

P7_TA(2010)0350

Failures in protection of human rights and justice in the Democratic Republic of Congo

European Parliament resolution of 7 October 2010 on failures in protection of human rights and justice in the Democratic Republic of Congo

The European Parliament,

- having regard to its previous resolutions on the DRC, in particular those of 17 January 2008 on the situation in the Democratic Republic of Congo and rape as a war crime¹ and 17 December 2009 on violence in the Democratic Republic of Congo², relating to sexual violence by armed groups and the persistence of human rights abuses in the DRC; having regard to its resolution on gender mainstreaming in EU external relations and peace-building/nation-building of 7 May 2009³,
- having regard to the ‘Rapport préliminaire de la mission d’enquête du Bureau Conjoint des Nations Unies aux Droits de l’Homme sur les viols massifs et autres violations des droits de l’homme commis par une coalition de groupes armés sur l’axe Kibua-Mpofi, en territoire de Walikale, province du Nord-Kivu, du 30 juillet au 2 août 2010’ (a preliminary report on mass rapes in the Democratic Republic of Congo) published on 24 September 2010,
- having regard to the Cotonou Partnership Agreement signed in June 2000,
- having regard to the Council conclusions of 27 October 2009 on the Great Lakes region,
- having regard to the Council declaration of 10 October 2008 on the situation in the east of the DRC,
- having regard to Council Joint Action 2009/769/CFSP of 19 October 2009 amending Joint Action 2007/405/CFSP on the European Union police mission undertaken in the framework of reform of the security sector (SSR) and its interface with the system of justice in the Democratic Republic of the Congo (EUPOL RD Congo),
- having regard to the EUSEC RD Congo security sector reform mission, established in June 2005 (Council Joint Action 2005/355/CFSP of 2 May 2005 on the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (DRC)),
- having regard to UN Security Council Resolution 1856 (2008) on MONUC’s mandate,
- having regard to UN Security Council Resolution 1925 (2010), which specifies the mandate of the UN mission in the DRC (MONUSCO),
- having regard to UN Security Council Resolutions 1325 (2000) and 1820 (2008) on women,

¹ OJ C 41 E, 19.2.2009, p. 83.

² Texts Adopted, P7_TA(2009)0118.

³ Texts Adopted, P6_TA(2009)0372.

peace and security, and UN Security Council Resolution 1888 (2009) on sexual violence against women and children in situations of armed conflict, which emphasises the responsibility of all states to put an end to impunity and to prosecute those responsible for crimes against humanity and war crimes, including those relating to sexual and other violence against women and girls,

- having regard to the law on sexual violence adopted by the DRC Parliament in 2006, which was designed to speed up the prosecution of rape cases and impose stiffer penalties,
 - having regard to the EU Council Plan of Action on Gender Equality in Development Cooperation that should ensure that gender equality is mainstreamed throughout the EU's work with partner countries at all levels,
 - having regard to the appointment in March 2010 of a Special Representative to the UN Secretary General on Sexual Violence in armed conflict,
 - having regard to the joint statement of 27 August 2010 by Catherine Ashton, the High Representative, and Andris Piebalgs, the EU Development Commissioner, on the resurgence of violence in North Kivu, DRC,
 - having regard to the UN Secretary General's report of 23 August 2010 on the recent mass rapes of civilians by members of armed groups in eastern DRC,
 - having regard to the role of EU crisis management in the framework of implementation of UNSC resolutions 1325 and 1820 within the Common Security and Defence Policy by putting specialised gender advisors or focal points in each crisis management mission throughout the world,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas Atul Khare, the UN Assistant Secretary-General for Peacekeeping, has reported to the UN Security Council that more than 500 people had been victims of mass gang rape, including young girls, women as old as 75 and baby boys and girls, from 30 July 2010 to 4 August 2010, in the eastern Congo mining district – attacks blamed on rebels and militia,
- B. whereas sexual attacks occurred in the vicinity of the UN peacekeeping camp which is located only a few miles from the town of Luvungi; whereas it appears that UN workers knew rebels had occupied Luvungi town and surrounding villages in eastern Congo the day after the attacks began on 30 July 2010 and the UN Headquarters in New York did not learn about the rapes until two weeks later,
- C. whereas the UN Mission in the DRC (MONUSCO) has a mandate under Chapter VII of the United Nations Charter to use all necessary means to carry out its protection mandate, including the effective protection of civilians, humanitarian personnel and human rights defenders under imminent threat of physical violence from any foreign or Congolese armed group, and to support government efforts to fight impunity and ensure the protection of civilians from violations of international human rights and humanitarian law, including all forms of sexual and gender-based violence,
- D. whereas, despite the presence of MONUSCO, the fighting between the Congolese army, the Mai Mai militia, the fighters of the Democratic Forces for the Liberation of Rwanda

