



General Assembly

Distr.
LIMITED

A/HRC/10/L.1
12 March 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Tenth session
Agenda item 10

TECHNICAL ASSISTANCE AND CAPACITY-BUILDING

**10/... Technical cooperation and advisory services in the
Democratic Republic of the Congo**

Canada, Czech Republic* (on behalf of the European Union): draft resolution

The Human Rights Council,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights and in accordance with the international covenants on human rights and other applicable human rights instruments,

Asserting that all Member States have a responsibility to provide social and economic services to the population in accordance with article 2 of the International Covenant on Economic, Social and Cultural Rights,

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

* Non-member State of the Human Rights Council.

Reiterating its resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008, 9/9 of 24 September 2008 and S-8/1 of 1 December 2008,

Welcoming 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 (A/HRC/10/58),

Underscoring the long-term, sustainable efforts needed from the Government of the Democratic Republic of the Congo and its international partners to consolidate democracy and to promote respect for human rights, the rule of law, good governance and recovery,

Reaffirming its dedication to assist the Government of the Democratic Republic of the Congo in its commitment to fulfil its international human rights obligations,

Alarmed by the deteriorating human rights situation in the Democratic Republic of the Congo, particularly the persistent, systematic and gross violations of the human rights of civilians and the grave breaches of international humanitarian law in the eastern and north-eastern part of the Democratic Republic of the Congo, including armed violence and reprisals against the civilian population, in particular the recruitment of child soldiers by armed groups and the ongoing and widespread acts of sexual violence against women and children, which in the majority of cases are committed by members of armed groups or security forces and used as a weapon of war,

Recalling the Declaration on Human Rights Defenders, adopted by the General Assembly in its resolution 53/144, and concerned by the increase in threats, intimidation and violence against human rights defenders in the Democratic Republic of the Congo,

Appreciating the commitment and sustained efforts of the Democratic Republic of the Congo, Rwanda and other countries of the region and their international partners to find a sustainable solution to the crisis, as well as their commitment to protect the civilian population and facilitate humanitarian assistance, as expressed in particular in the Nairobi communiqué of 9 November 2007,

1. *Welcomes* the reports of the thematic special procedures mentioned in its resolution 7/20 and the visit of the Representative of the Secretary-General on the human rights of internally displaced persons to the Democratic Republic of the Congo in January 2009;
2. *Commends* the Democratic Republic of the Congo for its cooperation with the thematic special procedures of the Council as well as for the invitations that it has extended to other individual special procedures;
3. *Underlines* the fact that the Government of the Democratic Republic of the Congo has the primary responsibility to ensure the protection of the civilian population, prevent sexual violence and investigate and bring to justice perpetrators of human rights violations, bearing in mind that each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity;
4. *Condemns* the acts of violence, human rights violations and abuses committed by all parties to the conflict, in particular sexual violence and the recruitment by the militias and rebel groups of child soldiers, and specifically the brutal killing of more than 800 Congolese civilians by the Lord's Resistance Army in Province Orientale, including numerous women and children;
5. *Calls upon* all signatories to speed up the implementation of the Nairobi communiqué and the Goma act of engagement signed on 23 January 2008;
6. *Urges* all parties to the conflict to respect international humanitarian law, in particular in the protection of civilians and, in cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo, to ensure the safety, security and freedom of movement of all civilians and United Nations staff and associated personnel, and the unhindered access of humanitarian personnel to all of the affected population throughout the territory of the Democratic Republic of the Congo;
7. *Also urges* all parties to the conflict to put an immediate end to the recruitment and use of child soldiers, which is contrary to international law and the African Charter on the Rights and Welfare of the Child, the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, and release all children associated with them;

8. *Appeals* to all parties to cooperate with humanitarian organizations to minimize the suffering of refugees and internally displaced persons in the region;

9. *Welcomes* the efforts of the Secretary-General, the United Nations High Commissioner for Human Rights and the United Nations Organization Mission in the Democratic Republic of the Congo to assist the Government in the promotion and protection of human rights, in the investigation of human rights violations in order to put an end to impunity, and to ensure that those responsible for serious violations of human rights and international humanitarian law are brought to justice;

10. *Also welcomes* the efforts of the Government of the Democratic Republic of the Congo, the Government of Rwanda as well as the African Union, the European Union and the international community to 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;

