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Agenda item 10

Technical assistance and capacity-building

Ethiopia (on behalf of the Group of African States): Draft resolution

27/...

Technical assistance and capacity-building for human rights in the Democratic Republic of the Congo

The Human Rights Council,

Recalling General Assembly resolution 60/251, of 15 March 2006,

Recalling also Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further Council resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012 and 24/27 of 27 September 2013, in which the Council called upon the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improve the human rights situation, and to respond to its requests for international assistance,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the United Nations Charter and the Universal Declaration of Human Rights and to discharge their obligations under the international covenants on human rights and the other relevant instruments to which they are parties,

Welcoming the efforts undertaken by the Government of the Democratic Republic of the Congo and the international community, culminating in the defection of the March 23 Movement (“M23”) and the adoption of the Nairobi Declaration of 12 December 2013, and taking note of the actions under way to pacify the eastern part of the Democratic Republic of the Congo,

Encouraging the efforts made by the Government of the Democratic Republic of the Congo to put an end to impunity for crimes under international law by strengthening its justice system and international judicial cooperation,

Welcoming the establishment in the Democratic Republic of the Congo, by the President of the Republic, of the National Oversight Mechanism of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed

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in Addis Ababa on 24 February 2013 (the “Addis Ababa Framework Agreement”), while encouraging all those concerned at national level to work harder to ensure protection for civilians and promote security,

Acknowledging the role played jointly by the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo and the human rights section of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) in improving the human rights situation in the country,

Welcoming the work of MONUSCO and the deployment in the Democratic Republic of the Congo, with the full cooperation of the Government, of its international intervention brigade to hasten the return of peace and security to the east of the country,

Stressing the important role played by the international community, the United Nations, the African Union, the Southern African Development Community (SADC), the Economic Community of Central African States, the International Conference on the Great Lakes Region and the European Union, in enhancing the rule of law and improving the human rights situation in the Democratic Republic of the Congo,

Expressing its serious concern at the wave of violence and serious crimes, including acts of sexual violence perpetrated against Congolese in the east of the Democratic Republic of the Congo in particular, principally by armed groups, causing death, large-scale displacements of nearly 3 million persons and distress among the civilian population, particularly, women and children, not to mention more than 450,000 refugees,

Welcoming the national consultations of October 2013 in the Democratic Republic of the Congo, convened by Presidential Order No. 13/078 of 26 June 2013, and the establishment of an ad hoc follow-up campaign to monitor the prompt implementation of the recommendations adopted,

Taking note of the November 2013 plan for implementation of the joint communiqué of 30 March 2013 between the Government of the Democratic Republic of the Congo and the Special Representative of the Secretary-General on Sexual Violence in Conflict, with a view to addressing sexual violence,

Considering the determination of the Democratic Republic of the Congo to protect and promote human rights,

1. *Welcomes* the active participation by the Government of the Democratic Republic of the Congo, at the twenty-fifth session of the Council, in the high-level dialogue on lessons learnt and the continuing challenges in the fight against sexual violence in that country;

2. *Takes note* of the presentation by the Government of the Democratic Republic of the Congo, on 29 April 2014, of its national report under the second cycle of the universal periodic review, and invites it to implement the recommendations of the Working Group on the Universal Periodic Review and to pursue the reforms undertaken to improve the human rights situation, including in particular the reform of the army, the national police and the other security forces, the strengthening of the judicial apparatus, the fight against impunity and the facilitation of access to justice for victims;

3. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her Office in the Democratic Republic of the Congo¹ and welcomes the commitment of the Government of the Democratic Republic of the Congo to continue its cooperation with the Office of the

¹ A/HRC/27/42.

United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council;

4. *Welcomes* the appointment, by Presidential Order No. 14/002 of 8 July 2014, of the Personal Representative of the Head of State on the fight against sexual violence and the recruitment of children, and encourages the Government of the Democratic Republic of the Congo to make the necessary resources available to the Personal Representative for the effective performance of his tasks;

5. *Encourages* the Democratic Republic of the Congo to continue the process for the rapid operationalization of the National Human Rights Commission in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles);

6. *Welcomes* the efforts undertaken by the Democratic Republic of the Congo in the context of institutional normalization, and in particular the establishment of the Constitutional Court by Act No. 13/026 of 15 October 2013, followed by the nomination of its members by Presidential Order No. 14/021 of 7 July 2014, and encourages it to set up the court within a reasonable period of time;

