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Agenda item 10

Technical assistance and capacity-building

Gabon (on behalf of the Group of African States): draft resolution

24/...

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 and 19/27 of 23 March 2012, 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 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 set forth in the Charter of the United Nations and the Universal Declaration of Human Rights, as well as obligations under the international covenants on human rights and other relevant instruments to which they are parties,

Encouraging the efforts of 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 creation in the Democratic Republic of the Congo, by the President, of the National Oversight Mechanism of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013, while also encouraging all those concerned at national level to work harder to ensure protection for civilians and to promote security,

Noting the convening, under Presidential Order No. 13/078 of 26 June 2013, of national consultations in the Democratic Republic of the Congo, and their actual start, while also encouraging all those involved in the process to work in an inclusive and constructive manner to improve the context for the promotion of civil rights and the integrated development of the country,

Taking note 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, which established reciprocal commitments and was followed up by a joint workplan to address sexual violence,

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 section 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 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, 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 in the east of the Democratic Republic of the Congo, principally by the rebel group known as M23, as well as other armed groups operating in the east of the Democratic Republic of the Congo, causing death, large-scale displacement and distress among the civilian population, particularly women and children,

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

1. *Takes note* of the mid-term report on the implementation of the national action plan on follow-up to recommendations relating to the promotion and protection of human rights, and the political will of the national authorities to continue implementing the current measures within the framework of the reform of the army, the Congolese national police and the security services, in accordance with resolution 19/27 of the Human Rights Council;

2. *Also takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights and the activities of her Office in the Democratic Republic of the Congo;¹

3. *Further takes note* of the commitment of the Government of the Democratic Republic of the Congo to cooperate with the Office of the United Nations High Commissioner for Human Rights and with the special procedures of the Human Rights Council;

4. *Congratulates* the Democratic Republic of the Congo on the establishment 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), and encourages the Democratic Republic of the Congo to make the Commission operational in the near future;

5. *Welcomes* the review by the Democratic Republic of the Congo of Act No. 10/013 of 28 July 2010 on the organization and functioning of the Independent National Electoral Commission, which has made it possible to expand the membership of the

¹ A/HRC/24/33.

Commission, under the chairmanship of a representative of civil society, and committed it to proposing a realistic timetable for elections as soon as possible;

6. *Encourages* the Government of the Democratic Republic of the Congo to ensure the smooth functioning, both at national level and in the Provinces, of the mechanism for consensus-building and cooperation known as the *entité de liaison des droits de l'homme*, and of the unit for the protection of human rights defenders, including through the allocation of budget funds under the Finance Act;

7. *Urges* the Government of the Democratic Republic of the Congo, with the support of the international community, to redouble its efforts to put an end to impunity, primarily for perpetrators of sexual violence, and to all human rights violations, and also urges it to bring the perpetrators to justice and to ensure that the victims receive compensation;

8. *Encourages* the Government of the Democratic Republic of the Congo to implement the national action plan, signed on 4 October 2012, to prevent and put an end to the recruitment and use of children, as well as to sexual violence committed against children;

9. *Takes note with interest* of 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, notably through the promulgation of the Organic Act on the organization, functioning and jurisdiction of courts and tribunals, which gives courts of appeal jurisdiction over crimes of genocide, war crimes and crimes against humanity;

10. *Also takes note* of the efforts made 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 trend;

11. *Encourages* the Government of the Democratic Republic of the Congo to provide greater protection for human rights defenders and journalists, and to ensure that anyone detained arbitrarily is released without delay;

12. *Welcomes* the adoption by Parliament of the Act authorizing ratification by the Democratic Republic of the Congo of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and encourages the Government of the Democratic Republic of the Congo to continue to ratify international and regional instruments relating to human rights and international humanitarian law;

13. *Takes note* of the presentation by the Government of the Democratic Republic of the Congo, on 11 July 2013, of the country's sixth and seventh periodic reports under the Convention on the Elimination of All Forms of Discrimination against Women,² and encourages it to implement the recommendations made by the Committee on the Elimination of Discrimination against Women;³

14. *Is seriously concerned* by the still very high number of cases of sexual violence, which is also used as a weapon of war in the provinces in conflict in the east of the Democratic Republic of the Congo, and takes note of the efforts being made to bring the perpetrators to justice;

15. *Decides* to hold, at its twenty-fifth session, a high-level dialogue on the lessons learned and the continuing challenges in combating sexual violence in the

² CEDAW/C/COD/6-7.

³ CEDAW/C/COD/CO/6-7.

Democratic Republic of the Congo and to allow countries in conflict and post-conflict situations to share their experiences in the area;

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

17. *Urges* the international community to support the Office of the United Nations High Commissioner for Human Rights in increasing and enhancing its technical assistance programmes and activities to improve the human rights situation in the country and invites the Office to report thereon to the Council at its twenty-seventh regular session;

18. *Decides* to continue its consideration of the human rights situation in the Democratic Republic of the Congo at its twenty-seventh regular session.