(FDLR), the Popular Front for Justice in Congo (FPJC) and the Lord's Resistance Army (LRA) has claimed the lives of 6 million people since 1998 and is still causing, either directly or indirectly, thousands of deaths, unbearable suffering, poverty and internally displaced people (IDPs) every month, while the situation in the refugee camps continues to deteriorate,

- E. whereas Congolese army soldiers have been implicated in the death and rape of hundreds of civilians; whereas rapes, forced recruitments of civilian and child soldiers and serious human rights abuses in the eastern parts of the DRC, by LRA rebel troops, FDLR combatants and the Congolese army itself, continue,
- F. whereas rape as a weapon of war has become shockingly commonplace in eastern Congo where at least 8300 rapes were reported last year, according to the United Nations, with many more going unreported; whereas, according to the UN High Commissioner for Refugees, at least 1244 women reported being raped in the first quarter of 2010, which is an average of 14 rapes per day; whereas sexual violence and gender-based violence must always be considered a war crime and a crime against humanity,
- G. whereas systematic rapes are used by a range of armed movements, including the regular army in the DRC, as part of a tactical war of terror and as a means of achieving military and economic ends; whereas women are deliberately assaulted in front of their families or all members of their village in order to put fear into society; whereas those violent acts often cost women their place in society, their ability to care for their children and their lives are often even contaminated by the AIDS virus,
- H. whereas the failure of civilian and military prosecutors to pursue impartial investigations against those responsible for human rights violation has resulted in gang rapes and sexual attacks being commonplace for the people of Congo, creating a kind of 'acceptance' of human rights violations in the area,
- I. whereas the Congolese army continues to have insufficient human, technical and financial resources to carry out its tasks in the eastern provinces of the DRC, coupled with a lack of discipline and appropriate training amongst its ranks, which continues to hamper its role in protecting the population and in re-establishing peace,
- J. whereas many NGOs have observed increased oppression of human rights defenders, journalists, opposition leaders, victims and witnesses in the DRC in the past year, including killings, illegal arrests, prosecutions, telephone threats and repeated summonses to the offices of the intelligence services,
- K. whereas the war criminal Bosco Ntaganda has still not been arrested and, on the contrary, has been appointed to a senior position in the joint military operations with the Congolese and Rwandan forces in the eastern DRC; whereas former Congolese leader Jean-Pierre Bemba Gombo is facing trial at the ICC for war crimes, including rape,
- L. whereas the illegal mineral trade in the DRC allows many actors to continue to buy minerals from areas controlled by rebel groups, thereby financing those rebel groups, and whereas this is a factor fuelling and exacerbating the conflict,
- M. whereas the newly adopted US 'Conflict Minerals' Law is an attempt to prevent American consumers from purchasing cell phones, computers and other high tech technologies that

are manufactured by US companies using minerals bought from rebel-controlled mines; whereas the law also calls on US firms, including brand name consumer manufacturers of electronic and mineral processors and jewellers, to report annually to the Securities Exchange Commission if their products use any gold, tantalum, coltan or cassiterite that was either directly imported from the Democratic Republic of Congo or smuggled via the nine neighbouring countries,

