



TEXTS ADOPTED

P8_TA(2016)0085

Democratic Republic of the Congo

European Parliament resolution of 10 March 2016 on the Democratic Republic of the Congo (2016/2609(RSP))

The European Parliament,

- having regard to its previous resolutions on the Democratic Republic of the Congo (DRC), in particular those of 9 July 2015¹ and of 17 December 2015²,
- having regard to the joint press release of 16 February 2016 by the African Union, the United Nations, the European Union and the International Organisation of La Francophonie on the necessity of an inclusive political dialogue in the DRC and their commitment to supporting Congolese actors in their efforts towards the consolidation of democracy in the country,
- having regard to the EU's local statement of 19 November 2015 following the launch of the national dialogue in the DRC,
- having regard to the statement of 9 November 2015 by the President of the UN Security Council on the situation concerning the DRC,
- having regard to the EU's local statement of 21 October 2015 on the human rights situation in the DRC,
- having regard to the statement of 12 October 2015 by the Spokesperson for the European External Action Service on the resignation of the head of the Electoral Commission in the DRC,
- having regard to the UN Security Council resolutions on the DRC, in particular resolutions 2198 (2015) on renewing the DRC sanctions regime and the mandate of the Group of Experts and 2211 (2013), which renewed the mandate of the UN Stabilisation Mission in the DRC (MONUSCO),
- having regard to the joint press statement of 2 September 2015 by the Team of International Envoys and Representatives for the Great Lakes region of Africa on Elections in the DRC,

¹ Texts adopted, P8_TA(2015)0278.

² Texts adopted, P8_TA(2015)0475.

- having regard to the annual report of the UN High Commissioner for Human Rights of 27 July 2015 on the situation of human rights and the activities of the UN Joint Human Rights Office in the DRC (UNJHRO),
 - having regard to the statement of 25 January 2015 by the Vice-President of the Union/High Representative for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, following the adoption of the new electoral law in the DRC,
 - having regard to the report of 12 January 2015 of the UN Group of Experts on the DRC,
 - having regard to the Nairobi Declarations of December 2013,
 - having regard to the Peace, Security and Cooperation Framework Agreement for the DRC and the Region signed in Addis Ababa in February 2013,
 - having regard to the African Charter of Human and Peoples’ Rights of June 1981,
 - having regard to the African Charter on Democracy, Elections and Governance,
 - having regard to the Congolese Constitution of 18 February 2006,
 - having regard to the Cotonou Agreement,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the next presidential and legislative elections, which are scheduled to be held in November 2016, could represent a further opportunity for a democratic transition of power;
- B. whereas the mandate of the President of the DRC is constitutionally limited to two terms;
- C. whereas President Joseph Kabila, in power since 2001, has been accused by his opponents of using administrative and technical means to try to delay the election and remain in power beyond the end of his mandate, and has yet to declare publicly that he will step down at the end of his term; whereas this has caused growing political tension, unrest and violence across the country;
- D. whereas doubts have been expressed as to the independence and impartiality of the Independent National Electoral Commission (CENI);
- E. whereas since January 2015 Congolese security and intelligence officials have clamped down on peaceful activists, political leaders and others who oppose attempts to allow President Kabila to modify the constitution in order to stay in power past his constitutionally mandated two-term limit; whereas human rights groups continually report on the worsening of the situation with regard to human rights and freedom of expression and assembly in the DRC, including the use of excessive force against peaceful demonstrators and an increase in the number of politically motivated trials; whereas MONUSCO has registered more than 260 election-related human rights violations, mainly against political opponents, civil society and journalists, during the past year; whereas the UNJHRO in the DRC has stated that it has documented more than 400 cases of human rights violations, including 52 arrests, since the beginning of 2016;

