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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, Bulgaria, Canada,* Costa Rica, Croatia,* Cyprus, Czechia, Denmark,* Estonia,* Finland,* France, Germany, Greece,* Iceland, Ireland,* Italy,* Latvia,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands (Kingdom of the), New Zealand,* North Macedonia, Norway,* Portugal,* Romania, Slovakia,* Slovenia,* Spain, Sweden,* Switzerland, Ukraine* and United Kingdom of Great Britain and Northern Ireland*:
draft resolution

58/... 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,

Taking note of all relevant decisions and communiqués of the African Union, its Peace and Security Council and the Intergovernmental Authority on Development,

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

* State not a member of the Human Rights Council.



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 binding commitment made by the parties to ensure the full implementation of the Revitalized Agreement, the protection of the human rights of civilians at all times and the safety and dignity of individuals and communities, emphasizing that such commitments remain crucial, given that the transitional period of the Revitalized Agreement was extended by 24 months in September 2024, and recalling the corresponding commitments made by the African Union, the Intergovernmental Authority on Development and key guarantor States to support the efforts of South Sudan,

Emphasizing the critical importance of the right to freedom of opinion and expression, online and offline, and the right to freedom of peaceful assembly and association in South Sudan, in accordance with international human rights law, including the International Covenant on Civil and Political Rights,

Recognizing the continuing important role played and efforts made by the African Union, including its High-level Ad Hoc Committee for South Sudan (also known as C5), 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 made in the framework of the peace process between signatories and non-signatories of the Revitalized Agreement, previously led in Rome by the Community of Sant'Egidio, and now under the Tumaini Initiative, led in Nairobi by the Government of Kenya, at the request of the Government of 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,

Recalling also the repeated commitments by the parties to the Revitalized Agreement to expedite the implementation of the Revitalized Agreement, noting that some elements have been implemented in full or in part, including the reconstitution of the National Elections Commission, the National Constitutional Review Commission and the National Political Parties Council, and expressing deep concern that the transitional period of the Revitalized Agreement, due to end in February 2025, was extended by a further 24 months in September 2024 owing to the lack of implementation of the majority of the Revitalized Agreement,

Welcoming the accession by South Sudan to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa,

Welcoming also the ratification by South Sudan of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, its decision to extend the Comprehensive Action Plan to End and Prevent All Grave Violations against Children and its endorsement of the call to action to ensure the rights and well-being of children born of sexual violence in conflict,

Expressing grave concern at the reports documented by the Commission on Human Rights in South Sudan of ongoing human rights violations and abuses, including reports of widespread sexual and gender-based violence against women and girls, extrajudicial killings, arbitrary detentions, violations and abuses against children and abductions of women and children, and the persistent lack of a standing judicial system and the failure to hold perpetrators accountable, while noting the deployment in some cases of mobile courts and the use of courts martial,

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 on 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 successful assistance requires, inter alia, the political will of the transitional Government in South Sudan to address ongoing challenges and realize peace, stability and a sustainable improvement in the situation of human rights in South Sudan,

Acknowledging the impact of the sustained challenge posed by the ongoing armed conflict in the Republic of the Sudan to stability in South Sudan, as well as 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 enable the delivery of humanitarian assistance and protection of humanitarian workers while ensuring full compliance with international humanitarian law, in line with Security Council resolution 2730 (2024) of 24 May 2024,

Reaffirming the need to ensure the security of United Nations personnel, including members of the United Nations Mission in South Sudan, and urging all parties to protect humanitarian workers and peacekeeping personnel in the country,

Noting with concern the recent escalation of violence in South Sudan, including the killing of United Nations Mission in South Sudan personnel, as well as arrests of senior military and political figures, and welcoming regional efforts towards dialogue and de-escalation, including the forty-third Extraordinary Summit of the Intergovernmental Authority on Development Heads of State and Government,

1. *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, facilitating meetings and providing relevant information;

2. *Calls upon* the Government to cooperate fully and constructively with and to give unhindered access to the United Nations Mission in South Sudan and to regional, subregional and international mechanisms on the ground;

3. *Welcomes and expresses its appreciation* to the Government of South Sudan for having facilitated a visit by the members of the Commission on Human Rights in South Sudan to the country in February 2025, allowing them to hold meetings with a range of actors, including victims and witnesses in various locations, and welcomes the meetings between the commissioners and senior government representatives;

4. *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, and welcomes in this regard the field visit undertaken at the ministerial level by the members of the African Union High-level Ad Hoc Committee for South Sudan (also known as C5) to Juba from 15 to 17 January 2025;

5. *Welcomes* the recently enacted laws establishing the Commission for Truth, Reconciliation and Healing and the Compensation and Reparation Authority, and calls upon the Revitalized Transitional Government of National Unity to fully operationalize these laws, with the support of the African Union, and provide the resources necessary to implement them;

6. *Notes with regret* that many elements of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan that are critical to guaranteeing an enduring and sustainable peace in South Sudan and promoting accountability for victims of human rights violations and abuses and violations of international humanitarian law remain mostly unimplemented;