1. Strongly condemns the mass rape and other human rights violations which took place between 30 July 2010 and 4 August 2010 on at least 500 women and children in North Kivu province by the Democratic Forces for the Liberation of Rwanda (FDLR), a Hutu rebel group, and the Mai Mai militia, as well as those in other regions of North and South Kivu;
2. Calls on all actors to step up the fight against impunity and for an immediate end to the violence and human rights abuses in the DRC, particularly in North Kivu; stresses the need for further efforts to put an end to the activity of local and foreign armed groups in the east of the DRC;
3. Calls on the UN and the DRC government to conduct an impartial and thorough investigation of the events, to ensure that those responsible for breaching human rights and international humanitarian law are held responsible and prosecuted in conformity with Congolese and international law;
4. Expresses its deep concern that MONUSCO could not use its mandate and rules of engagement to provide protection against such massive rapes and other human rights abuses by armed movements in the vicinity of its peacekeeping base; recognises, nevertheless, that its presence remains necessary and calls for every effort to be made to allow it to carry out its mandate in full to protect those under threat;
5. Calls on the UNSC, as a matter of urgency, to take all possible measures with a view to genuinely preventing any further attacks on the civilian population of the eastern provinces of the DRC and to provide medical, legal, social, humanitarian and other assistance to victims; demands the effective implementation of a new 'code of conduct' for MONUSCO and the creation of a follow-up group dedicated to human rights monitoring;
6. Stresses the urgent need for a political solution to the armed conflict; calls on the DRC Government, in close collaboration with the international community and the AU, to bring security and stability to the people of eastern Congo and for all armed groups in the DRC to cease all attacks, to respect human rights and to return immediately to the peace process dialogue;
7. Calls for an immediate increase in participation by women in all the initiatives aimed at finding solutions to the conflict in the DRC, including as mediators, negotiators and in the implementation of conflict resolution measures;
8. Stresses that the rehabilitation and reform of the judicial system (incorporating a prevention and protection dimension and combating impunity with regard to sexual violence) and assistance for, and reintegration of, victims should be central to the aid programmes to be funded; in this context, calls for the cases of mass rape in the east of the DRC to be referred to the International Criminal Court;
9. Stresses that a key humanitarian priority in the DRC would be the creation of a true national

army; reiterates that training and payment of decent salaries are required in order to reform the Congolese army and improve discipline;

10. Calls for the DRC Parliament to create the National Human Rights Commission as outlined in the constitution, as a first step to passing a law on the protection of victims and witnesses of human rights abuses, human rights activists, aid workers and journalists;
11. Calls for the countries of the Great Lakes region to maintain a high level of commitment to the joint promotion of peace and stability in the region through existing regional mechanisms and to intensify their efforts on regional economic development, paying special attention to reconciliation, human security, better judicial accountability, refugee and IDP return and integration;
12. Calls on the European Union and the Member States to support the EUSEC RD and EUPOL RD mission activities; calls for the full implementation of gender mainstreaming in Common Security and Defence operations; in this regard, requests a strong gender perspective in civilian and military missions in order to increase their operational effectiveness, as the EU can bring considerable 'added value' as a key actor in responding to women in armed conflict as well as in conflict prevention;
13. Deplores the increasing acts of violence against aid workers and pays tribute to the extremely difficult work achieved by humanitarian organisations on the ground in highly insecure conditions;
14. Welcomes the adoption of the new US 'Conflict Minerals' Law and asks the Commission and the Council to examine a legislative initiative along these lines; urges the DRC government to fully implement and comply with the Extractive Industries Transparency Initiative (EITI) in order to reinforce transparency and good governance in the extractive industry sector; calls on the Commission and Council to step up the fight against corruption in the DRC which further undermines human rights and contributes to their abuse;
15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the institutions of the African Union, the SADC, the governments of the Great Lake Regions, including the DRC and Rwanda, the United Nations Secretary-General, the UN Special Representative on sexual violence in armed conflicts, the Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the United Nations Security Council and the United Nations Human Rights Council.