



General Assembly

Distr.: General
7 October 2014
English
Original: French

Human Rights Council

Twenty-seventh session

Agenda item 10

Technical assistance and capacity-building

Resolution adopted by the Human Rights Council

27/27

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 as a means of improving the human rights situation and to respond to its requests for technical assistance,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights and to discharge their obligations under the international covenants on human rights and 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, which culminated in the demise of the Mouvement du 23 mars (“M23”) and the adoption of the Nairobi Declaration of 12 December 2013, and taking note of the actions being taken to pacify the east 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,

GE.14-17988 (E) 101014 101014



* 1 4 1 7 9 8 8 *

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



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 (the “Addis Ababa Framework Agreement”), which was signed in Addis Ababa on 24 February 2013, while encouraging all those concerned at the national level to work further to protect civilians and to promote security,

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

Welcoming the work of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo 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 in the east of the country,

Underscoring the important role played by the international community, the United Nations, the African Union, the Southern African Development Community, 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 deep concern at the wave of violence and serious crimes, including acts of sexual violence perpetrated principally by armed groups against Congolese, particularly in the east of the Democratic Republic of the Congo, causing death, the mass displacement of nearly 3 million people and desperation among the civilian population, particularly women and children, as well as more than 450,000 refugees,

Welcoming the national consultations held in October 2013 in the Democratic Republic of the Congo, which were convened pursuant to Presidential Order No. 13/078 of 26 June 2013, and the establishment of an ad hoc monitoring committee to ensure the prompt implementation of the recommendations that were 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 of the Government of the Democratic Republic of the Congo at the twenty-fifth session of the Council in the high-level dialogue on lessons learned and the continuing challenges in combating sexual violence in that country;

2. *Takes note* of the presentation by the Government of the Democratic Republic of the Congo of its national report on 29 April 2014 during the second cycle of the universal periodic review, and invites it to implement the recommendations of the Working Group on the Universal Periodic Review that it accepted and to continue the reforms undertaken to improve the human rights situation, including the reform of the army, the national police and other security forces, the strengthening of the judiciary, 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 Congo,¹ and welcomes the commitment of the Government of the Democratic Republic of the Congo to continue its cooperation with the High Commissioner and with the special procedures of the Human Rights Council;

4. *Welcomes* the appointment, pursuant to Presidential Order No. 14/002 of 8 July 2014, of the Personal Representative of the Head of State on Sexual Violence and Child Recruitment, and encourages the Government of the Democratic Republic of the Congo to make the resources available to her that are necessary for the effective performance of her tasks;

5. *Encourages* the Democratic Republic of the Congo to continue to pursue the process undertaken with a view to ensuring that the National Human Rights Commission will soon become operational 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 Government of the Democratic Republic of the Congo within the framework of the institutional normalization process, in particular the establishment of the Constitutional Court under Act No. 13/026 of 15 October 2013 and the appointment of its members pursuant to Presidential Order No. 14/021 of 7 July 2014, and encourages it to set up the Court within a reasonable period of time;

7. *Also welcomes* the restructuring of the new Independent National Electoral Commission through the establishment of the Plenary Assembly as a collegiate decision-making body and the reactivation of consensus-building mechanisms, 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 in order 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 in accordance with Act No. 14/006 of 11 February 2014 on amnesty for acts of insurrection, acts of war and political offences, which excludes 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, both at the national level and in the provinces, of the consensus-building and cooperation mechanism referred to as the *Entité de liaison de droits de l'homme*, and encourages it to ensure the operation of the unit for the protection of human rights defenders and to allocate budgetary funds under the Finance Act for its effective functioning;

11. *Welcomes* efforts to combat acts of sexual violence 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, especially of perpetrators of sexual violence, and to all human rights violations and to bring their perpetrators to justice and to ensure that the victims receive compensation;

¹ A/HRC/27/42.

12. *Also welcomes* 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 as part of the fight against sexual violence and to strengthen governmental coordination in the follow-up on the national strategy to combat sexual and gender-based violence;

13. *Takes note* of the fifth report of 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 institute 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 disarmament, demobilization and reintegration programme 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 Act on the Organization, Functioning and Competence of Courts and Tribunals, which gives courts of appeal jurisdiction over crimes of genocide, war crimes and crimes against humanity;

16. *Underscores* 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 course 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 Southern African Development Community Protocol on Gender and Development, and encourages it to continue to ratify and implement international and regional instruments relating to human rights and international humanitarian law;

19. *Encourages* the States in the region that are parties to the Addis Ababa Framework Agreement of 24 February 2013 to continue to discharge the obligations arising from it and to work for the return of peace and security in the Democratic Republic of the Congo and the Great Lakes region;

20. *Calls upon* the international community to support the Office of the United Nations High Commissioner for Human Rights in its efforts to increase and strengthen its technical assistance programmes and activities aimed at improving the human rights situation in the country, and invites the High Commissioner to report to the Council at its thirtieth session;

² S/2014/453.

21. *Calls upon* the United Nations High Commissioner for Human Rights to commission a study on 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 session within the framework of an interactive dialogue;

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

*40th meeting
26 September 2014*

[Adopted without a vote.]
