



# General Assembly

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## Human Rights Council

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Agenda item 10

### Technical assistance and capacity-building

## Resolution adopted by the Human Rights Council on 7 October 2022

### 51/36 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, 42/34 of 27 September 2019, 45/34 of 7 October 2020 and 48/20 of 11 October 2021, 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,<sup>1</sup> submitted to the Human Rights Council in accordance with its resolution 48/20,

*Deeply concerned* about the continuing violations being committed against children and women, including sexual and gender-based violence, and affirming the necessity of preventing, condemning and eliminating all forms of violence against women and girls, of ensuring access to justice and of meeting the obligation to bring the perpetrators of these violations to book,

*Concerned* by the deteriorating security and human rights conditions in some sectors in the eastern part of the Democratic Republic of the Congo, with a situation that continues

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\* Reissued for technical reasons on 21 October 2022.

<sup>1</sup> [A/HRC/51/61](#).



to give cause for concern in Ituri, North Kivu, South Kivu, Maniema and Tanganyika in particular,

*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,

*Noting also* the updating of the National Action Plan to Combat the Worst Forms of Child Labour in the Democratic Republic of the Congo,

*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 progress made in recent years and 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,

*Concerned also* about the use of hate speech and of incitement of hatred in contravention of article 20 (2) of the International Covenant on Civil and Political Rights,

*Concerned further* about the cases of arbitrary arrest and of arbitrary detention of young people alleged to be “*kulunas*”, and recalling that detention should under all circumstances remain an exception to the principle of respect for the fundamental freedoms of Congolese citizens,

*Calling on* the Government of the Democratic Republic of the Congo to continue and to step up its efforts to respect the rule of law and to protect and uphold all human rights and fundamental freedoms for all, in accordance with its international obligations,

*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 Democratic Republic of the Congo,<sup>2</sup> submitted in accordance with Human Rights Council resolution 48/20, taking note of its conclusions and recommendations, and welcoming the ongoing cooperation between the Government of the Democratic Republic of the Congo and the team of international experts, including the steps taken to facilitate access to the country, sites and persons,

*Bearing in mind* that the recommendations of the team of international experts should continue to be implemented on the ground by the Government of the Democratic Republic of the Congo, with support from the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,

*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, the Economic Community of Central African States and the East African Community, aimed at contributing to peace and stability in the Democratic Republic of the Congo,

*Noting also* 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 commending the Government of the Democratic Republic of the Congo on its tireless efforts to prevent, on a lasting basis, the recruitment and use of children by its armed forces,

*Calling on* the Government of the Democratic Republic of the Congo to find a durable solution to the problem of sexual and gender-based violence against children by

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<sup>2</sup> [A/HRC/51/60](#).

implementing the 2012 plan of action and by prioritizing the provision of services to child survivors,

*Noting with great concern* that the situation of prolonged conflict in the east of the Democratic Republic of the Congo has led to numerous human rights violations and to the illicit exploitation of natural resources in that part of the country and prevents the population from fully enjoying their rights and freedoms,

*Noting* the efforts of the Democratic Republic of the Congo to meet 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. *Condemns* all violations of human rights, as well as the illicit exploitation of natural resources, in particular in the areas affected by armed or intercommunal conflict in the eastern part of the Democratic Republic of the Congo, where the situation continues to lead to significant population displacement;

2. *Also condemns* the activities of armed groups and the resurgence of attacks against civilians, the international forces of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, humanitarian actors and the Armed Forces of the Democratic Republic of the Congo by rebel and terrorist groups, mainly the Allied Democratic Forces (ADF), the Cooperative for the Development of the Congo (CODECO), the Forces démocratiques de libération du Rwanda (FDLR) and the Mouvement du 23 mars (M23), as well as the occupation by such groups, in particular, of Bunagana and a number of other nearby localities, where they commit daily atrocities and human rights violations;

3. *Strongly condemns* any support given to these rebel and terrorist groups by anyone, in flagrant violation of the principles relating to the promotion and protection of human rights, and calls for such support to end immediately;

4. *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 take all necessary measures to ensure that all the alleged perpetrators are brought to justice, and welcomes the convictions already pronounced;

5. *Encourages* the Government of the Democratic Republic of the Congo to continue with its efforts to respect the rule of law, with a view to respecting, protecting and upholding human rights and fundamental freedoms for all, in accordance with the international obligations of States, in particular during the state of siege in effect in the provinces of North Kivu and Ituri, where military justice has assumed the functions of the civilian courts in dealing with criminal cases;

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 the detention centres where they were being held, the return of political actors, and progress in ensuring respect for fundamental freedoms;