7. *Notes with concern* that no progress has been made in establishing the hybrid court for South Sudan, and urges the Revitalized Transitional Government of National Unity to work with the African Union to establish this institution without further delay;

8. *Urges* the Government of South Sudan to demonstrate the political will to achieve urgent and tangible progress on implementation of the Revitalized Agreement and other efforts to further promote and protect human rights, tackle persistent impunity for violations and abuses, prevent further violations and abuses of human rights and ensure accountability for violations of international humanitarian law and related crimes;

9. *Calls upon* the Government of South Sudan to make meaningful and sustained progress under 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;

10. *Calls upon* the Revitalized Transitional Government of National Unity to adopt and implement effective measures to protect witnesses, victims and others involved in trials for crimes related to human rights violations and abuses;

11. *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 and electoral and transitional justice processes of all parts of society, including persons who are marginalized or in vulnerable situations;

12. *Expresses its deep concern* at further restrictions to democratic and civic space in South Sudan, including powers given to the National Security Service to arrest and detain individuals without a warrant, repeated reports of harassment, intimidation, arbitrary arrest and enforced disappearance of and other attacks, allegedly committed with impunity, 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;

13. *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 in accordance with their obligations under the International Covenant on Civil and Political Rights and the Transitional Constitution of the Republic of South Sudan, particularly with a view to creating an enabling environment for the holding of free and fair elections, including by fulfilling its commitment to reverse powers given to the National Security Service through the National Security Service Act 2014 (Amendment) Bill 2024, and ensure that no citizen is detained without a warrant or harassed;

14. *Notes with concern* the decision taken by the Revitalized Transitional Government of National Unity to postpone the elections for a further 24 months, emphasizes the need for the Transitional Government to create the conditions necessary for elections to be free and fair and conducted through an inclusive and credible process, with full respect for human rights and the rule of law, as well as for the open and inclusive participation of all actors, including the full, equal and meaningful participation of women, before and during the election period, and calls upon the Government to provide all necessary resources to the National Elections Commission, the National Constitutional Review Commission and the National Political Parties Council in order to achieve tangible progress in preparing for elections;

15. *Welcomes* the report of the Commission on Human Rights in South Sudan¹ and its presentation to the Human Rights Council during the enhanced 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, 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, and encourages the Government to prioritize prevention, holding perpetrators of sexual and gender-based crimes accountable, ending unlawful recruitment and use of children in armed forces and groups, adopting a coherent approach to securing the release of abducted women and children and ending

¹ A/HRC/58/27.

abduction, and ensuring allocation of sufficient resources to the Ministry of Gender, Child and Social Welfare to support the coordination and implementation of State commitments to address sexual and gender-based violence and comprehensive services for survivors and their families;

16. *Takes note* of the additional conference room papers published so far by the Commission on Human Rights in South Sudan, and strongly encourages the Commission to share future conference room papers with the Government in a timely manner in advance of publication;

17. *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, given that the hybrid court for South Sudan, the Commission for Truth, Reconciliation and Healing and the Compensation and Reparation Authority have yet to be fully functionally 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 of evidence regarding alleged violations and abuses of human rights in South Sudan;

18. *Notes* the relevance of the work of the Commission on Human Rights in South Sudan to the mandate and functions of the chapter V mechanisms, once they have been established in accordance with the Revitalized Agreement, welcomes the passage of legislation establishing two of the transitional justice mechanisms and urges the Government of South Sudan to fully operationalize them both, encourages ongoing consultation and engagement with civil society on legislation and the selections of commissioners for the Commission for Truth, Reconciliation and Healing, and urges the Government to establish the hybrid court for South Sudan, in cooperation with the African Union;

19. *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;

20. *Requests* the Commission on Human Rights in South Sudan to present a comprehensive report on the situation of human rights in South Sudan to the Human Rights Council at its sixty-first session, to be followed by an enhanced interactive dialogue, which should also include the participation of the United Nations High Commissioner for Human Rights and civil society, and that the report and an easy-to-read version of it be made available on the website of the Office of the High Commissioner in an accessible format;

21. *Also requests* the Commission on Human Rights in South Sudan to present its latest report, in combination with an oral update on its work, to the General Assembly at its eightieth session, followed by an interactive dialogue;

22. *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, forensic investigation capabilities and access to witness and victim protection and support services, including psychosocial support services;

23. *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;

24. *Requests* the Commission on Human Rights in South Sudan to work collaboratively with the Revitalized Transitional Government of National Unity and the African Union, including its Peace and Security Council, 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, as well as other key regional stakeholders, on the issue of human rights in South Sudan, including by sharing its reports and recommendations, exchanging other information and offering briefings as appropriate;

25. *Urges* international and regional partners to continue their support for the ongoing political initiatives, as well as the timely implementation of all outstanding provisions of the Revitalized Agreement;

26. *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 calls upon the Government of South Sudan to take meaningful steps that enable technical assistance to be effective;

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