human rights and humanitarian situation,

Stressing the urgent need for the prioritization of the protection of civilians, including those displaced, and civilian objects, and for full, safe and unhindered humanitarian access, and demanding that the parties respect human rights and fully comply with their applicable obligations under international law,

Expressing deep concern at the deteriorating human rights and humanitarian situation and the increase in the number of refugees and internally displaced persons and those in need of humanitarian assistance, putting the Sudanese people and the 1.1 million refugees who were in the Sudan when the violence began at continued and severe risk of being subjected to human rights violations and abuses, and violations of international humanitarian law,

Expressing similar concern at the further deteriorating humanitarian situation in the Sudan and the effect of the conflict on food security and access of the population to essential goods and services, and recalling the link between armed conflict and violence and conflict-induced food insecurity and the threat of famine, as well as the related obligations under applicable international law,

Expressing its deep appreciation for the efforts made by neighbouring countries, many of which are experiencing their own humanitarian challenges, that have kept their borders open and accommodated and provided assistance to refugees, without any discrimination, as well as efforts made by all other States to facilitate the evacuation process,

Welcoming the appointment by the United Nations High Commissioner for Human Rights of Radhouane Nouicer as his designated Expert on human rights in the Sudan on 16 December 2022, following the resignation of Adama Dieng, and expressing its gratitude to Mr. Dieng for his work,

Echoing the common call for all parties to the conflict to immediately cease hostilities, adhere to a lasting ceasefire and return to the transition process, made by all relevant actors of the international community and international forums, including the Security Council, the Secretary-General, the United Nations High Commissioner for Human Rights, the United Nations Integrated Transition Assistance Mission in the Sudan, the African Union, the Intergovernmental Authority on Development and the League of Arab States,

Reaffirming the importance of the full, equal and meaningful participation of women in planning and decision-making with regard to mediation, confidence-building, conflict prevention and resolution, and in all other efforts to maintain and promote peace and security, and the need to prevent and redress human rights violations and abuses, such as sexual and gender-based violence,

Recalling that the States members of the Human Rights Council are required to uphold the highest standards in the promotion and protection of human rights,

Commending the swift response from and statements made by the African Union, the Intergovernmental Authority on Development, the League of Arab States, and other international, regional and State actors in response to the outbreak of conflict on 15 April,

Reiterating its firm support for the ongoing efforts by national, regional and international actors, including the United Nations, the African Union, and the Intergovernmental Authority on Development with a view to implementing a ceasefire and ending the fighting,

Welcoming the ongoing pre-negotiation talks in Jeddah, Saudi Arabia, between representatives of the Sudanese Armed Forces and the Rapid Support Forces to achieve an effective short-term ceasefire, facilitate the delivery of emergency humanitarian assistance and restoration of essential services, and schedule subsequent expanded negotiations to achieve a permanent cessation of hostilities,

Stressing the importance of the continued and coordinated involvement of the United Nations, the African Union, the African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development and the League of Arab States in reaching a durable and sustainable peace in the Sudan and supporting a return to civilian-led government,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided, *inter alia*, that the Human Rights Council should contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies,

Urging all relevant national, regional and international actors and forums able to do so to leverage their influence on the parties to de-escalate the situation and end hostilities, and to remain engaged with the Sudan along political, humanitarian, human rights and development tracks over the longer term,

1. *Expresses its grave concern* at the serious outbreak of conflict and escalation of violence in the Sudan between the Sudanese Armed Forces and the Rapid Support Forces, which could undermine the progress made towards a peaceful transition to democracy and stability in the Sudan;

2. *Calls for* an immediate cessation of violence by all parties, without pre-conditions, the rapid establishment of full, safe and unhindered humanitarian access, the rehabilitation of critical basic infrastructure, a negotiated and peaceful resolution to the conflict on the basis of inclusive dialogue, and the recommitment of all parties with the people of the Sudan to return to its transition towards civilian-led government;

3. *Encourages* the Tripartite Mechanism of the United Nations, the African Union and the Intergovernmental Authority on Development on the political transition of the Sudan to continue its efforts to avoid further escalation of violence, and calls upon the international community to coordinate, collaborate and harmonize its respective initiatives to resolve the conflict and stabilize the situation in the Sudan;

4. *Condemns* all reported violations and abuses of human rights and violations of international humanitarian law, including reported acts of sexual and gender-based violence, committed since the start of hostilities by all parties to the conflict across the country;

5. *Calls upon* the parties to the conflict in the Sudan to demonstrate the utmost restraint and to refrain from further violations and abuses of human rights and violations of international humanitarian law, and to agree and fully adhere to and enforce local and national ceasefires, including those intended to allow full, safe and unhindered humanitarian access to and the evacuation of civilians, without preconditions;

6. *Calls upon* all parties to the conflict to cease any measure that exacerbates the humanitarian crisis, and to rapidly allow and facilitate the full, safe and unhindered passage of humanitarian relief for civilians in need, and recalls the obligation under international humanitarian law to refrain from attacking, destroying, removing or rendering useless objects critical to the delivery of essential services to the civilian population and for producing food and drinking water;

7. *Underscores* that the promotion and protection of human rights, and justice and accountability for all violations and abuses committed, should remain central to any solution to the crisis in the Sudan;

8. *Urges* the international community to work to address the immediate priorities arising from the dire humanitarian crisis in the Sudan and its impact on the country's neighbours, including through the 2023 Sudan Humanitarian Response Plan and humanitarian partners working to scale up response measures;

