



# General Assembly

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## Human Rights Council

### Forty-second session

9–27 September 2019

Agenda item 10

### Technical assistance and capacity-building

#### Angola\* and Turkey\*\*: draft resolution

#### 42/... Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo

*The Human Rights Council,*

*Reaffirming* that all States have a responsibility 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, to discharge their obligations under the International Covenants on Human Rights and other relevant instruments to which they are parties,

*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* its 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, 24/27 of 27 September 2013, 27/27 of 26 September 2014, 30/26 of 2 October 2015, 33/29 of 30 September 2016, 35/33 of 23 June 2017, 36/30 of 29 September 2017 and 39/20 of 28 September 2018, in which the Human Rights 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 situation of human rights and responding to its requests for technical assistance,

*Taking note* of the report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,<sup>1</sup> submitted to the Human Rights Council in accordance with its resolution 39/20,

*Deeply concerned* about the continuing serious violations committed against children, including sexual violence,

*Noting* the progress made by the Armed Forces of the Democratic Republic of the Congo in preventing and ending the recruitment and use of children, which has resulted in

\* On behalf of the States Members of the United Nations who are members of the African Group of States.

\*\* Non-member State of the Human Rights Council.

<sup>1</sup> A/HRC/42/32.



its removal from the list for this violation contained in the annual report of the Special Representative of the Secretary-General for Children and Armed Conflict, and in combating impunity,

*Concerned* about the humanitarian consequences of the violence affecting civilian populations, particularly children and women, which have led to a significant increase in the number of internally displaced persons and persons in need of humanitarian assistance,

*Welcoming* the disarmament of some armed militias in the Kasai region following the elections of 30 December 2018, while calling on the militias that are still active to initiate the process of disarmament and demobilization,

*Welcoming also* the organization of the presidential, national and provincial legislative elections, which led to the first peaceful transfer of power between heads of State in the history of the Democratic Republic of the Congo, and the important role played by national and regional observer missions of the Southern African Development Community, the International Conference on the Great Lakes Region and the African Union,

*Welcoming further* the release in March 2019 of several hundred persons considered to be political prisoners and prisoners of conscience, as well as the preliminary measures taken by the President to put an end to the restrictions on democracy in the Democratic Republic of the Congo, in particular to the arbitrary arrest and detention of members of the political opposition and representatives of civil society and the restriction of fundamental freedoms such as the freedom of opinion and expression, freedom of the press and the right of peaceful assembly, and encouraging the adoption of further measures with a view to achieving this objective as soon as possible,

*Calling on* the Government of the Democratic Republic of the Congo to continue and to step up its efforts to respect, protect and uphold all human rights and fundamental freedoms for all, in accordance with its international obligations, and to respect the rule of law,

*Recognizing* the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and abuses and in improving the situation of human rights in the country,

*Noting* the efforts made in the region, in particular by the Southern African Development Community, the African Union, the International Conference on the Great Lakes Region and the Economic Community of Central African States, aimed at contributing to peace and stability in the Democratic Republic of the Congo,

*Noting also*, firstly, the progress made in combating impunity for perpetrators of sexual violence and in ensuring that victims have access to justice for the reparation of harm suffered, including through the establishment, by the Office of the Personal Representative of the Head of State tasked with fighting against sexual violence and the recruitment of children, of a helpline for victims of sexual violence, which contributes to the fight against impunity, and, secondly, the adoption by the Government of a plan of action for the national police to fight against sexual violence and to ensure the protection of children,

*Noting further* the efforts of the Democratic Republic of the Congo to implement its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

1. *Condemns unequivocally* all acts of violence, especially in areas of the country affected by armed or intercommunal conflict, including the violence committed in Yumbi territory in December 2018, and urges all stakeholders to reject any kind of violence, to exercise maximum restraint in their actions in order to avoid further inflaming the situation, and to settle their disputes peacefully;

2. *Notes* the efforts made by the authorities of the Democratic Republic of the Congo to bring the alleged perpetrators of those acts to justice, encourages them to

implement all necessary measures to ensure that all alleged perpetrators are brought to justice, and welcomes the convictions already pronounced;

