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Technical assistance and capacity-building

Resolution adopted by the Human Rights Council on 7 October 2020

45/35. Technical assistance and capacity-building in the field of human rights in the Central African Republic

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the African Charter on Human and Peoples' Rights and other relevant international and African instruments on the protection of human rights,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 23/18 of 13 June 2013, 24/34 of 27 September 2013, S-20/1 of 20 January 2014, 27/28 of 26 September 2014, 30/19 of 2 October 2015, 33/27 of 30 September 2016, 36/25 of 29 September 2017, 39/19 of 28 September 2018 and 42/36 of 27 September 2019,

Recalling further Security Council resolutions 2088 (2013) of 24 January 2013, 2121 (2013) of 10 October 2013, 2127 (2013) of 5 December 2013, 2134 (2014) of 28 January 2014, 2149 (2014) of 10 April 2014, 2217 (2015) of 28 April 2015, 2281 (2016) of 26 April 2016, 2301 (2016) of 26 July 2016, 2339 (2017) of 27 January 2017, 2387 (2017) of 15 November 2017, 2399 (2018) of 30 January 2018, 2454 (2019) of 31 January 2019 and 2507 (2020) of 31 January 2020,

Recalling the joint communiqué signed between the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Government of the Central African Republic on 1 June 2019, in accordance with Security Council resolution 2106 (2013) of 24 June 2013,

Reaffirming that all States have the primary responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international and African instruments on human rights to which they are parties,

Recalling that the authorities of the Central African Republic have the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,



Recalling also the holding of popular consultations and the Bangui Forum for National Reconciliation, which was followed by the adoption of the Republican Pact for Peace, National Reconciliation and Reconstruction and the signing of an agreement on disarmament, demobilization and reintegration by the representatives of the main parties to the conflict in the Central African Republic, and emphasizing the need for effective implementation of the recommendations and measures contained therein,

Welcoming the commemoration of the first anniversary of the signing on 6 February 2019 of the Political Agreement for Peace and Reconciliation in the Central African Republic, and recalling the adoption of the road map of the African Initiative for Peace and Reconciliation in the Central African Republic on 17 July 2017 in Libreville, and the establishment of the new Government on 22 March 2019 following the consultations held in Addis Ababa under the auspices of the African Union, and emphasizing the need for continued inclusive dialogue, in accordance with the recommendations of the Bangui Forum on National Reconciliation,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic,

Commending the Government for its efforts in the fight against the coronavirus disease (COVID-19) pandemic, and welcoming the multifaceted support provided by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, the United Nations country team and international partners to prevent, test for and curb the spread of and contamination by the disease and to isolate the sick, while remaining concerned about the health, social, economic and humanitarian consequences of the disease,

Deeply concerned about the security situation in the Central African Republic, which remains very unstable, and condemning in particular the numerous acts of violence that continue to be committed by armed groups, in violation of the Peace Agreement of 6 February 2019, in Bangui and elsewhere in the country, against civilians, United Nations peacekeepers, humanitarian personnel and health workers,

Deeply concerned also about the violations of human rights and international humanitarian law, including those involving summary or extrajudicial executions, arbitrary arrests and detention, enforced disappearance, the recruitment and use of children, the financing and training of mercenaries, sexual and gender-based violence, torture, looting and the illegal destruction of property, and all violations committed against populations in vulnerable situations, in particular women, children and internally displaced persons,

Deeply concerned further about the increasing use of messages of hatred and incitement to violence that would aggravate discrimination and social stigmatization, including on the basis of ethnicity, while recalling the adoption in June 2018 of the National Plan for the Prevention of Incitement to Discrimination, Hatred and Violence and advocating the full implementation of the Plan, in particular with a view to a peaceful progression towards the 2020 and 2021 elections,