11. *Encourages* the Government of the Democratic Republic of the Congo to continue its good cooperation with the International Criminal Court, and calls upon all stakeholders to fully collaborate with the Court and to contribute to the execution of the arrest warrants issued by it;

12. *Welcomes* the decisions of the Government of the Democratic Republic of the Congo to establish an independent national human rights commission and to create follow-up Committees on human rights violations committed by the security forces, and encourages the Government to ensure that these newly established bodies become fully operational;

13. *Underlines* the importance of the fight of the Government of the Democratic Republic of the Congo against corruption, stresses the need to develop and fully implement an anti-corruption national plan and appeals to all other relevant stakeholders to support these efforts by technical assistance and advisory services;

14. *Also underlines* the need to strengthen further the role of an effective and independent law enforcement system at the national, provincial and local levels, in particular the restoration and strengthening of the independent justice system, and the launching of comprehensive reforms of the security sector, with a special focus on ensuring its accountability and effectiveness, including through the provision of adequate funding;

15. *Underscores* the necessity to fully implement the national plan on prison system reform and prison personnel training by the Government, including by allocating sufficient funding, and urges the Government to ensure unhindered access to prisons and detention centres for United Nations human rights officers;

16. *Renews* its strong appeal to the international community to continue to support the transitional process in the Democratic Republic of the Congo and its institutions and, in particular, to provide further assistance for the reform of the justice system, in order to permit the establishment of the rule of law, a culture of peace and lasting democracy;

17. *Also renews* its strong appeal to the international community to strengthen its support for the work of the United Nations High Commissioner for Human Rights and the United Nations Organization Mission in the Democratic Republic of the Congo in the field of human rights, and for the Government's efforts to ensure full respect for human rights in the Democratic Republic of the Congo;

18. *Requests* the Secretary-General, the High Commissioner and the United Nations Organization Mission in the Democratic Republic of the Congo to pursue and reinforce their efforts to improve the human rights situation in the Democratic Republic of the Congo, and all human rights institutions and mechanisms present in the country to collaborate in order to promote a coherent and efficient approach to the situation of human rights in the Democratic Republic of the Congo;

19. *Decides* to appoint, for a period of one year, an independent expert on technical cooperation and advisory services in the Democratic Republic of the Congo, whose tasks will be to provide assistance to the Government of the Democratic Republic of the Congo, inter alia, in the fields of:

(a) Drafting and implementation of an effective policy for the elimination of human rights violations, including by tackling abuses, threats and harassment against human rights defenders, and for the systematic fight against impunity by bringing to justice those who have committed crimes and atrocities;

(b) Drafting and implementation of effective legislation and capacity-building for the administration of justice at the national, provincial and local levels and its implementation, in particular with regard to the effective protection of victims, witnesses, human rights defenders and representatives of the media, who play an essential role in the fight against impunity, and the promotion of victims' access to justice and compensation;

(c) Establishment and consolidation of the newly emerging independent human rights institution, also with regard to its provincial and local outreach, as well as its integration into the regional and international networks of national human rights institutions;

(d) Creation and implementation of special and immediate measures to ensure that sexual violence comes to an end, using all national capacity in cooperation with the international community to assist in meeting the needs of the Government of the Democratic Republic of the Congo;

(e) Creation and implementation of special measures to protect women and children from violence, including sexual violence and the recruitment of child soldiers, and to enhance measures to support the full reintegration of those affected into society;

(f) Creation and implementation of special measures to protect and provide assistance to internally displaced persons;

(g) Assessment of progress of human rights, including economic, social and cultural rights, inter alia, by establishing, in cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo and the Ministry for Human Rights, benchmarks to identify and evaluate progress made;

20. *Requests* the independent expert to report and provide recommendations on the implementation of his/her mandate to the Council at its twelfth session;

21. *Invites* the United Nations High Commissioner for Human Rights to report to the Council at its twelfth session on the human rights situation in the Democratic Republic of the Congo and on the activities that her Office has undertaken in the country;

22. *Requests* the High Commissioner to ensure that the independent expert receives the necessary resources to enable him/her to discharge the mandate fully;

23. *Encourages* the Government of the Democratic Republic of the Congo and the international community to provide all necessary cooperation and assistance to enable him/her to fulfil the mandate;

24. *Decides* to continue its consideration of this matter under the same agenda item at its twelfth session.
