



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

5.7.2011

B7-0460/2011

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on the Democratic Republic of Congo, mass rape in the South Kivu province

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on behalf of the ALDE Group

European Parliament resolution on the Democratic Republic of Congo, mass rape in the South Kivu province

The European Parliament,

- having regard to its previous resolutions on human rights abuses in the Democratic Republic of Congo (DRC),
 - having regard to the Rome Statute of the International Criminal Court, adopted in 1998, and particularly Articles 7 and 8 thereof, which define rape, sexual slavery, enforced prostitution, forced pregnancy and forced sterilisation or any form of sexual violence as crimes against humanity and war crimes and equate them with a form of torture and a serious war crime, whether or not such acts are systematically perpetrated during international or internal conflicts,
 - having regard to the UN Declaration on the Elimination of Violence against Women (1993),
 - having regard to the UN Security Council Resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1989 (2010),
 - having regard to the report of 12 May 2011, of the Secretary -General of the UN Stabilization Organization Mission in the DRC,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas Margot Walström, the UN's special representative on sexual violence in conflict, urged the Security Council to punish the perpetrators in DR Congo,
- B. considérant le travail remarquable du Dr Denis Mukwege, gynécologue-obstétricien, qui dirige l'hôpital Panzi, à Bukavu, ville de l'est de la République démocratique du Congo et qui vient de recevoir le Prix international Roi Baudouin pour le Développement 2010-2011, en récompense de son action et des soins médicaux apportés aux femmes victimes de viols et crimes de guerre dans sa région,
- C. whereas the number of reported victims of a recent mass rape campaign between 10 and 12 June by gunmen in Fizi in eastern Democratic Republic of Congo has risen to about 170, the UN says,
- D. whereas a special representative of the Secretary-General recently expressed deep concern over the reports of mass rapes in Fizi, south Kivu, and launched a joint assessment mission to the affected villages,
- E. whereas Human Rights Watch reports that sexual violence in Congo doubled from 2008 to 2009,

- F. whereas a study found that more than 400.000 women aged between 15 and 49 were raped in the DRC during a 12-month period in 2006-2007,
- G. whereas the sexual violence in the DRC is the worst in the world and is committed by armed rebel groups as well as by government, army and police forces,
- H. whereas new mass rapes by members of the Congolese army in the Democratic Republic of Congo are the result of the government's failure to bring human rights abuser to justice,
- I. whereas the inability of the Democratic Republic of Congo to bring to justice members of its own army and armed groups for crimes under international law, has fostered a culture of impunity,
- J. whereas, according to the Special Representative of the UN Secretary-General in the DRC, atrocities against women are structured around rape, gang rape, sexual slavery and murder, which has far-reaching consequences including the physical and psychological destruction of women,
- K. whereas UN Security Council Resolution 1325 (2000) 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,
- L. whereas unanimously adopting resolution 1991 (2011) under chapter VII of the United Nations Charter, the Council extended until 30 June 2012 the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO); It demanded that all armed groups - in particular the Forces Démocratiques de Libération du Rwanda (FLDR) and the Lord's Resistance Army (LRA) - immediately cease all forms of violence and human rights, including rape and other forms of sexual abuses against civilians, in particular women and children,
- M. whereas rape seems to be used as a way of humiliating women in front of their families and communities and thus destroying the integrity, morale and cohesion of those communities,
- N. worried that women and girls who are victims of rape suffer widespread social discrimination and rejection by their families and communities, while perpetrators enjoy impunity, this being an additional reason why only a fraction of rape incidents are reported by victims,
- O. Constate que ce type de pratiques guerrière n'est en aucun cas un fait culturel mais constitue un acte calculé et volontairement banalisé,
- P. considérant que la mise en oeuvre de la loi 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, est limitée,

1. Urges the Security Council to punish the perpetrators in DR Congo and calls on the Government of the DRC to put an end to impunity;
2. Strongly condemns the use of rape as a weapon of war and recalls that the International Criminal Court has jurisdiction over such acts, as does the DRC;
3. Souligne l'importance du rôle de la femme dans les différentes sphères de la vie économique, sociale et éducative; en les détruisant physiquement et moralement, l'édifice social de la RDC est bouleversé et le pays est mené au chaos; estime qu'il est urgent d'aider les femmes violées à retrouver la dignité d'être humains et d'oeuvrer afin que leurs droits soient reconnus; estime de première importance la création de maisons d'accueil pour victimes dans les zones sensibles qui leur servent de refuge, de lieu de témoignage et de thérapie;
4. Expresses its concerns by the inadequacy of efforts to conduct thorough investigations into such crimes, the absence of protection measures for witnesses, victims and victims' families, the lack of information regarding cases and the lack of appropriate medical care for victims,
5. Se félicite de la politique de tolérance zéro promue par le Président Kabila en matière de violences sexuelles et de l'engagement pris de poursuivre les auteurs de crimes de guerres et de crimes contre l'humanité, mais regrette le peu de résultats obtenus;
6. Réitère son constat de défaillance du secteur de sécurité et du système judiciaire congolais, les condamnations restent rares malgré celle récente d'un haut-gradé à une peine de 20 ans de prison pour viols, actes de torture et crimes contre l'humanité, et insiste sur la nécessité de réformes intégrant les dimensions de prévention et de protection;
7. Expresses its concern that MONUSCO could not use its mandate and rules of engagement more actively to provide protection against such massive rapes;
8. Urges in particular that the perpetrators of sexual violence against women be reported, identified, prosecuted and punished, in accordance with national and international criminal law;
9. Considers that under international law -including those committed by members of the army - should be transferred to civilian courts;
10. Considers that the dire prison conditions in the country also need to be tackled and endemic corruption and frequent prison breaks brought under control;
11. Stresses that the authorities must immediately put in place witness and victim protection mechanisms;
12. Considers that the authorities must immediately increase spending on the justice system aimed at long term and comprehensive reform,
13. Calls on the EU and the UN formally to recognise rape, forced impregnation, sexual slavery and any other forms of sexual violence as crimes against humanity, serious war

crimes and a form of torture, whether or not they are carried out in a systematic manner;

14. Calls on all UN member states that send personnel on the MONUC peacekeeping mission to follow up all claims of sexual abuse and exploitation, particularly those which concern minors, and to bring individuals who have committed sexual abuse to court as quickly as possible; calls therefore for MONUC's mandate with respect to the protection of civilians against sexual violence to be strengthened;
15. Rappelle le rôle essentiel et la présence nécessaire de la MONUSCO, dont le mandat et les règles d'engagement doivent être exécutées avec détermination pour assurer plus efficacement la sécurité de la population; salue la décision de prolonger le mandat de la mission jusqu'au 30 juin 2012;
16. Calls on the UN, the African Union, the EU and the other partners of the DRC to do everything possible to put in place an effective mechanism for the monitoring and documenting of sexual violence in the DRC and to provide efficient and adequate aid and protection for women, particularly in the east of the country;
17. Reste fortement préoccupé par la situation humanitaire actuelle en RDC; considère qu'il est nécessaire de maintenir les financements accordés à l'aide humanitaire dans l'est de la RDC;
18. Instructs its President to forward this resolution to the EU Council and the Commission, the Secretary-General of the United Nations, the governments of the EU Member States, the governments of the DRC and of the Great Lakes countries, the African Union institutions and the UN Secretary-General.