Deeply concerned about the surge in attacks on humanitarian personnel and civilian and humanitarian facilities and infrastructure, about the unlawful taxation of humanitarian aid by armed groups, in a context that has not been improved by the increased number of displaced persons and the continuing high numbers of refugees, and about the fact that half of the country's population, or some 2.9 million Central Africans, continues to need humanitarian assistance to survive,

Recalling the implementation of the humanitarian response plan for 2017–2019, and concerned about the growing humanitarian needs of the Central African Republic, in particular those of persons with disabilities, and the needs of victims for psychotherapeutic support,

Recalling also the need for the Government of the Central African Republic, the international community and humanitarian actors to support the voluntary and well-informed return of displaced persons and refugees, and to ensure that they can be returned and received in conditions allowing for safe, dignified and sustainable resettlement,

Noting the mobilization of the international community to provide humanitarian assistance to the population of the Central African Republic affected by the crisis,

Welcoming the outcome of the various international and regional conferences held in support of the Central African Republic, and urging Member States to swiftly disburse the pledges announced,

Deeply concerned about the number of grave violations committed against children, including the escalation of killing and maiming of children and attacks on schools and hospitals perpetrated by armed groups, as well as abductions attributed to armed groups,

Emphasizing that those who engage in or provide support for acts that undermine the peace, stability and security of the Central African Republic, threaten or impede the political stabilization and reconciliation process, target civilians and attack peacekeepers and incite others to violence, particularly on ethnic or religious grounds, may face sanctions and must be held responsible for their acts,

Welcoming the non-operational and operational military training missions for the Central African armed forces conducted by the European Union and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

Recalling that the international forces present in the Central African Republic must act, in carrying out their duties, with full respect for the applicable provisions of international law, particularly international humanitarian law, international human rights law and international refugee law, expressing its concern at the allegations of sexual abuse and other human rights violations that may have been committed by personnel of the international forces in the Central African Republic, recalling also that an in-depth investigation should be launched into these allegations and that those responsible for such acts must be brought to justice, and welcoming the commitment by the Secretary-General to strictly enforce the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and the signing on 3 September 2018 of the protocol on information-sharing and reporting of sexual exploitation and abuse,

Stressing the urgent and imperative need to end impunity in the Central African Republic, to bring to justice the perpetrators of human rights violations and abuses and violations of international humanitarian law and to reject any general amnesty for the perpetrators of such violations and abuses, and the need to bolster national judicial mechanisms to ensure the accountability of perpetrators,

Stressing also the primary responsibility of the national authorities to create the conditions necessary to carry out investigations, to prosecute and to render judgments efficiently and independently, and to protect victims and at-risk persons against reprisals of any form, and calling upon international partners, including the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, within its mandate, to support the Central African authorities to this end,

Noting the commitment of the authorities of the Central African Republic to restore the rule of law, to end impunity and to bring to justice the perpetrators of crimes under the Rome Statute of the International Criminal Court, to which the Central African Republic is a party, and recalling the decisions of the Prosecutor of the Court, made on 7 February 2014, to conduct a preliminary examination of the situation in the Central African Republic and, on 24 September 2014, to launch an investigation, following the request made by the transitional authorities,

Welcoming the steps taken by the Government of the Central African Republic to operationalize the Special Criminal Court, such as the adoption of the rules of procedure and evidence, the provision of temporary premises for staff of the Court and the appointment of national judges, as well as the ongoing investigations, and encouraging the international community to continue to support the Special Criminal Court in the long term,

Recalling that the international commission of inquiry tasked with investigating allegations of violations of international humanitarian law and international human rights law and of human rights abuses in the Central African Republic concluded that the main parties

to the conflict had committed, since January 2013, violations and abuses that may constitute war crimes and crimes against humanity,

Stressing the importance of pursuing investigations into allegations of violations of international humanitarian law and international human rights law and of human rights abuses to complement the work of the international commission of inquiry and the report on the mapping exercise documenting serious violations of international human rights law and international humanitarian law committed in the territory of the Central African Republic between January 2003 and December 2015 prepared by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the Office of the United Nations High Commissioner for Human Rights,

