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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 GUE/NGL Group

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

The European Parliament,

- having regard to the Universal Declaration of Human Rights, of 10 December 1948,
- having regard to UN Security Council Resolutions 1325 (2000) and 1820 (2008) on women, 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 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, and to UN General Assembly Declaration 3318 on the Protection of Women and Children in Emergency and Armed Conflict of 14 December 1974, in particular paragraph 4 thereof, which calls for effective measures against persecution, torture, violence and degrading treatment of women,
- having regard to the new UN Gender Entity (UN Women) and 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 EU Guidelines on violence and discrimination against women and girls and the EU guidelines on children and armed conflict,
- 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 the 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 Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995 and to Parliament's resolutions of 18 May 2000 on the follow-up to the Beijing Action Platform and of 10 March 2005 on the follow-up to the Fourth World Conference on Women - Platform for Action (Beijing+10)¹ and of 25 February 2010 on the follow-up to the Beijing Action Platform (Beijing +15),

- having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the eastern part of Congo, which has suffered from war and instability since the early 1990s, has an extremely high incidence of sexual violence against woman and children,
 - B. whereas the new mass rapes by members of the Congolese army in the Democratic Republic of Congo, reported by several human rights organisations, are the result of the government's failure to bring human rights abusers to justice; whereas the lack of ability 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, leading to attack after attack against civilians,
 - C. whereas fighters of a former armed group integrated into the Congolese army deserted from an army training camp and raped possibly up to 100 women, in an attack on the village of Nyakiele near Fizi town in the east of the country, on the night of 11 June; whereas members of this armed group were previously implicated in mass rape in the same area in January 2011,
 - D. whereas Colonel Kifaru's deputy and eight other men were convicted and jailed by a military court for 'crimes against humanity' in February 2011, for raping at least 60 women in an attack on Fizi town in early January 2011,
 - E. whereas, on the basis of UN Security Council resolution 1291 (2000) of 24 February 2000, MONUC was mandated to act under Chapter VII of the UN Charter, which allowed it to fight alongside the Congolese Armed Forces, and whereas this has blurred the humanitarian and peace-keeping character of UN missions,
 - F. whereas, within the two EUSEC RD Congo and EUPOL missions, troops and staff were deployed in the DRC to train members of the security forces and guide the security sector reform in the country,
 - G. whereas sexual violence has been used by all sides in the conflict, including the Congolese armed forces (FARDC),
 - H. whereas, when part of a widespread and systematic practice, rape and sexual slavery are recognized under the Geneva Convention as crimes against humanity and war crimes; whereas rape is also now recognized as an element of the crime of genocide when committed with the intent to destroy, in whole or in part, a targeted group; whereas the EU should support efforts being aimed at ending impunity for perpetrators of sexual violence against women, men, girls and boys,
 - I. whereas it is proven that there is a disproportionate and unique impact of armed conflict on women; whereas through participation, prevention and protection, the roles of women in peace building and conflict prevention shall be strengthened, wars and conflicts shall be prevented and an improved protection of women and children in war and conflict regions shall be provided,
 - J. whereas the implementation of UNSCR 1820 and 1325 and of the EU guidelines on

violence against women and children should get priority in EU's external action for an adequate support of civil society organizations working in armed conflicts and conflict-affected countries and regions; whereas the European Parliament should observe these implementations,

1. Expresses its serious concern regarding the situation in the South Kivu Province;
2. Is deeply concerned at the continuing lengthy armed conflict and its disastrous impact on the civilian population in DR Congo;
3. Condemns the massacres of civilian population, the recruitment of child soldiers and the acts of sexual violence against women, girls and boys and calls on all actors to step up the fight against impunity; calls on the Government of the DRC to ensure that those responsible for breaching human rights and international humanitarian law are held responsible and prosecuted;
4. Urges for independent and impartial investigations to be conducted into these crimes in accordance with international standards and, where there is sufficient admissible evidence, for those suspected of these crimes to be prosecuted, without applying the death penalty;
5. Calls for effective and immediate measures to ensure the protection of victims and witnesses during and after those investigations;
6. Calls on the Commission and the Member States Governments to strongly oppose the use of sexual assaults, intimidation and targeting of women in DR Congo;
7. Calls on the EU and its member states to renounce any support to regimes using armed forces, including regimes which send minors as soldiers in armed conflicts, which commit systematic human rights abuses or systematic sexual violence;
8. Calls for an end to the EUPOL and EUSEC missions to the DRC, which have admittedly made a negative contribution to escalating violence and the situation in the country by training security forces that have been perpetrating crimes against their own civilian population;
9. Calls on the EU member states to promote actively and durable - both politically and financially - the full implementation of the Security Council resolution 1325 and the establishment of UN resolution-1325 control institutions and mechanisms at the European level and United Nations to ensure the implementation of the resolution on all international levels;
10. Strongly believes that the changes taking place in DR Congo must contribute towards the end of discrimination of women and their full participation in society on equal terms with men and in compliance with the United Nations Convention on the Elimination of All Forms of Discrimination against Women, CEDAW;

11. Emphasises the need to implement gender specific measures and actions to stop violence against women, an effective and systematic gender-equality approach in the ENP policies; including eradicating women's poverty, fighting female illiteracy, promoting women's employment, ensuring women's access to sexual and reproductive health and rights, and achieving equal participation of women and men in decision-making;
12. Calls for its President to forward this resolution to the Council, the Member states' governments, the Commission and the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy.