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Agenda item 10

Technical assistance and capacity-building

Burkina Faso* and Turkey** : draft resolution

45/... 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, and 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 its 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, 39/20 of 28 September 2018 and 42/34 of 27 September 2019, in which the Human Rights Council called upon the international community to support the 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,¹ submitted to the Human Rights Council in accordance with its resolution 42/34, and of the report of the team of international experts on the situation in Kasai,² submitted to the Council in accordance with its resolution 41/26 of 12 July 2019,

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

** State not a member of the Human Rights Council.

¹ A/HRC/45/49.

² A/HRC/45/50.



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

Concerned by the deteriorating security and human rights conditions in some sectors in the eastern part of the Democratic Republic of the Congo, notably in Ituri, North Kivu, South Kivu, Sankuru, Haut-Uélé, Bas-Uélé, Mongala, Kasai and Kasai Central Provinces,

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,

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 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,

Commending the progress made in 2019, such as the release of several hundred persons considered to be political prisoners and prisoners of conscience, as well as the measures taken by the President to put an end to the violations of fundamental freedoms and human rights in the Democratic Republic of the Congo,

Concerned by the resurgence of violations of fundamental freedoms linked to restrictions on liberties and by the worsening situation in detention centres,

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,

Concerned about the arbitrary arrests, carried out by the security services, targeting court officers, including lawyers, and other civil society actors, such as human rights activists,

Also concerned about the cases of arbitrary arrest by the judiciary and recalling that detention should under all circumstances remain an exception to the principle of respect for the fundamental freedoms of Congolese citizens,

Recalling the need to guarantee not only the right of opposition, but also the full exercise by Parliament of its mandate in a democratic system,

Welcoming the report of the team of international experts on the situation in Kasai and taking note of its conclusions and recommendations, and commending the continued cooperation of the Government of the Democratic Republic of the Congo with the team of international experts, including the steps taken to facilitate access to the country, sites and persons,

Keeping in mind that the recommendations of the team of international experts on the situation in Kasai should continue to be implemented on the ground by the Government of the Democratic Republic of the Congo, with technical support from the international experts,

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. *Strongly condemns* all violations of human rights, especially in areas affected by armed or intercommunal conflict in the eastern part of the Democratic Republic of the Congo, and in particular in areas such as Beni, in North Kivu, Djugu, Mahagi and Bunia, in Ituri, Manono, in Tanganyika, and Minembwe, in South Kivu, where the situation continues to lead to significant population displacement;

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. *Encourages* the Government of the Democratic Republic of the Congo to pursue vigorously 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, to advance political openness, to provide adequate protection for human rights defenders, and not to allow retrogression or new violations of the political rights of Congolese citizens;

4. *Underlines* the responsibility incumbent on all stakeholders to act in strict respect of the rule of law and human rights and urges them to reject all forms of violence;

5. *Encourages* the Government of the Democratic Republic of the Congo to respect the rule of law and to continue with its efforts to respect, protect and uphold all human rights and fundamental freedoms for all, in accordance with the international obligations of States;

6. *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 detention centres where they were held, the return of political actors and progress in ensuring respect for fundamental freedoms, including the freedom of expression;

7. *Regrets* the fresh upsurge in violations of political rights and civil liberties, which has been marked by an increase in the number of arbitrary arrests and violations of the freedom of expression and of the press, as well as instances of threats against human rights defenders;

8. *Welcomes* the efforts made by the Armed Forces of the Democratic Republic of the Congo, supported by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, to eradicate the armed groups that are sowing terror in some conflict areas in the eastern part of the country;

9. *Welcomes also* the judicial appointments made at the beginning of February 2020, by the authorities of the Democratic Republic of the Congo, while hoping that they will help to strengthen the rule of law and the independence of the judiciary, facilitate the pursuit of the judicial proceedings initiated against the alleged perpetrators of serious violations of human rights and international humanitarian law, and lead to convictions;

10. *Notes with satisfaction* the continuation of the trial of the alleged perpetrators of the murder of two United Nations experts and the persons accompanying them, as well as the pursuit of the case linked to the Kamuina Nsapu militia in the Kasai region, regarding the conviction of those responsible and compensation for the victims;

11. *Encourages* the Government of the Democratic Republic of the Congo to pursue its initiatives for the adoption of legislative measures aimed at promoting and

protecting human rights and fundamental freedoms and fostering their full enjoyment by all citizens;

12. *Commends* the efforts made by all the parties, including the Government of the Democratic Republic of the Congo, the republican opposition and civil society, to open up a political environment free of hindrances;

13. *Welcomes* the reinvigoration of the Interministerial Committee on Human Rights, tasked with preparing and drafting all reports required under the international and regional human rights treaties and the universal periodic review process and with following up on all recommendations arising therefrom, and at the same time recommends that the authorities of the Democratic Republic of the Congo make every effort to increase the Committee's budgetary resources in order to optimize its operations;

14. *Commends* the establishment in the Democratic Republic of the Congo of the National Committee for the Prevention of Torture to combat violations of the fundamental rights guaranteed and recognized to all persons subjected to any form of detention or imprisonment;