Welcoming the measures taken by the authorities of the Central African Republic, in particular the laws on decentralization, and the act on the establishment, organization and functioning of the Truth, Justice, Reparation and Reconciliation Commission, the law establishing the pension scheme for former Presidents of the Republic and the law on the Child Protection Code,

Welcoming also the progress made by the Central African Republic in advancing the electoral process, including the adoption of the new electoral code, the organic law on the composition, organization and functioning of the National Elections Authority, the decision appointing the members of the branches of the Authority, and the conduct of voter registration operations, with a view to the effective holding of the presidential and local elections scheduled for 2020 and 2021 within the constitutional deadlines, and encouraging the authorities and institutions concerned to redouble their efforts,

Stressing that the ongoing electoral process requires an effective framework for consultations among the political actors, civil society and other relevant stakeholders in the country, with the support of the guarantors and facilitators of the Peace Agreement and the international community, for an inclusive dialogue aimed at seeking consensus and restoring confidence among the various actors with a view to a peaceful progression towards the 2020 and 2021 elections,

1. *Strongly condemns* all human rights abuses and violations and violations of international humanitarian law, including killings, acts of torture and inhuman and degrading treatment, sexual violence, abductions, arbitrary arrests and the deprivation of liberty, extortion and looting, the recruitment and use of children, the occupation of schools and attacks on them, the injured and the sick, medical personnel, health centres and medical vehicles, as well as the denial of humanitarian assistance, and stresses that those responsible for such violations and abuses must be held accountable for their actions and brought to justice;

2. *Also strongly condemns* the targeted attacks launched by armed groups against civilians, humanitarian workers, health workers, humanitarian supplies and United Nations personnel;

3. *Urges* armed groups to observe an immediate ceasefire in accordance with their commitment under the Peace Agreement;

4. *Reiterates* its call for an immediate end to all abuses and violations of human rights and violations of international humanitarian law committed by all parties, for strict respect for all human rights and all fundamental freedoms and for the re-establishment of the rule of law in the country;

5. *Expresses deep concern* at the humanitarian situation, stresses that insecurity and lack of funding constitute obstacles to the safe, unhindered delivery of humanitarian assistance, and calls upon the international community to offer greater support for humanitarian assistance and stabilization efforts in the country;

6. *Calls upon* the Government of the Central African Republic, political and religious leaders and civil society organizations to undertake coordinated public action to prevent incitement to violence, including on ethnic and religious grounds, and recalls that individuals or entities who incite violence could be sanctioned by the Security Council;

7. *Welcomes* the report of the Independent Expert on the situation of human rights in the Central African Republic¹ and the recommendations contained therein;

8. *Also welcomes* the 2019 joint communiqué signed between the United Nations and the Government of the Central African Republic with a view to addressing sexual violence committed in times of conflict, which establishes a number of important areas of cooperation: the fight against impunity through justice and accountability; a comprehensive survivor-centred approach to the provision of services; strengthening mechanisms for women's effective and meaningful participation in decision-making processes; the implementation of the Peace Agreement; and greater engagement of religious leaders in helping to prevent these crimes;

9. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children, against sexual and gender-based violence;

10. *Calls upon* the authorities of the Central African Republic to provide support to the National Observatory for Gender Parity, the National Commission on Human Rights and Fundamental Freedoms, the High Council for Communication and other State institutions working for the promotion, protection and implementation of human rights, the fight against corruption and the promotion of democracy and good governance;

11. *Urges* the authorities of the Central African Republic to formalize the status of the consultation framework designed to prevent electoral conflicts through the search for consensual solutions within the framework of the ongoing electoral process;

12. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to resolutely implement a proactive and robust approach to the protection of civilians, as enshrined in its mandate, and to lend the necessary assistance to the authorities of the Central African Republic so that the Special Criminal Court can pursue its work;