7. *Welcomes also* the restructuring of the new Independent National Electoral Commission, with the establishment of the Plenary Assembly as a collegiate decision-making body and the reactivation of the consultation frameworks, and encourages the Government of the Democratic Republic of the Congo to continue the reform process;

8. *Invites* the Government of the Democratic Republic of the Congo and its national partners to ensure the transparency and credibility of the electoral process, to create the necessary conditions for the electoral process to be free, fair, credible, peaceful and transparent, and to ensure respect for fundamental rights and freedoms, in accordance with the international commitments of the Democratic Republic of the Congo;

9. *Welcomes* the amnesty measures introduced in order to strengthen the process of national reconciliation under Act no. 14/006 of 11 February 2014 on amnesty for insurgency activities, acts of war and political offences, which excludes the perpetrators of war crimes, crimes against humanity and crimes of genocide, sexual violence and recruitment of children;

10. *Congratulates* the Government of the Democratic Republic of the Congo on the operation, at national level and in the provinces, of the consultation and collaboration framework known as the “*Entité de liason de droits de l’homme*” (human rights liaison entity), and encourages it to guarantee the functioning of the unit for the protection of human rights defenders and to allocate budget funds, under the Finance Act, for its effective functioning;

11. *Welcomes* the efforts made to combat the acts of sexual violence reported in the Democratic Republic of the Congo, considers that sexual violence remains a matter of major concern and encourages the Government to redouble its efforts, with the support of the international community, to put an end to impunity, primarily for perpetrators of sexual violence, and to all human rights violations, and to bring the perpetrators to justice and ensure that the victims receive compensation;

12. *Welcomes also* the adoption on 30 August 2014 of the action plan of the armed forces of the Democratic Republic of the Congo to combat sexual violence, as well as the efforts undertaken to train judges and other justice officials in the fight against sexual violence and the strengthening of governmental coordination in the follow-up to the national strategy to combat sexual and gender-based violence;

13. *Takes note* of the fifth report by the Secretary-General on children and armed conflict in the Democratic Republic of the Congo,² invites the Government of the Democratic Republic of the Congo to bring criminal proceedings against the perpetrators of grave violations against children and encourages it to continue implementing the national action plan, signed on 4 October 2012, in order to prevent and put an end to the recruitment and use of children in armed conflicts, as well as sexual violence against children;

14. *Encourages* the Government of the Democratic Republic of the Congo to ensure that the national programme for disarmament, demobilization and reintegration takes account of the specific needs of children affected by the armed conflict and the protection of their rights;

15. *Welcomes* the initiatives taken by the Government of the Democratic Republic of the Congo to promote human rights, the administration of justice and the consolidation of security, in particular through the promulgation of the Institutional Act on the organization, functioning and competence of the courts and tribunals, which gives courts of appeal jurisdiction over crimes of genocide, war crimes and crimes against humanity;

16. *Emphasizes* the efforts undertaken to date by the Democratic Republic of the Congo to reform the army, the police and the security services, and encourages the Government to maintain this momentum;

17. *Encourages* the Government of the Democratic Republic of the Congo to ensure appropriate protection for journalists and human rights defenders in the exercise of their respective activities, in accordance with the laws in force in the Democratic Republic of the Congo;

18. *Welcomes with satisfaction* the ratification by the Government of the Democratic Republic of the Congo of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and the SADC Protocol on Gender and Development, and encourages it to continue ratifying and implementing the international and regional instruments on human rights and international humanitarian law;

19. *Encourages* the States of the region, parties to the Addis Ababa Framework Agreement of 24 February 2013 to continue implementing their obligations thereunder and to work to ensure the return of peace and security to the Democratic Republic of the Congo and the Great Lakes region;

20. *Calls on* the international community to support the Office of the United Nations High Commissioner for Human Rights in increasing and strengthening its technical assistance programmes and activities to improve the human rights situation in the country, and invites the High Commissioner to report to the Council at its thirtieth regular session;

21. *Calls on* the Office of the United Nations High Commissioner for Human Rights to commission a study of the impact of technical assistance and capacity-building on the human rights situation in the Democratic Republic of the Congo and to submit the report at its thirtieth regular session, in the context of an interactive dialogue;

22. *Decides* to remain seized of the matter until its thirtieth regular session.

² S/2014/453.