- F. whereas in June 2015 President Kabila announced the launch of a national dialogue; whereas formal preparations for such a dialogue have not yet begun, as two major opposition groups decided not to participate because they consider this to be a delaying tactic;
- G. whereas in September 2015 seven senior political figures were expelled from the DRC's ruling coalition for signing a letter urging President Kabila to comply with the constitution and not to cling to power after his term expires; whereas violent clashes broke out the same month in Kinshasa, where a rally opposing any bid for an unconstitutional third term was violently attacked;
- H. whereas those arbitrarily detained include Fred Bauma and Yves Makwambala, human rights activists from the Filimbi ('Whistle') movement, both of whom were arrested for participating in a workshop intended to encourage Congolese young people to perform their civic duties peacefully and responsibly, and who have now been jailed for 11 months, their release having already been demanded by the European Parliament in its aforementioned resolution of 9 July 2015;
- I. whereas leaders of Congo's main opposition parties, non-governmental organisations and pro-democracy youth movements called on Congolese citizens to stay home from work and school on 16 February 2016 for 'Ville Morte' ('Dead City Day') in commemoration of those killed during a pro-democracy march on 16 February 1992, and to protest against the delays in organising presidential elections and the government's alleged failure to comply with the constitution;
- J. whereas eight youth activists and at least 30 political opposition supporters were detained on or around 16 February 2016 in connection with this national strike, while other activists received text message threats from unknown phone numbers and Employment Minister Willy Makiashi prohibited public employees from participating in the strike; whereas six members of the LUCHA movement were sentenced to six months in prison; whereas traders and officials who had observed 'Dead City Day' saw their shops sealed or were the subject of disciplinary sanctions;
- K. whereas the African Union, the UN, the EU and the International Organisation of La Francophonie have jointly underscored the importance of dialogue and the search for an agreement between political actors that respects democracy and the rule of law, and have urged all Congolese political actors to extend their full cooperation to the mediators designated by the international community;
- L. whereas the situation is worsened by the persistence and consolidation of impunity in the DRC; whereas the security situation in the DRC continues to deteriorate, in particular in the eastern part of the country, owing to violence caused by more than 30 foreign and domestic armed groups, with constant reports of abuses of human rights and international law, including targeted attacks against civilians, widespread sexual and gender-based violence, systematic recruitment and abuse of children by armed groups, and extrajudicial executions;
- M. whereas there has recently been a deterioration in the freedom of the media in the DRC; whereas government officials have blocked free speech by shutting down media outlets (specifically targeting those that aired messages about the protests), text messaging services and the internet; whereas in February 2016 the government closed two private TV channels in Lubumbashi; whereas in its last annual report, released in November 2015,

Journalists in Danger, the partner organisation of Reporters Without Borders, listed 72 cases of attacks against journalists and media in the DRC and revealed that 60 % of violations of press freedom are perpetrated by military or security service agents, the National Intelligence Agency (ANR) or the police; whereas transmission of Radio France International broadcasts was suspended to coincide with the 'Dead City Day' protest;

- N. whereas the 2014-2020 National Indicative Programme for the DRC, with EUR 620 million in funding under the 11th European Development Fund, prioritises strengthening governance and the rule of law, including reforms of the judiciary, police and army;
1. Calls on the authorities of the DRC to expressly undertake to comply with the constitution and to ensure the timely holding of elections by the end of 2016, in full accordance with the African Charter on Democracy, Elections and Governance, and to guarantee an environment conducive to transparent, credible and inclusive elections; stresses that the successful holding of elections will be crucial to the long-term stability and development of the country;
 2. Expresses deep concern about the deteriorating security and human rights situation in the DRC, and in particular about the continual reports of increasing political violence and the severe restrictions and intimidation faced by human rights defenders, political opponents and journalists ahead of the upcoming electoral cycle; insists on the government's responsibility to prevent any deepening of the current political crisis or escalation of violence and to respect, protect and promote the civil and political rights of its citizens;
 3. Strongly condemns any use of force against peaceful, unarmed demonstrators; recalls that freedom of expression, association and assembly is the basis of a dynamic political and democratic life; strongly condemns the increasing restrictions of the democratic space and the targeted repression of members of the opposition, civil society and the media; calls for the immediate and unconditional release of all political prisoners, including Yves Makwambala, Fred Bauma and other Filimbi and LUCHA activists and supporters, and the human rights defender Christopher Ngoyi;
 4. Considers the fight against impunity to be a prerequisite for re-establishing peace in the DRC; asks for a full, thorough and transparent investigation to be launched by the DRC Government, together with international partners, into the human rights violations that took place during the election-related protests, with the aim of identifying any illegal actions or denial of rights or freedoms; urges that measures be taken to ensure that perpetrators of human rights violations, war crimes, crimes against humanity and sexual violence against women, together with those responsible for recruiting child soldiers, are reported, identified, prosecuted and punished in accordance with national and international criminal law;
 5. Calls on the VP/HR and the Member States to make full use of all policy instruments, including the recommendations issued in the final report of the 2011 EU Electoral Observation Mission and in the report of the follow-up mission of 2014, and to exert political pressure at the highest level, in order to prevent the spread of electoral violence in the DRC and any further destabilisation of the Great Lakes region;
 6. Takes note of the willingness of the EU and the international community to support the Congolese electoral process, provided that a valid electoral calendar is published and that constitutional provisions are complied with; considers that this support should concentrate