13. *Encourages* the United Nations and the countries contributing troops to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and international forces acting under the mandate of the Security Council to take appropriate measures to ensure full respect for the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and calls upon troop-contributing countries and international forces under the mandate of the Security Council to take appropriate measures to prevent any and all acts of sexual exploitation and abuse and to prevent impunity among their personnel in order to ensure justice for victims;

14. *Calls upon* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the United Nations country team, to engage resolutely in the disarmament, demobilization, reintegration and repatriation, as appropriate, of national and foreign fighters, in line with a comprehensive strategy for security sector reform designed to quickly operationalize the cooperation structures that they have put in place and to make proposals for disarmament, demobilization, reintegration and repatriation, and requests Member States and international organizations to provide the funding necessary for the disarmament, demobilization, reintegration and repatriation process and for the effective functioning of the Truth, Justice, Reparation and Reconciliation Commission, which are essential contributions to peace, security, reconciliation within the population and the stabilization of the country;

15. *Deplores* the fact that children continue to be used by armed groups as combatants, human shields, domestic workers and sex slaves, as well as the increasing number of child abductions, urges armed groups to release children from their ranks and to put an end to and prevent the recruitment and use of children and early and forced marriages, and in this regard calls upon them to honour the commitments assumed by several of them on 6 February 2019;

16. *Welcomes* the ratification by the Central African Republic in 2017 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children

¹ A/HRC/45/55.

in armed conflict and the adoption of Act No. 20016 of 15 June 2020 on the Child Protection Code, prohibiting, inter alia, the conscription and use of children in armed forces and armed groups, and encourages the Government to promptly adopt measures to implement the law and a national child protection plan, and to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

17. *Urges* all parties to protect and to regard as victims those children who have been released or otherwise separated from the armed forces and armed groups, and emphasizes the need to protect, release and reintegrate in a sustainable manner all children associated with the armed forces and armed groups and to implement rehabilitation and reintegration programmes that take into account the specific needs of girls, in particular those that have been victims of violence;

18. *Calls upon* the authorities of the Central African Republic to ensure respect for the human rights and fundamental freedoms of the entire population, and to take all steps necessary to end the impunity of perpetrators of acts of violence by strengthening the judicial system and mechanisms intended to ensure accountability;

19. *Welcomes* the opening of an investigation by the International Criminal Court in September 2014, at the request of the authorities of the Central African Republic, focusing principally on war crimes and crimes against humanity committed since 1 August 2012, the arrest on 17 November 2018 of Alfred Yekatom, who was surrendered to the Court by the authorities of the Central African Republic, and the arrest on 12 December 2018 by the authorities of France, pursuant to an arrest warrant issued by the Court on 7 December 2018 of Patrice-Edouard Ngaïssona, senior leader and national general coordinator of the anti-balaka;

20. *Urges* neighbouring States of the Central African Republic to cooperate in the fight against insecurity, and the impunity of those responsible from armed groups, including with the national and international jurisdictions and the Truth, Justice, Reparation and Reconciliation Commission;

21. *Welcomes* the efforts of the authorities of the Central African Republic that led to the operationalization of the Special Criminal Court with competence in respect of serious violations of human rights and violations of international humanitarian law, and encourages the Government, with support from the international community, to continue its cooperation with the Special Prosecutor of the Court so that those responsible for international crimes, regardless of their status or their affiliation, are identified, arrested and brought to justice without delay;

22. *Notes* the efforts of the authorities of the Central African Republic to re-establish the effective authority of the State over the entire country by redeploying the State administration, in particular the judiciary, in the provinces with a view to ensuring stable, responsible, inclusive and transparent governance, and requests the authorities to support those efforts by ensuring that the redeployed authorities have sufficient resources;

