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HUMAN RIGHTS COUNCIL  
Eighth special session  
28 November 2008

**France (on behalf of the European Union), New Zealand<sup>\*</sup>, Norway<sup>\*</sup>: draft resolution  
S-8/... Situation of human rights in the east of the Democratic Republic of the Congo**

*The Human Rights Council,*

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

*Recalling also* its resolution 7/20 entitled “Technical cooperation and advisory services in the Democratic Republic of the Congo”,

*Underlining* its resolve to contribute to the improvement of the situation of human rights in the Democratic Republic of the Congo,

*Alarmed* at the increase in clashes and armed violence in the east of the Democratic Republic of the Congo, particularly in the province of North Kivu, and its direct consequences for the situation of human rights and the humanitarian situation of the people in this region,

*Condemning* the resurgence of violence in the eastern region of the Democratic Republic of the Congo and demanding all parties to respect immediately a ceasefire,

*Recalling* Security Council resolution 1820 (2008), in which the Council demanded that all parties to armed conflict take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence and enforce military disciplinary measures, upholding the principle of command responsibility, to ensure the prevention of and prosecution for sexual crimes,

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

*Considering* the need to urgently address this serious situation,

1. *Strongly deplores* the large-scale occurrence of serious violations and abuses of human rights and international humanitarian law by all parties to the conflict, including increasingly widespread cases of sexual violence, summary executions, recruitment and use of child soldiers by armed groups, cases of torture and other cruel, inhuman or degrading treatment or punishment, massive displacement of populations and plundering of villages, and calls for an immediate end to those violations and abuses;

2. *Underlines* that the Government of the Democratic Republic of the Congo has the primary responsibility for making every effort to strengthen the protection of the civilian population and to investigate and bring to justice perpetrators of violations of human rights and of international humanitarian law that constitute crimes, bearing in mind that each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity;

3. *Urges* all parties to ensure timely, safe and unhindered access of all humanitarian actors and to comply fully with their obligations under international law, including international humanitarian law, human rights law and refugee law;

4. *Acknowledges* the proceedings before the International Criminal Court regarding the situation in the Democratic Republic of the Congo, and welcomes the cooperation granted to date by the Government of the Democratic Republic of the Congo to the Court in surrendering those persons for whom arrest warrants were issued in the context of this situation, and the stated commitment of the Government to further combat impunity, including with regard to the Armed Forces of the Democratic Republic of the Congo;

5. *Expresses support* to the efforts of the Secretary-General, his Special Envoy for the conflict in the east of the Democratic Republic of the Congo, Olusegun Obasanjo, the African Union, the international community and the Government of the Democratic Republic of the Congo in the search for a political solution as the only way to restore long-term peace and stability to the region, in particular within the Goma process and the Nairobi process;

6. *Welcomes* the efforts of the United Nations High Commissioner for Human Rights and of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to assist the Government in the promotion and protection of human rights, investigate human rights violations to put an end to impunity, and continue to cooperate with efforts to ensure that those responsible for violations of human rights and international humanitarian law that constitute crimes are brought to justice;

7. *Stresses the need* for the international community to strengthen its support for the work of the High Commissioner and MONUC in the field of human rights, in support of the Government's efforts to ensure full respect for human rights in the Democratic Republic of the Congo;

8. *Underlines*, in the light of the upcoming MONUC mandate review, the importance of enabling the Mission to reinforce its capacities to protect civilians and to further reinforce its human rights component;

9. *Welcomes* the cooperation of the Democratic Republic of the Congo with the thematic special procedures of the Council as well as the invitations it has extended to some individual special procedures, and calls on it, in particular, to invite without delay all the thematic special procedures referred to in paragraph 2 of its resolution 7/20;

10. *Reiterates* the request made to the thematic special procedures referred to in paragraph 7 of its resolution 7/20, to report to the Council no later than its session in March 2009 on how best to assist technically the Democratic Republic of the Congo in addressing the situation of human rights, with a view to obtain tangible improvements on the ground, as well as the invitation to the High Commissioner to report to the Council at the same session on the human rights situation and the activities it has undertaken in the country, and stresses the need to address, as a matter of urgency, the current developments in the east of the country with regard to the human rights situation, including with regard to violence against women;

11. *Requests* the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to examine urgently the situation of human rights in the east of the Democratic Republic of the Congo, particularly in the province of North Kivu, invites the Government of the Democratic Republic of the Congo to invite without delay those Special Rapporteurs, and requests the Special Rapporteurs to submit to the Council, at its tenth session, proposals for the amelioration of the situation.

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