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Agenda item 10

Technical assistance and capacity-building

Resolution adopted by the Human Rights Council on 4 April 2023

52/43. 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,

Recognizing the important role and efforts of the Intergovernmental Authority on Development in bringing parties together to work towards a peaceful resolution of the conflict in South Sudan, supporting the inclusion of civil society, women and youth in negotiations and in securing the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan,

Recognizing also 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, noting the continued constructive engagement of the Government of South Sudan with the United Nations, the African Union, the reconstituted Joint Monitoring and Evaluation Commission, the Intergovernmental Authority on Development and other international agencies to oversee the implementation of the Revitalized Agreement, and urging all parties and international partners to continue to engage constructively with all the bodies created pursuant to the Revitalized Agreement,

Noting with appreciation the cooperation of the Government of South Sudan with United Nations bodies, including the Office of the United Nations High Commissioner for Human Rights, and with other relevant international and regional human rights mechanisms, and underscoring the importance of continuing such cooperation and further constructive engagement,

Welcoming the progress made in the implementation of the Revitalized Agreement, including in the implementation of chapter II relating to the reunification of forces, chapter IV relating to financial reforms, chapter V on the establishment of a hybrid court for South Sudan, a commission for truth, reconciliation and healing and a compensation and reparation authority, and chapter VI on the constitution-making process,



Recognizing the public consultations held in May 2022 on the design of legislation for the commission for truth, reconciliation and healing in 10 States and in 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 of South Sudan to apply the lessons learned from the process to other public consultation processes in the run-up to a constitutional drafting process,

Welcoming the recent signing by the Government of South Sudan of the core regional and international human rights treaties, inter alia 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 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and encouraging the ratification of other relevant human rights treaties,

Noting the decision to extend the transitional period through 2025 and to hold the general elections by 2024, in line with the road map endorsed by political parties,

Applauding the passing of essential bills, including the Constitution Making Process Bill, and the ratification of the road map by the Transitional National Legislature, providing an enabling environment for the implementation of the peace agreement, including political processes,

Welcoming the efforts made by the Government of South Sudan to maintain peace and for the cessation of hostilities, the protection of civilians and for humanitarian access to the civilians affected by, inter alia, environmental events that have resulted in flooding in some parts of the country,

Recognizing the establishment of a government-led coordination working group that will be a platform for the holistic, comprehensive, transparent and efficient coordination of the delivery of technical assistance and capacity-building support to the Government of South Sudan,

1. *Welcomes* the recent steps taken by the Government of South Sudan towards finalizing governance structures in South Sudan, including by reconstituting the transitional National Legislative Assembly, and calls upon the Government to continue to make progress in finalizing all layers of State and local government, in accordance with the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan;

2. *Recalls* 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 transitional justice mechanisms under chapter V of the Revitalized Agreement, and the constitution-making process;

3. *Recognizes* the political will of the Government of South Sudan in promoting and protecting human rights and its wish for tangible progress and for the prevention of further human rights violations and abuses by establishing in Juba a court to try cases of gender-based violence and military mobile courts to prosecute offences committed against civilians by members of the organized forces while on duty;

4. *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;

5. *Stresses* that States have the primary responsibility for the promotion and protection of human rights by taking measures to prevent human rights violations and to provide an effective remedy for victims of such violations and abuses, and recalls that the Government of South Sudan has the primary responsibility to protect the population from all human rights violations, including by preventing violations of international humanitarian law;

6. *Notes* however the challenges facing the Government of South Sudan in this regard, and requests the international community to provide technical assistance to and support for the Government in its efforts to prevent and to investigate violations of international humanitarian and human rights law;

7. *Calls upon* the international community to provide technical and financial assistance to South Sudan in order to further improve the situation of human rights, to enhance the functioning of the legal system, and to allow the Government of South Sudan to effectively deliver necessary services, including criminal investigations and prosecution, education and health-care services, food and clean drinking water and infrastructure;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights, in cooperation with the Government of South Sudan and relevant mechanisms of the African Union, to step up technical assistance provided to the Government of South Sudan to urgently assist South Sudan in addressing human rights challenges in the post-conflict transition, by:

(a) Determining the capacity-building needs of South Sudanese institutions in order that they may pursue transitional justice and investigate and prosecute alleged violations of human rights and international humanitarian law;

(b) Providing the Government of South Sudan with technical assistance for the establishment of the transitional justice institutions under chapter V of the Revitalized Agreement, and building the capacity of local courts to investigate and prosecute alleged violations of human rights, with a view to improving accountability and promoting reconciliation and healing in South Sudan;

(c) Providing the Government of South Sudan with the technical assistance and capacity-building necessary to enable it to deliver necessary services;

(d) Reporting to the Human Rights Council on the support provided to the Government of South Sudan in the form of technical and capacity-building support in accordance with the terms of the present resolution;

(e) Engaging with the Government of South Sudan, and international and regional mechanisms, including the United Nations Mission in South Sudan and the African Union, with a view to addressing human rights violations and abuses committed during the conflict by the parties;

(f) Supporting the Government of South Sudan in the implementation of the recommendations accepted by the Government in the context of the universal periodic review;

(g) Building the capacity of national institutions, including the South Sudan Human Rights Commission, and in consultation with civil society organizations and other national stakeholders, to promote national ownership of transitional justice;

(h) Providing advice and technical assistance to the Government of South Sudan in planning and preparing for the elections, in line with its commitment under the Revitalized Agreement and the associated road map;

9. *Also requests* the Office of the High Commissioner to present to the Human Rights Council, at its fifty-fourth session, an oral update, including on progress made, to be followed by an interactive dialogue, with the participation of representatives of the African Union, and to present a comprehensive report to the Council at its fifty-fifth session, to be followed by an interactive dialogue;

10. *Further requests* the Office of the High Commissioner to submit the above-mentioned report and recommendations to the Human Rights Council, then to share them with the African Union and all relevant organs of the United Nations, including the United Nations Mission in South Sudan;

11. *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;

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

*57th meeting
4 April 2023*

[Adopted without a vote.]
