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Agenda item 10

Technical assistance and capacity-building

Nigeria (on behalf of the African Group): draft resolution

13/...

Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services

The Human Rights Council,

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

*Recalling its ~~also Council~~ resolutions 5/1 of 18 June 2007, **7/20 of 27 March 2008, S-8/1 of December 2008 and 10/33 of 27 March 2009,***

~~Recalling further Council Resolution 7/20 of 27 March 2008, in which it called on the international community to provide the Democratic Republic of the Congo with the various forms of assistance that it had requested, with a view to improving the human rights situation,~~

~~Recalling its resolution S-8/1 of 1 December 2008 in which the Council condemned the acts of violence, human rights violations and abuses committed in Kivu, in particular sexual violence and the recruitment by the militia of child soldiers,~~

*Recalling also its resolution 10/33 of 27 March 2009, **wherein it requested** ~~in which it called on~~ the international community to support the establishment of a local cooperation mechanism by the Government of the Democratic Republic of the Congo, the United Nations High Commissioner for Human Rights and the Human Rights Section of the United Nations Organization Mission in the Democratic Republic of the Congo, referred to as the *entité de liaison des droits de l'homme*,*

Expressing its appreciation for the role taken by the international community, in particular by the African Union, the Southern African Development Community, the Economic Community of Central African States and the European Union, in enhancing the rule of law and improving the human rights situation in the Democratic Republic of the Congo,

Taking into consideration the fact that the presence of the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo and that of the Human Rights Section of the United Nations Organization Mission in the

Democratic Republic of the Congo have been merged with a view to their achieving more efficiency in their work on the situation of human rights in the country,

Expressing concern over the current human rights situation in the Democratic Republic of the Congo and calling upon the government to respect human rights law and international humanitarian law,

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

Reaffirming that 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,

~~*Recognizing the primary responsibility of the Government of the Democratic Republic of the Congo regarding the promotion of the right to development, and economic, social and cultural rights, as well as the control of its natural resources for the benefit of its citizens;*~~

~~*Having reviewed the activities of the thematic Special Rapporteurs in relation to the situation of human rights in the Democratic Republic of the Congo,*~~

1. *Takes note* of the initiatives implemented by the Democratic Republic of the Congo, in particular the *entité de liaison des droits de l'homme*, the national agency to combat violence against women and girls, and the organization of the Second National Conference on Human Rights and the Rule of Law in the Democratic Republic of the Congo **and calls on the government to accelerate the establishment of the independent national human rights institution in accordance with the Paris Principles,**

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2. **Calls upon** ~~*Encourages*~~ the Democratic Republic of the Congo to **ensure** ~~*assure*~~ in all circumstances respect for human rights **law** and international humanitarian law, **including by providing access to justice and remedy** ~~and to ensure that reparation is provided~~ to the victims of the violations of the human rights;

3. *Requests* the Democratic Republic of the Congo to continue to **ensure** ~~*extend*~~ ~~*adequate*~~ protection **of** ~~*to*~~ journalists and human rights defenders in the discharge of their duties and in conformity with the relevant provisions of **national law consistent with international law, and with the UNGA Declaration on Human Rights Defenders** ~~*the law*~~; to fight against sexual violence and to **prosecute** ~~*sanction*~~ the perpetrators of serious human rights violations, in the army and the national police force, within the framework of the policy of zero tolerance;

Appalled by the continuing incidences of sexual and gender based violence. In this context, welcomes the announcement by the Government of Democratic Republic of a zero tolerance policy and calls on the Government to take concrete steps towards its full implementation,

4. *Encourages* the Democratic Republic of the Congo to pursue its reforms in the framework of consolidating peace and national reconciliation as well as the general reform of justice, the army, security and the national police force, and welcomes the determination of the Democratic Republic of the Congo with respect to continuing its cooperation with the special procedures of the Human Rights Council;

5. Welcomes the cooperation of the Democratic Republic of the Congo with the thematic special procedures of the Council and its invitation to a number of them, including the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions, to make recommendations, within their respective mandates, on how best to assist technically the Democratic Republic of the Congo in addressing the situation of human rights, with a view to obtaining tangible improvements on the ground, while also taking into account the needs articulated by the Government of the Democratic Republic of the Congo;

6. ~~Calls on upon~~ **the Government of the Democratic Republic of the Congo, with the support of the international community to *inter alia*, develop effective and credible monitoring and verification of the supply chain of minerals** ~~enhance its cooperation with the Government of the Democratic Republic of the Congo in order to put an end to the illegal exploitation of natural resources in the country so as to enable the people of the Democratic Republic of the Congo to freely dispose of its natural wealth in accordance with the relevant provisions of the International Covenant on Economic, Social and Cultural Rights;~~

7. ~~Also calls upon~~ the international community to **support the national efforts of the DRC and its institutions with a view to improve the human rights situation in the country, as well as to encourage closer collaboration with relevant regional organisations;** ~~increase the various forms of assistance requested by the Democratic Republic of the Congo, with a view to improving the situation of human rights;~~

8. ~~Further calls upon~~ the international community to support the strengthening of the operation of the local *entité de liaison des droits de l'homme* in the Democratic Republic of the Congo;

9. ~~Takes note~~ of the second joint report (A/HRC/13/63) of the thematic special procedures on technical assistance to the Government of the Democratic Republic of the Congo, ~~including and the examination of the situation in the east of the country (A/HRC/13/63),~~ and invites them to report to the Council during its sixteenth session on the developments in respect of that situation;

Requests the Government of the DRC, with the assistance of the United Nations High Commissioner for Human Rights and the thematic special procedure, to develop a plan for prioritization and implementation of recommendations received to date, particularly in the areas of protection of women and children, combating impunity, rule of law, and the administration of justice; to set targets and benchmarks for technical assistance programs, to develop a time line for achieving these targets, and to identify the means to determine the amount of and locate the resources necessary to carry out the plan for implementation, and invites the Government of the DRC to inform and update the Council on these topics at the 16th session;

10. ~~Also takes note~~ of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Democratic Republic of the Congo and the activities carried out in the country by her Office (A/HRC/13/64) and invites the High Commissioner to report to the Council, during its sixteenth session on developments in respect of that situation and the activities of her Office;

11. ~~Calls upon~~ the United Nations High Commissioner for Human Rights to increase and enhance, through her presence in the Democratic Republic of the Congo, her technical assistance programmes and activities, in consultation with the country's authorities;

12. *Decides* to continue to follow the situation of human rights in the Democratic Republic of the Congo during its sixteenth ordinary session.