23. *Also notes* the efforts made by the authorities of the Central African Republic while underscoring the urgent need to effectively redeploy judges throughout the country, to revitalize the judicial services, to implement the national strategy for the protection of victims and witnesses involved in judicial proceedings, and to establish appropriate reparation programmes to provide victims of violations and their families with material and symbolic reparation, at both the individual and the collective level;

24. *Welcomes* the efforts made by the authorities of the Central African Republic to hold criminal hearings in the Bangui Court of Appeal in February 2020 and to strengthen the capacities of local peace and reconciliation committees, requests them to continue to strengthen the judiciary and to combat impunity in order to contribute to stabilization and reconciliation, and stresses the urgent need to restore the administration of justice and strengthen the criminal justice system and the prison system so as to ensure that judicial authorities are effectively present throughout the country and that everyone has access to fair and impartial justice;

25. *Also welcomes* the continued efforts of the authorities of the Central African Republic to establish the special joint security units, in accordance with the Peace Agreement

of 6 February 2019, and encourages them to fully implement the reform of the security sector in order to establish multi-ethnic, professional, representative and well-equipped national defence and internal security forces, and stresses the need for these forces to respect the principles of accountability and the rule of law so as to win and nurture the trust of local communities, including the preliminary verification procedures relating to human rights conducted by the defence and security forces;

26. *Stresses* the need for effective access to health care, the need for the effective functioning of the school system and vocational training the infrastructure of which is occupied by armed groups or has been destroyed or damaged because of the conflict, the need for access to sanitation and drinking water where storage, treatment and distribution facilities have deteriorated as a result of the conflict, the need to carry out agropastoral activities disrupted by insecurity and the COVID-19 pandemic, the need to register births and civil status, and the need to ensure the provision of local justice services in the context of the inadequate restoration of State authority, and requests the partners of the Central African Republic to support it in the search for responses to these challenges;

27. *Welcomes* the good cooperation between the authorities of the Central African Republic and international partners, including the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, the European Union civilian advisory mission and the European Union military training mission, with a view to the gradual and sustainable redeployment of the Central African armed forces and the internal security forces trained by the European Union military training mission in the Central African Republic and other international partners, in the wider context of extending the authority of the State and consolidating security, and invites the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to continue to apply a policy of due diligence in the field of human rights so as to ensure oversight and accountability in relation to the conduct of the national security forces;

28. *Requests* States Members of the United Nations and international and regional organizations to provide urgent support to the authorities of the Central African Republic in rolling out the above-mentioned reforms and re-establishing the authority of the State throughout the territory, while expanding the role of the Economic Community of Central African States in peace efforts and cross-border issues, including the seasonal migration of animals;

29. *Requests* the international community to enhance its support for the fight against the COVID-19 pandemic in the Central African Republic in order to prevent the health crisis from turning into a social, economic and humanitarian crisis that could lastingly undermine the results achieved in several areas, in particular the progress made on priorities such as the mechanisms implementing the Peace Agreement, the normative framework, efforts to combat impunity, reconciliation mechanisms at the local level and preparations for the 2020 and 2021 elections;

30. *Urges* the authorities of the Central African Republic to appoint, as soon as possible, the members of the Truth, Justice, Reparation and Reconciliation Commission and to provide the mechanism with all appropriate means for the effective fulfilment of its mandate, including with respect to the fight against impunity and the promotion of reparation and guarantees of non-repetition, complementing the Special Criminal Court and the ordinary courts;

31. *Also urges* the authorities of the Central African Republic to define in an inclusive manner, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, a comprehensive road map for transitional justice, and encourages the authorities to identify pilot areas to develop local strategies for transitional justice;

32. *Stresses* the need to involve all sectors of Central African civil society and to promote the full and effective participation of victims, women and young people in the dialogue between the authorities of the Central African Republic and the armed groups within the framework of the African Initiative for Peace and Reconciliation in the Central African Republic and its road map, which is the main framework for a political solution in the Central