on voter registration, training and election securitisation; insists that the nature and amount of EU support to the electoral process in the DRC must depend on the progress made in implementing the recommendations of the Electoral Observation Missions of 2011 and 2014, in particular as regards guarantees of the CENI's independence, the revision of the electoral roll, budgetary requirements and compliance with the constitutional timeframe;

7. Calls on the Congolese authorities to ratify the African Charter on Democracy, Elections and Governance at the earliest
8. Highlights the crucial role of the African Union (AU) in preventing a political crisis in Central Africa and invites the AU member states, in particular South Africa, to engage in favour of compliance with the constitution of the DRC; urges the EU to use all its diplomatic and economic tools, including the forthcoming signing of the Economic Partnership Agreements, to reach this goal;
9. Recalls that full participation of the opposition, independent civil society and electoral experts in the CENI is an important factor in legitimising the electoral process; recalls that the CENI should be an impartial institution; stresses that the authorities should make available to the CENI the necessary financial resources to allow a comprehensive and transparent process;
10. Calls on the VP/HR to intensify the dialogue with the DCR authorities under Article 8 of the Cotonou Agreement, with the objective of obtaining definitive clarification concerning the electoral process; 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; urges the Government of the DRC to uphold these provisions in accordance with Articles 11b, 96 and 97 of the Cotonou Agreement, and, failing that, asks the Commission to launch the relevant procedure in accordance with Articles 8, 9 and 96 of the Cotonou Agreement;
11. Calls for the EU to consider imposing targeted sanctions on those responsible for the violent crackdown in the DRC, including travel bans and asset freezes, so as to help prevent further violence;
12. Urges the EU Delegation to monitor developments and to use all appropriate tools and instruments, including the European Instrument for Democracy and Human Rights, to support human rights defenders and pro-democracy movements;
13. Calls for the reinstatement of a UN rapporteur on human rights in the DRC;
14. Recalls that peace and security are preconditions for a successful election; notes, in this connection, the renewal of MONUSCO's mandate, and calls for the reinforcement of its competences in the field of civilian protection in the electoral context;
15. Reiterates its deep concern regarding the alarming humanitarian situation in the DRC, caused in particular by the violent armed conflicts in the country's eastern provinces; calls for the EU and its Member States to continue their assistance to the people of the DRC with a view to improving the living conditions of the most vulnerable populations and tackling the consequences of displacement, food insecurity, epidemics and natural disasters;

16. Condemns the ongoing acts of sexual violence in the eastern Congo; notes that the Congolese authorities have held 20 trials in recent months in respect of sexual violence in the eastern Congo, convicting 19 army officers, and that much more needs to be done; strongly encourages the Congolese authorities to continue their fight against impunity by investigating cases of sexual violence and prosecuting the perpetrators;
17. Welcomes the decision of the Congolese authorities to review the adoption cases blocked since 25 September 2013; takes note of the work of the Congolese Interministerial Committee on the sporadic issuance of exit permits for adopted children; calls on the Interministerial Committee to continue its work diligently and coherently in a serene atmosphere; calls on the EU delegation and the Member States to monitor the situation closely;
18. Calls on the African Union and the EU to ensure a permanent political dialogue among the countries of the Great Lakes region in order to prevent any further destabilisation;
19. 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 African Union, the President, Prime Minister and Parliament of the DRC, the Secretary-General of the United Nations, the UN Human Rights Council, and the ACP-EU Joint Parliamentary Assembly.