



# General Assembly

Distr.: Limited  
21 March 2012  
English  
Original: French

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## Human Rights Council

Nineteenth session

Agenda item 10

### Technical assistance and capacity-building

**Senegal (on behalf of the African Group): draft resolution**

**19/...**

### **Draft resolution on the human rights situation in the Democratic Republic of the Congo and the strengthening of technical cooperation and advisory services**

*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 and 13/22 of 26 March 2010, as well as Council resolution 16/35 of 25 March 2011, 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,

*Expressing concern* at the human rights situation in the Democratic Republic of the Congo, mainly in the eastern part of the country, resulting from violence, including sexual violence, against civilians, especially women and children, and taking note of the progress made by the authorities of the Democratic Republic of the Congo in the ongoing prosecution of the perpetrators of these acts and in the provision of reparations to victims,

*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,

*Noting with concern* the cases of threats and violence reported during the presidential and legislative elections, including against members of civil society and human rights defenders,

*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,

*Noting* the existence of a national programme for the promotion and protection of human rights in the Democratic Republic of the Congo and the resolve of the Government to implement it,

*Taking note* of the decision by the National Independent Electoral Commission to continue organizing elections at the provincial and local levels, and calling upon the Government of the Democratic Republic of the Congo to hold free and fair elections with all due respect for the right of all parties to freedom of expression, assembly and opinion,

*Considering* the Joint Committee on Justice to be a framework for partners to exchange ideas and coordinate their activities in the field of justice in the Democratic Republic of the Congo,

*Taking note* of the report on the situation of human rights in the Democratic Republic of the Congo presented by the Government, which addresses in particular the judicial monitoring of the electoral process, the creation of endogenous follow-up mechanisms for human rights and the implementation of the action plan on follow-up to recommendations relating to human rights,

*Taking note also* of the report of the High Commissioner on the human rights situation in the Democratic Republic of the Congo and the activities of her Office in the country,

1. *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 in the Democratic Republic of the Congo and with the special procedures of the Human Rights Council;

2. *Welcomes* the adoption of the national action plan on follow-up to recommendations relating to the promotion and protection of human rights and encourages the Government of the Democratic Republic of the Congo to set targets with precise deadlines for the implementation of the national action plan and technical assistance;

3. *Takes note* of the visit to the Democratic Republic of the Congo, at the invitation of the Government, from 25 July to 5 August 2011, of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

4. *Encourages* the Government of the Democratic Republic of the Congo to ensure that the human rights liaison entity is able to act as a framework for consultation and coordination in the field of human rights in the country, and welcomes the extension of this body's activities to the provinces so as to ensure local monitoring of the human rights situation;

5. *Commends* the role played by the international community, in particular the European Union, the African Union, the Southern African Development Community, the Economic Community of the Great Lakes Countries and the Economic Community of Central African States, as well as the International Conference on the Great Lakes Region, in supporting the efforts of the Democratic Republic of the Congo to strengthen the rule of law and improve the human rights situation in the country;

6. *Urges* the Government of the Democratic Republic of the Congo to redouble its efforts, with the support of the international community, to quickly put an end to impunity and all violations of human rights and to bring the perpetrators to justice;

7. *Welcomes* the efforts of the Government of the Democratic Republic of the Congo to put an end to all human rights violations and to assist the victims of such violations, and encourages it to pursue its efforts in this regard;
8. *Takes note* of the organization of presidential and legislative elections in the Democratic Republic of the Congo on 28 November 2011;
9. *Invites* the international community to continue to support the Joint Committee on Justice as a framework for the exchange of ideas and coordination of the various contributions in the field of justice in the Democratic Republic of the Congo;
10. *Also commends* the Government of the Democratic Republic of the Congo for adopting and sending to the Senate bills on the protection of human rights defenders and on the establishment of a special court to hear cases involving grave violations of human rights and international humanitarian law, and encourages it to strive for the quick adoption by the new national Parliament of these instruments;
11. *Takes note* of the initiatives taken by the Government of the Democratic Republic of the Congo to promote the administration of justice and human rights, in particular by assigning the 2,000 newly recruited magistrates to posts throughout the country, by making the juvenile courts operational, by establishing a unit for the protection of human rights defenders and by organizing open house events with a view to protecting the victims of human rights violations or abuses of power in the justice system;
12. *Encourages* the Government of the Democratic Republic of the Congo to continue to ratify international and regional human rights instruments and to promote human rights education;
13. *Also encourages* the Government of the Democratic Republic of the Congo to complete the establishment of a 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);
14. *Further encourages* the Government of the Democratic Republic of the Congo to evaluate, together with all the parties concerned, the national action plan on follow-up to recommendations related to human rights and to inform the Council, at its twenty-fourth session, of the results of the evaluation;
15. *Invites* the Office of the High Commissioner, through its office in the Democratic Republic of the Congo, to increase and enhance the technical assistance programmes and activities requested of it by the Government, and to report thereon to the Council at its twenty-fourth session;
16. *Encourages* the new Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to request a visit to the Democratic Republic of the Congo and to report thereon to the Council;
17. *Calls 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 in the country, and to respond to its requests for technical assistance;
18. *Decides* to continue its consideration of the human rights situation in the Democratic Republic of the Congo at its twenty-fourth session.