African Republic, as well as the need to coordinate the peace process with transitional justice in order to facilitate national reconciliation;

33. *Remains deeply concerned* about the extent of conflict-related sexual violence, in particular against women, girls and boys recruited by armed groups, and encourages the national authorities and the Special Criminal Court to protect victims and advance their empowerment, and to bring all alleged perpetrators of such crimes to justice;

34. *Welcomes* the establishment of a dedicated force for the suppression of sexual violence against women and children, and calls upon the authorities of the Central African Republic to provide the Joint Rapid Response Unit to Combat Sexual Violence against Women and Children with the means necessary for its operation, and to ensure, through its relevant services, the provision of psychotherapeutic and socioeconomic care to victims;

35. *Remains concerned* about the surge in the number of children recruited by armed groups, calls for the establishment and implementation of socioeconomic reintegration and psychological support programmes for minors who are victims of the six most serious violations suffered by children in armed conflict, encourages greater advocacy to improve the protection of children in armed conflict, including by taking account of the specific needs of girls, urges the Central African authorities and armed groups to put an end to and prevent such serious violations and abuses of their rights, and calls upon the Government to implement the Child Protection Code;

36. *Remains deeply concerned* about the conditions in which displaced persons and refugees are living, and encourages the international community to support the national authorities and host countries to ensure appropriate protection and support for victims of violence, in particular women, children and persons with disabilities;

37. *Calls upon* the national authorities to continue their efforts to protect and promote the right to freedom of movement for all, including internally displaced persons, without distinction, and to respect their right to choose their place of residence, to return home or to seek protection elsewhere;

38. *Invites* all stakeholders and the international community to remain mobilized to respond to the urgent needs and priorities identified by the Central African Republic, in particular financial and technical support and funding for the treatment of people traumatized by the crisis;

39. *Requests* all parties to authorize and facilitate rapid, safe and unhindered access for humanitarian aid and humanitarian workers to the entire national territory, including by strengthening security on the roads;

40. *Encourages* States Members of the United Nations, within the framework of international cooperation, the relevant United Nations bodies, international financial institutions and other international organizations concerned and also donors to provide the Central African Republic with technical assistance and capacity-building in order to promote respect for human rights and to undertake reform of the justice and security sectors, including in the framework of the 2020 and 2021 elections;

41. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, in accordance with its mandate, to publish reports on the situation of human rights in the Central African Republic in order to enable the international community to monitor the situation;

42. *Decides* to renew, for one year, the mandate of the Independent Expert on the situation of human rights in the Central African Republic, which is to assess, monitor and report on the situation with a view to making recommendations relating to technical assistance and capacity-building in the field of human rights;

43. *Requests* all parties to cooperate fully with the Independent Expert in carrying out his mandate;

44. *Decides* to organize, at its forty-sixth session, a high-level interactive dialogue to assess developments in the situation of human rights on the ground, placing special emphasis on the status of the fight against impunity, including in the electoral context, with

the participation of the Independent Expert and representatives of the Government of the Central African Republic, the United Nations, the African Union, the Truth, Justice, Reparation and Reconciliation Commission and civil society;

45. *Requests* the Independent Expert to work closely with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and United Nations bodies, particularly in the area of transitional justice;

46. *Also requests* the Independent Expert to work closely with all United Nations bodies, the African Union and the Economic Community of Central African States, as well as with other relevant international organizations, Central African civil society and all relevant human rights mechanisms;

47. *Further requests* the Independent Expert to work closely with the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict;

48. *Requests* the Independent Expert to provide an oral update on his report on technical assistance and capacity-building in the field of human rights in the Central African Republic to the Human Rights Council at its forty-seventh session and to submit a written report to the Council at its forty-eighth session;

49. *Requests* the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the financial and human resources necessary to enable him to carry out fully his mandate;

50. *Decides* to remain seized of the matter.

*39th meeting
7 October 2020*

[Adopted without a vote.]