15. *Encourages* the authorities of the Democratic Republic of the Congo to make every effort to ensure the functional independence of the National Committee for the Prevention of Torture, in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

16. *Welcomes* the process to establish the transitional justice mechanism, under way in the Democratic Republic of the Congo, through the setting up of a national commission on transitional justice and reconciliation, along with the creation of a fund for victims of serious crimes and their family members and communities, a mechanism intended to balance efforts to combat impunity and promote reconciliation with the possibility of guaranteeing the non-repetition of those crimes, in accordance with Human Rights Council resolution 38/20 of 6 July 2018;

17. *Welcomes* also the establishment, by the President, of the Agency to Prevent and Combat Trafficking in Persons and the appointment of its leaders, as part of efforts to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, while recalling the need for coordinated action to indict and prosecute perpetrators of that practice and to facilitate judicial assistance with a view to their extradition;

18. *Further welcomes* the signing of a peace agreement between the Government of the Democratic Republic of the Congo and the Force de résistance patriotique de l'Ituri, and urges the Government to make every effort to ensure the success of that process in accordance with international law by making the related transitional justice mechanism operational and to give itself the means to implement the same process in all parts of the country where there are hotbeds of tension owing to the presence of local armed groups;

19. *Commends* the establishment of a ministry of State with responsibility for persons with disabilities and other vulnerable persons, and the adoption, in progress in Parliament, of the law on the protection of the rights of persons with disabilities in the Democratic Republic of the Congo;

20. *Welcomes* the process of adherence by the Democratic Republic of the Congo to the Voluntary Principles on Security and Human Rights initiative in the extractive industries, invites all its partners to assist it in implementing these principles nationally and recommends that the Government bring together, in a clear and coherent way, the coordination of all initiatives in this area, irrespective of their origin, with a view to guaranteeing transparency at both the national and multilateral levels;

21. *Encourages* the Government of the Democratic Republic of the Congo to continue and strengthen the incentives to enhance and increase the presence and participation of women in the political and administrative fields;

22. *Notes* the willingness shown by the President of the Democratic Republic of the Congo to combat impunity, reiterates its encouragement to the Government 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, particularly in the eastern part of the Democratic Republic of the Congo and in Kasai Province, and to ensure that victims of such violations, abuses and related crimes receive adequate reparations, and declares that it will follow with interest the regulatory initiatives that are being prepared in this regard;

23. *Encourages* the Government of the Democratic Republic of the Congo to implement all decisions of the treaty bodies and those of the African Commission on Human and Peoples' Rights in order to protect and improve the human rights situation in the country;

24. *Also encourages* the Government of the Democratic Republic of the Congo to ensure the dignity of detained and convicted persons by providing them with an environment conducive to their rehabilitation, with a view to their proper reintegration into society;

25. *Welcomes* the cooperation between the Democratic Republic of the Congo, the Office of the United Nations High Commissioner for Human Rights, the Human Rights Council, the United Nations Joint Human Rights Office of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the team of international experts on the situation in Kasai;

26. *Encourages* the Government of the Democratic Republic of the Congo to improve its cooperation with the special procedures mandate holders by replying to their visit requests;

27. *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, notably with regard to capacity-building for its members in the areas of human rights and international humanitarian law, and to reform and strengthen its penitentiary system;

28. *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;

29. *Calls upon* the Government of the Democratic Republic of the Congo to continue to implement in full the recommendations made by the team of international experts on the situation in Kasai in its report,³ in collaboration with the team members, in particular those recommendations aimed at combating impunity, with a view to bringing all those responsible for human rights violations and abuses to justice and promoting reconciliation;

30. *Expresses its appreciation* of the public commitment of the Democratic Republic of the Congo to promoting justice and reconciliation in Kasai, and encourages the Government to continue its efforts to give effect to this commitment, especially in the areas of investigation and prosecution, the elimination of violence against women, including sexual and gender-based violence, reconciliation between communities and the disarmament and demobilization of militias;

31. *Welcomes* the work of the team of international experts on the situation in Kasai and the technical assistance provided by the Office of the High Commissioner to the judicial authorities of the Democratic Republic of the Congo, particularly in the field of forensic expertise;

³ A/HRC/45/50.

32. *Welcomes* also the establishment of an interministerial working group responsible for monitoring the implementation of the recommendations of the team of international experts on the situation in Kasai, and encourages the Government of the Democratic Republic of the Congo to ensure that the working group meets as many times as necessary in order to assess regularly the progress made in implementing the recommendations, improve the coordination between the administrative authorities and stakeholders, and recommend appropriate measures to the Government;

33. *Decides* to renew the mandate of the team of international experts on the situation in Kasai and requests the team to present a final report to the Human Rights Council at its forty-eighth session, during an interactive dialogue, and to provide an oral update at its forty-sixth session;

34. *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;

35. *Requests* the High Commissioner to present to the Council an oral update on the situation of human rights in the Democratic Republic of the Congo, within the framework of an enhanced interactive dialogue, at its forty-sixth session;

36. *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-eighth session;

37. *Decides* to remain seized of the situation until its forty-eighth session.