9. *Strongly urges* all States to respect the fundamental principle of non-refoulement, and to comply with their obligations under international human rights law and international refugee law, as applicable, in relation to persons fleeing events in the Sudan, and commends the steps taken by States in the region to receive those seeking safety in line with their respective obligations under international law;

10. *Calls upon* the Sudan to cooperate fully with the international community and relevant international organizations to urgently address the pressing humanitarian crisis, with a focus on the plight of populations already in vulnerable situations;

11. *Also calls upon* the international community to ensure effective coordination of the human rights and humanitarian response to address the needs of local humanitarian efforts and strengthen their capacities to continue to respond;

12. *Condemns* any attacks on humanitarian and health workers, and on the premises and members of international organizations, civil society organizations and the diplomatic community in the Sudan, which in combination with the ongoing situation has led directly to the flight of crucial frontline workers and removal of on-the-ground capacity aimed at improving the human rights and humanitarian situation in the Sudan;

13. *Emphasizes* the importance of full respect for human rights and fundamental freedoms, and urges the Sudan and the parties to the conflict in this regard to protect, inter alia, journalists, media workers, human rights defenders, students and lawyers, and to lift restrictions on the Internet, telecommunications services and social media so as to ensure access of the people of the Sudan to information;

14. *Condemns* all acts of intimidation or reprisal against human rights defenders, community, health and humanitarian workers, and other civil society actors, for their work in responding to the humanitarian crisis and to advance respect for and promote human rights;

15. *Urges* all parties to the conflict in the Sudan to respect and protect civilians, including those who are humanitarian workers and health workers, and civilian infrastructure, and to allow and facilitate the return to full, safe and unimpeded access for humanitarian aid into and throughout the Sudan;

16. *Calls upon* all parties to the conflict to respect and protect civilians, including foreign nationals, international aid workers, staff members of the United Nations and related organizations, as well as members of the diplomatic community, still in the Sudan, and to

create the conditions necessary to allow the swift return of those staff members and organizations forced to evacuate as a result of the conflict;

17. *Calls upon* the United Nations High Commissioner for Human Rights to prioritize further engagement with all parties to the conflict in the Sudan, with the aim of promoting both full respect for all human rights in the Sudan and the prevention of further violations and abuses from occurring during the current conflict, which should be complementary to and coherent with the engagement of other relevant regional and international stakeholders;

18. *Also calls upon* the High Commissioner to ensure the complementarity and coordination of his efforts with those of other actors, in particular the Secretary-General and his Special Representative for the Sudan, as well as the African Union and other appropriate regional and international entities, drawing on the expertise of, inter alia, the United Nations, the African Union, the African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development and the League of Arab States, to the extent practicable;

19. *Decides* that the mandate of the designated Expert of the High Commissioner on human rights in the Sudan should, with immediate effect, also include detailed monitoring and documentation of, and reporting to the Human Rights Council on, all allegations of human rights violations and abuses since 25 October 2021, including those arising directly from the current conflict, as well as a specific focus on prevention of further such violations and abuses from occurring, and encourages the designated Expert to coordinate these efforts with the United Nations Integrated Transition Assistance Mission in the Sudan;

20. *Also decides* to enhance the interactive dialogue on the situation of human rights in the Sudan, as called for by the Human Rights Council in its resolution 50/1 of 7 July 2022, at its fifty-third session so as to include the participation of other stakeholders;

21. *Requests* the High Commissioner, with the assistance of his designated Expert, to present to the Human Rights Council, at its fifty-fourth and fifty-seventh sessions, an oral update on the situation of human rights in the Sudan, to be followed by an interactive dialogue, with the participation of the High Commissioner and his designated Expert, and to submit a comprehensive report on the situation of human rights in the Sudan and on violations and abuses committed by all parties in the Sudan to the Council at its fifty-fifth and fifty-eighth sessions, to be followed by an enhanced interactive dialogue, unless the mandate of the designated Expert concludes during that time;

22. *Requests* the High Commissioner and his designated Expert to engage with all actors in the Sudan and to work collaboratively with the African Union, the Intergovernmental Authority on Development, the African Commission on Human and Peoples' Rights, the League of Arab States, and relevant organs and subsidiary bodies of the United Nations, and all other relevant international and regional organizations and mechanisms, on the issue of human rights in the Sudan, including by sharing reports and recommendations and exchanging other information, as appropriate;

23. *Stresses* the importance of the ongoing engagement of the Office of the High Commissioner for the promotion and protection of human rights in the Sudan;

24. *Requests* the Secretary-General to urgently provide the Office of the High Commissioner with all the resources necessary to enable the Office to afford all the administrative, technical and logistical support required to implement urgently the provisions of the present resolution;

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

*2nd meeting
11 May 2023*

[Adopted by a recorded vote of 18 to 15, with 14 abstentions. The voting was as follows:

In favour:

Argentina, Belgium, Chile, Costa Rica, Czechia, Finland, France, Georgia, Germany, Lithuania, Luxembourg, Mexico, Montenegro, Paraguay, Romania,

Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Algeria, Bolivia (Plurinational State of), China, Cuba, Eritrea, Gambia, Malaysia, Morocco, Pakistan, Qatar, Senegal, Somalia, Sudan, United Arab Emirates and Viet Nam

Abstaining:

Bangladesh, Benin, Cameroon, Côte d'Ivoire, Gabon, Honduras, India, Kazakhstan, Kyrgyzstan, Malawi, Maldives, Nepal, South Africa and Uzbekistan]
