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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

Resolution adopted by the Human Rights Council on 31 March 2022

49/2. 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, and the communiqués of the Peace and Security Council of the African Union, on South Sudan,

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 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,

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, and noting the engagement of the Commission on Human Rights in South Sudan with the Government of South Sudan, the African Union, civil society and other stakeholders in December 2021, which facilitated a joint strategy and a plan of action to sustain momentum on transitional justice in South Sudan,

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,

Welcoming the reconstitution on 30 August 2021 of the Transitional National Legislative Assembly, and noting the urgency for the Assembly to review and pass outstanding legislation that is critical for the implementation of the Revitalized Agreement,

Recognizing the provision of technical assistance and capacity-building by the international community to South Sudan to date, 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 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 participation of South Sudan in the third cycle of the universal periodic review,¹ and of its delegation, headed by the Minister for Justice and Constitutional Affairs,

Welcoming also the participation of South Sudan in its first ever review by a treaty monitoring body, namely the Committee on the Elimination of Discrimination against Women,² while reiterating that the inclusion and participation of women is a key factor in building the social fabric of South Sudan,

Noting the additional and sustained challenges posed by the coronavirus disease (COVID-19) pandemic and climate change-related emergencies to local, regional, national and international efforts to advance the situation of human rights in South Sudan,

Alarmed by the reports by the Commission on Human Rights in South Sudan of ongoing human rights violations and abuses, including extrajudicial killings, forced disappearances, pervasive sexual and gender-based violence, arbitrary arrests and detentions, torture and other cruel, inhuman and degrading treatment, widespread unlawful recruitment and use of child soldiers, and excessive restrictions on the freedoms of expression and peaceful assembly in South Sudan, and dismayed at the impact of human rights violations and abuses on their victims, and on the potential for the people of South Sudan to achieve full enjoyment of all human rights,

Encouraging 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, which remains widespread,

Noting with concern that attacks on humanitarian workers continue unabated in South Sudan,

1. *Welcomes* the progress made by the Government of South Sudan on the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan 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, recognizes the political will of the Government to achieve tangible progress on this issue, including implementation and other efforts to further promote and protect human rights, and to prevent further human rights violations and abuses;

¹ See A/HRC/WG.6/40/SSD/1.

² See CEDAW/C/SSD/CO/1.

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. *Recognizes* the vital role played by human rights defenders, women, including women peacebuilders, 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 marginalized and vulnerable groups;

4. *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 promote and protect political and civic space and to respect those freedoms;

5. *Welcomes* the report of the Commission on Human Rights in South Sudan,³ and its presentation to the Human Rights Council during the interactive dialogue held at its present session, and expresses concern at the findings in the report and at its overall assessment regarding the current situation of human rights on the ground;

6. *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;⁴

7. *Welcomes* the renewal of the mandate of the United Nations Mission in South Sudan on 15 March 2022 by the Security Council,⁵ and takes note of the report of the Secretary-General on the situation in South Sudan submitted to the Security Council pursuant to Council resolution 2567 (2021) of 12 March 2021;⁶

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

9. *Notes* the relevance of the work of the Commission on Human Rights in South Sudan to the mandate and functions of the hybrid court for South Sudan, the commission for truth, reconciliation and healing and the compensation and reparation authority, once these institutions have been established in accordance with the Revitalized Agreement, and welcomes the efforts made by the Government to date to establish them;

10. *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;

11. *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-second session, to be followed by an enhanced interactive dialogue, which should also include the participation of the United Nations High Commissioner for Human Rights;

³ A/HRC/49/78.

⁴ See www.ohchr.org/en/hr-bodies/hrc/co-h-south-sudan/index.

⁵ See Security Council resolution 2625 (2022).

⁶ S/2022/156.

12. *Requests* the Office of the High Commissioner to provide all the administrative, technical and logistical support necessary to enable the Commission on Human Rights in South Sudan to carry out its mandate, including computer software to support the Commission's evidence-collection function;

13. *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;

14. *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, on the issue of human rights in South Sudan, including by sharing its reports and recommendations and exchanging other information, as appropriate;

15. *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 chapter V institutions as agreed to in the Revitalized Agreement;

16. *Calls upon* South Sudan to make further progress under the Revitalized Agreement as soon as possible, 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);

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

*55th meeting
31 March 2022*

[Adopted by a recorded vote of 19 to 11, with 17 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Finland, France, Germany, Honduras, Japan, Lithuania, Luxembourg, Marshall Islands, Mexico, Montenegro, Netherlands, Paraguay, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bolivia (Plurinational State of), China, Côte d'Ivoire, Cuba, Eritrea, Mauritania, Pakistan, Russian Federation, Somalia, Sudan, Venezuela (Bolivarian Republic of)

Abstaining:

Benin, Brazil, Cameroon, Gabon, Gambia, India, Indonesia, Kazakhstan, Libya, Malawi, Malaysia, Namibia, Nepal, Qatar, Senegal, United Arab Emirates, Uzbekistan]