7. *Also welcomes* the establishment of the Disarmament, Demobilization, Community Recovery and Stabilization Programme, following the signature, by the President, on 5 July 2021, of the order on the creation, organization and functions of the programme, as well as the appointment of a national coordinator and provincial coordinators for the programme, and stresses the importance of a long-term commitment on the part of national and local authorities as well as international partners for the implementation of the programme, involving specific measures on the need for decentralization and localization, with the participation of local communities;

8. *Further welcomes* the efforts of 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 counter armed groups that are spreading terror in certain conflict zones in the east of the country, condemns the recent attacks on the Mission by those armed groups, and supports the ongoing investigations into the incidents involving the Mission and the Armed Forces;

9. *Remains concerned* about the death of two members of the international forces of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, about all the acts of violence that have resulted in the death of civilians in the provinces of North Kivu and Ituri and about the looting of the Mission's facilities, and encourages the continuation of the investigations that were initiated following these unfortunate events;

10. *Notes* the efforts of the Government of the Democratic Republic of the Congo to identify the alleged perpetrators of numerous human rights violations and other abuses and their accomplices;

11. *Welcomes* the promulgation of Organic Act No. 22/003 of 3 May 2022 on the protection and promotion of the rights of persons with disabilities, and encourages the Government of the Democratic Republic of the Congo to promulgate the Organic Act on the promotion and protection of the rights of indigenous Pygmy peoples after its adoption by both houses of Parliament;

12. *Commends* the efforts made by the Government of the Democratic Republic of the Congo to improve the legal framework for elections, and expresses its expectation that this will guarantee an inclusive pre-electoral process that respects human rights associated with the democratic space;

13. *Notes with satisfaction* the efforts of the Government of the Democratic Republic of the Congo to adopt legislative measures to protect human rights defenders and whistle-blowers, and encourages it to operationalize the Human Rights Liaison Body and the Unit for the Protection of Human Rights Defenders;

14. *Encourages* the Government of the Democratic Republic of the Congo to pursue the awaited legislative changes aimed at enhancing respect for human rights and fundamental freedoms, as the President has pledged to do, 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 whistle-blowers, and not to allow any retrogression or new violations of the political rights of Congolese citizens;

15. *Welcomes* the adoption by the National Assembly of the draft law on the prevention and punishment of trafficking in persons in the Democratic Republic of the Congo;

16. *Also welcomes* the adoption by the Council of Ministers of the preliminary bill concerning the establishment of the basic principles on protection and reparations for victims of conflict-related sexual violence and victims of crimes against the peace and security of mankind;

17. *Notes with satisfaction* the operationalization of the National Human Rights Commission and its provincial branch offices, the revitalization of the interministerial committee and its location in a separate building, as well as the logistical support provided by the Office of the United Nations High Commissioner for Human Rights through its office in Kinshasa;

18. *Welcomes* the measures taken by the Government of the Democratic Republic of the Congo to combat hate speech and rhetoric and other incitement to hatred among the population and through certain media, and encourages the Government to intensify its campaign and to rapidly adopt and implement the proposed law aimed at preventing and punishing hate speech and calls for violence and discrimination throughout the country;

19. *Notes* the decision to extend the state of siege declared in the provinces of North Kivu, South Kivu and Ituri, in view of preserving peace, the rule of law and security in this part of the Democratic Republic of the Congo, also notes the human rights violations recorded during this state of siege, and urges the Government to provide information on the scope of that measure in accordance with article 4, paragraph 3, of the International Covenant on Civil and Political Rights;

20. *Encourages* the efforts made by the Government of the Democratic Republic of the Congo to establish a national mechanism for the prevention of torture in accordance with international instruments;

21. *Also encourages* the Democratic Republic of the Congo to submit as soon as possible its combined sixth to eighth periodic reports on the implementation of the Convention on the Rights of the Child, as well as its periodic reports on the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict;

22. *Further encourages* the Democratic Republic of the Congo to submit its initial report on the implementation of the Convention on the Rights of Persons with Disabilities;

23. *Notes* the steps taken by the Ministry for Gender, the Family and Children, together with civil society and other partners, to make the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa more widely known;

24. *Commends* the immediate zero-tolerance campaign against sexual and gender-based violence and impunity, launched by the President on 19 June 2021 in Bunia;

25. *Also commends* the submission by the Democratic Republic of the Congo, in Toronto and Montreal, of its application to the Voluntary Principles Initiative regarding principles on security and human rights in the extractive industries;

