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*Plenary sitting*

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**B8-1324/2016**

28.11.2016

## MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on the situation in the Democratic Republic of the Congo  
(2016/3001(RSP))

**Maria Arena, Elena Valenciano, Cécile Kashetu Kyenge, Norbert Neuser, Victor Boştinaru, Linda McAvan, Julie Ward, Doru-Claudian Frunzulică**  
on behalf of the S&D Group

**European Parliament resolution on the situation in the Democratic Republic of the Congo  
(2016/3001(RSP))**

*The European Parliament,*

- having regard to its previous resolutions, in particular those of 10 March 2016 on the Democratic Republic of the Congo<sup>1</sup> and of 9 July 2015 on the Democratic Republic of the Congo (DRC), in particular the case of the two detained human rights activists Yves Makwambala and Fred Bauma<sup>2</sup>,
- having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 15 June 2016 on the pre-electoral and security situation in the DRC,
- having regard to the statements by the High Representative of the European Union for Foreign Affairs and Security Policy / Vice-President of the Commission Federica Mogherini and by her Spokesperson on the situation in the Democratic Republic of the Congo,
- having regard to the statements by the EU Delegation to the Democratic Republic of the Congo on the situation of human rights in the country, particularly those of 23 November 2016 and 24 August 2016,
- having regard to the EU Council conclusions on the Democratic Republic of the Congo, of 17 October 2016 and 23 May 2016,
- having regard to the EU Annual Report on Human Rights and Democracy in the World, adopted by the Council of the European Union on 22 June 2015,
- having regard to the Nairobi Declarations of December 2013,
- having regard to the UN Security Council's resolutions on the DRC, in particular that of 23 June 2016,
- having regard to the annual report of the UN High Commissioner for Human Rights, published on 27 July 2015, on the situation of human rights and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,
- having regard to the decisions and orders given by the International Court of Justice,
- having regard to the Cotonou Partnership Agreement, signed on 23 June 2000 and revised on 25 June 2005 and 22 June 2010,
- having regard to the African Charter on Human and Peoples' Rights of June 1981,

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<sup>1</sup> Texts adopted, P8\_TA(2016)0085.

<sup>2</sup> Texts adopted, P8\_TA(2015)0278.

- having regard to the African Charter on Democracy, Elections and Governance,
  - having regard to the Constitution of the Democratic Republic of the Congo, adopted on 18 February 2006,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas since 2001 Joseph Kabila has been President of the DRC; whereas President Kabila's term of office is scheduled to end on 20 December 2016; whereas the mandate of the President of the DRC is limited under the Congolese Constitution to two terms;
  - B. whereas a decision of 17 October 2016 concluding the non-inclusive political dialogue postponed the date of elections to April 2018;
  - C. whereas the Independent National Electoral Commission (CENI) established an excessive budget of USD 1.8 billion and seems to wish to maintain the end of 2018 as the date for the holding of these elections;
  - D. whereas this situation has prompted accusations by the political opposition in the DRC that President Kabila and his government are trying to use administrative and technical means to delay the elections and remain in power beyond the end of their constitutional mandate;
  - E. whereas a first attempt to amend the Constitution of the DRC in order to allow President Kabila to run for a third term was aborted in 2015 due to strong opposition from, and the mobilisation of, civil society; whereas such attempts have caused growing political tension, unrest and violence across the country, which now seems to have reached an electoral impasse;
  - F. whereas the next presidential and legislative elections are of crucial importance, and their peaceful, transparent, smooth and timely conduct would contribute greatly to consolidating the progress that has been made in the DRC over more than a decade; whereas several members of the opposition have expressed themselves in favour of a transition period potentially involving President Kabila as long as the guarantees that there will be no attempt to change the constitution or to organise a popular referendum are respected, as well as the constitutional guarantee that President Kabila will not seek a third term;
  - G. whereas in June 2014 the EU sent a follow-up electoral mission to DRC, which pointed to the need to ensure an updated voters' list, conditions for fair competition between candidates, stronger protection of public liberties, a fair electoral dispute system and the fight against impunity;
  - H. whereas in the last few months there have been repeated reports from human rights groups about a worsening of the situation as regards human rights and freedom of expression, assembly and demonstration in the country in the run-up to elections, including the use of excessive force against peaceful demonstrators, journalists, political leaders and others who oppose attempts to allow President Kabila to stay in power beyond the constitutionally mandated two-term limit;

- I. whereas, in particular, more than 50 people were reportedly killed during demonstrations on 19 and 20 September 2016 in Kinshasa and many others disappeared, whereas members of the LUCHA and Filimbi movements are still being unlawfully detained and whereas press outlets such as RFI and Radio Okapi have been shut down or jammed;
1. Deplores the loss of lives during the demonstrations over the last few weeks and expresses its deepest sympathy to the families of the victims and the people of the DRC;
  2. Is deeply concerned at the increasingly unstable situation in the Democratic Republic of the Congo in a tense pre-electoral context;
  3. Recalls the commitment made by the DRC under the Cotonou Agreement to respecting democracy, the rule of law and human rights principles, which include freedom of expression and of the media, good governance and transparency in political office; notes that the dialogue pursued with the DRC authorities under Article 8 of the Cotonou Agreement, with the aim of obtaining definitive clarifications on the electoral process, is failing;
  4. Urges the EU to immediately launch the procedure under Article 96 of the Cotonou Agreement and to adopt targeted sanctions, including a visa ban and asset freeze, against the senior officials and armed forces agents responsible for the violent repression of demonstrations and the political impasse which is preventing a peaceful and constitutional transition of power, notably Kalev Mutond, General Ilunga Kampete, Evariste Boshab, General Gabriel Amisi Kumba, and General Célestin Kanyama;
  5. Is convinced that a successful and timely holding of elections before 2018 will be crucial to the long-term stability and development of the country and the entire region; affirms that the elections should be carried out in full compliance with the letter and spirit of the Congolese Constitution of 2006, notably Articles 73 and 220 thereof, and in accordance with the principles of the African Charter on Democracy, Elections and Governance, which the DRC is urged to ratify without delay; takes the view that the DRC authorities have a clear responsibility in this regard, and a duty to guarantee an environment conducive to transparent, credible and inclusive elections;
  6. Urges the Government of the Democratic Republic of the Congo to make further progress in the democratisation of the country and, to this effect, to actively build on the recommendations included in the final report of the 2011 EU Electoral Observation Mission and the report of the follow-up mission that took place in 2014;
  7. Remains deeply concerned about the effective role of the Independent National Electoral Commission (CENI), upon which the legitimacy of the electoral process will to a large extent depend; recalls that the electoral commission should be an impartial and inclusive institution with sufficient resources to allow a comprehensive and transparent process;
  8. Expresses deep concern at the deteriorating security and human rights situation in the DRC, and in particular at the continuous reports of increasing political violence; insists on the government's responsibility to avoid any deepening of the current political crisis or escalation of violence and to respect and protect the political rights of its citizens, in

particular the rights of expression, association and assembly, as these are the basis for a dynamic political and democratic life;

9. Strongly condemns any use of force and the severe restrictions and intimidations faced, notably, by peaceful demonstrators, opposition members, human rights defenders and journalists ahead of the upcoming electoral cycle; calls for the immediate and unconditional release of all political prisoners;
10. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the European Commission / High Representative of the European Union for Foreign Affairs and Security Policy, the African Union, the ACP-EU Council of Ministers, the UN Secretary-General, the UN Human Rights Council, and the President, Prime Minister and Parliament of the Democratic Republic of the Congo.