3. *Also notes* the resumption, since 27 August 2018, of the trial of the persons who allegedly killed two United Nations experts and the persons accompanying them in March 2017, and reiterates the need to bring all alleged perpetrators promptly to justice and prosecute them without delay;

4. *Welcomes* the peaceful transfer of power in the Democratic Republic of the Congo on 24 January 2019, including the subsequent establishment of national and provincial legislative and executive institutions, in accordance with the Constitution, and notes that the return of the opposition leaders to the Democratic Republic of the Congo has contributed to the development of a new balance of power among the political forces of the country;

5. *Encourages* the Government of the Democratic Republic of the Congo to pursue the awaited legislative changes aimed at enhancing respect for human rights and fundamental freedoms, as the President has pledged, to continue efforts to strengthen the rule of law and democratic institutions and to advance political openness;

6. *Welcomes* the establishment of a permanent human rights commission and a standing committee on women's rights in the National Assembly;

7. *Notes with appreciation* the progressive operationalization of the National Human Rights Commission and the publication of both its third annual report and various ad hoc and inquiry reports, and calls upon the Government to ensure the Commission's independence, including with regard to its funding, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

8. *Welcomes* the strong commitment of the President to improving the human rights situation and the positive steps taken since his inauguration to launch his reform agenda and open up the political environment, which have resulted in the release of political prisoners, the closure of all detention centres, the return of political actors and progress in ensuring respect for fundamental freedoms, including the freedom of expression;

9. *Reaffirms* its strong commitment to respect fully the principles of non-interference in the internal affairs of States, including strict respect for the sovereignty, independence, unity and territorial integrity of the Democratic Republic of the Congo;

10. *Encourages* the Government of the Democratic Republic of the Congo to continue actively its efforts together with civil society organizations and the international community to end impunity for the perpetrators of serious human rights violations and abuses, including sexual and gender-based violence, and violations of international humanitarian law, and to ensure that victims of such violations, abuses and related crimes receive adequate reparations;

11. *Welcomes* the establishment by the Government of the Democratic Republic of the Congo of an interministerial committee to monitor the implementation of the Convention on the Rights of Persons with Disabilities in the context of the implementation of its five-year (2016–2021) plan for the protection of the rights of persons with disabilities, adopted on 20 and 21 May 2016;

12. *Encourages* the interministerial committee to monitor the implementation of the Convention on the Rights of Persons with Disabilities to continue its monitoring of the implementation of the Convention;

13. *Invites* the Government of the Democratic Republic of the Congo to improve and increase the participation of women in the political and administrative domains, and notes with appreciation the legislative measures already taken within the framework of the amendments to the Family Code and the law on gender parity;

14. *Encourages* the Government of the Democratic Republic of the Congo to continue in its commitment to cooperation with the Office of the United Nations High

Commissioner for Human Rights, the United Nations Joint Human Rights Office and the Human Rights Council and its special procedures;

15. *Also encourages* the Government of the Democratic Republic of the Congo to maintain and step up its efforts to continue the reform of the security sector, and to reform and strengthen its penitentiary system;

16. *Further encourages* the Government of the Democratic Republic of the Congo to take appropriate measures to ensure the smooth functioning of all agencies responsible for monitoring respect for human rights, including the Human Rights Liaison Unit, the National Human Rights Commission, the Interministerial Committee on Human Rights, the National Commission for the Universal Periodic Review and the unit for the protection of human rights defenders;

17. *Requests* the Office of the High Commissioner to provide technical assistance, including the necessary forensic expertise, to the Government of the Democratic Republic of the Congo in order to support the judicial authorities in their investigations into allegations of human rights violations and abuses, with a view to bringing those responsible to justice;

18. *Requests* the United Nations High Commissioner for Human Rights to present to the Human Rights Council an oral update on the situation of human rights in the Democratic Republic of the Congo at its forty-third session;

19. *Also requests* the High Commissioner to prepare a comprehensive report on the situation of human rights in the Democratic Republic of the Congo and to submit it to the Council, within the framework of an enhanced interactive dialogue, at its forty-fifth session;

20. *Requests* that the Office of the High Commissioner receive the necessary and appropriate resources for the performance of its mandate;

21. *Decides* to remain seized of the matter until its forty-fifth session.

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