26. *Welcomes* the process under way to implement the transitional justice machinery in the Democratic Republic of the Congo through the establishment of a national commission on transitional justice and reconciliation, including the creation of a fund for victims of serious crimes, their family members and their communities, a mechanism that could balance the fight against impunity with reconciliation and the possibility of warding against the recurrence of such crimes, in accordance with Human Rights Council resolution 38/20 of 6 July 2018, and calls for the implementation of the recommendations of the first team of international experts in that regard;<sup>3</sup>

27. *Also welcomes* the creation of a working group on transitional justice in Congolese civil society, together with the implementation of a transitional justice programme in the province of Kasai Central, which could be replicated in other provinces;

28. *Further welcomes* the establishment of an operational plan on transitional justice in the Democratic Republic of the Congo and of an inter-institutional steering commission on national transitional justice policy, and encourages the Government of the Democratic Republic of the Congo to remain fully engaged in the transitional justice process, together with its partners, including through a strong financial commitment from them;

29. *Commends* the launch by the Minister of Human Rights of national consultations on transitional justice in eight pilot provinces: Kasai, Kasai Central, Tanganyika, North Kivu, Kongo Central, Lualaba, Haut Lomami and Haut-Katanga;

30. *Welcomes* the improvement in prison conditions, particularly in the Kinshasa Penitentiary and Re-education Centre, and encourages the Government of the Democratic Republic of the Congo to safeguard the health and dignity of detainees and convicted prisoners by offering them a framework that is conducive to their rehabilitation and proper reintegration into society;

31. *Notes with satisfaction* the conviction of the killers of human rights defenders Floribert Chebeya and Fidèle Bazana, and encourages the judicial authorities to continue the investigations concerning this case and to prosecute certain persons who were cited during the proceedings as instigators or accomplices, but who have not yet been heard or charged;

32. *Notes* the progress in the proceedings against the killers of two United Nations experts in the Kasai region, which resulted in their conviction by the military court in Kananga, and notes the continuation of the proceedings before the Military High Court of Kinshasa as well as the continuation of the investigation of other alleged perpetrators;

33. *Welcomes* the holding in July 2022 of the general assembly of the Supreme Council of Justice, which set itself the goal of undertaking an earnest assessment of the state of justice in the Democratic Republic of the Congo;

<sup>3</sup> [A/HRC/38/31](#).

34. *Encourages* the Government of the Democratic Republic of the Congo to continue national consultations on transitional justice throughout the country and to set up the structures and mechanisms that will make it possible to implement its transitional justice policy;

35. *Welcomes* the appointment in the province of Kasai Central of the members of the provincial Commission on Truth, Justice and Reconciliation, and encourages the Government of the Democratic Republic of the Congo to support the effective functioning of this commission, including with the support of the international community;

36. *Decides* to renew, for one year, the mandate of the team of international experts in the Democratic Republic of the Congo, and requests the team to provide the necessary technical support to the Government in its implementation of the national strategy on transitional justice;

37. *Requests* the team of international experts to submit its final report to the Council, in the framework of an enhanced interactive dialogue, at its fifty-fourth session, and to present it with an oral update at its fifty-second session;

38. *Commends* the work done by the team of international experts in the Democratic Republic of the Congo, as well as the technical assistance provided by the Office of the High Commissioner to the judicial authorities in the Democratic Republic of the Congo, in particular in the area of forensic medicine;

39. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance, including forensic expertise, to the Government of the Democratic Republic of the Congo in order to support the judicial authorities in their investigation of allegations of human rights violations and abuses, with a view to bringing those responsible to justice, and to strengthen the technical assistance team by providing it with additional forensic experts and sufficient resources to assist the Government in building national forensic capacity;

40. *Also requests* the High Commissioner to provide the Government of the Democratic Republic of the Congo with technical assistance to support the process under way to develop the transitional justice machinery in the country through the establishment of a national commission on transitional justice and reconciliation;

41. *Further requests* the High Commissioner to make available, to the Government of the Democratic Republic of the Congo, more experts in transitional justice who will be responsible for providing technical assistance in the strategic drafting and adoption of methodological tools necessary for the operation of the reparations fund and the provincial truth and reconciliation commissions, in line with international norms and instruments;

42. *Requests* the High Commissioner to present the Council with an oral update on the situation of human rights in the Democratic Republic of the Congo, in the framework of an enhanced interactive dialogue, at its fifty-second session;

43. *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, in the framework of an enhanced interactive dialogue, at its fifty-fourth session;

44. *Decides* to remain seized of the matter until its fifty-fourth session.

*44th meeting  
7 October 2022*

[Adopted without a vote.]