



Plenary sitting

B8-0381/2016

8.3.2016

MOTION FOR A RESOLUTION

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

pursuant to Rule 135 of the Rules of Procedure

on the Democratic Republic of Congo
(2016/2609(RSP))

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on behalf of the S&D Group

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

The European Parliament,

- having regard to its previous resolutions on the Democratic Republic of Congo, including of 9 July 2015,
- having regard to the Statements by the High Representative on the situation in the Democratic Republic of Congo, including of 12 October 2015
- having regard to the Statements by the EU Delegation to the Democratic Republic of Congo on the situation of human rights in the country,
- having regard to the Statement of the EU, the African Union, the United Nations and the International Organisation of la Francophonie of 16 February 2016
- having regard to the EU Annual Report on Human Rights and Democracy adopted by the Council on 22 June 2015,
- having regard to the Council Conclusions on the Democratic Republic of Congo,
- having regard to the Cotonou Partnership Agreement signed in June 2000,
- having regard to the EU human rights guidelines on freedom of expression of May 2014,
- having regard to the Constitution of the Democratic Republic of Congo of 18 February 2006,
- having regard to the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights,
- having regard to the African Charter on Human and Peoples' Rights, which was ratified by the DRC in 1982,
- having regard to the UN Convention on the Rights of the Child, especially articles 9, 10, 24 and 28;
- having regard to Rule 135 of its Rules of Procedure,
 - A. whereas since 2001 Joseph Kabila is the President of the Democratic Republic of Congo as he succeeded to his father, he was then elected five years later and re-elected in 2011 for five years, according to the constitution the mandate is scheduled to end on 20 December 2016,
 - B. whereas protests began in January 2015 when a bill was presented for the President to stay in power beyond its current mandate; whereas this law also called for a new national census as the basis for the electoral list and the distribution of seats in the

Parliament, which could delay the electoral process by several years view the vastness of the country,

- C. whereas it is essential that credible presidential elections are held in time;
- D. whereas any attempts for a political dialogue at this time must be to respect the Constitution and set a credible timetable and budget,
- E. whereas on 16 February 2016, the African Union initiated a statement co-signed by the UN, the EU and the OIF supporting a political dialogue through the nomination of Edem Kodjo as mediator, even though he was rejected by the opposition and the civil society;
- F. 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 Joseph Kabila to stay in power past his constitutionally mandated two-term limit
- G. whereas about 45 arrests were made by police and the Congolese intelligence during the "Ville fantôme" day in Kinshasa, Goma, Uvira and Lubumbashi, mainly targeting opposition parties and members of civil society, calling on Congolese citizens to stay home from work and school on 16 February, for the "Ville fantôme" in commemoration of those killed during a pro-democracy march on 16 February, 1992, and to protest the delays in elections and the government's alleged failure to respect the constitution, whereas the government suddenly decided to close in February 2016 two private TV channels in Lumumbashi
- H. whereas the government suddenly decided to close in February 2016 two private TV channels in Lumumbashi the capital of the southeastern province of Haut-Katanga, on the pretext that they have not paid their taxes; whereas in its last annual report released in November 2015, Journalist in Danger, the partner organisation of Reporters Without Borders, has listed 72 cases of attacks against journalists and media in DRC and revealed that 60% of cases of violations of press freedom are done either military or security service agents, the ANR or the police; whereas retransmission of the broadcasts of the French international news radio station, Radio France Internationale, was suspended in coincidence with a one-day "Dead City Day" protest called by the main opposition parties to demand adherence to the constitution,
- I. whereas 6 Members of the Movement Fighting for Change (LUCHA), were arrested on 16 February before the general demonstration in protest against the delays in organising elections et ont été condamné en appel à 6 mois de prison ferme le 4 mars dernier; whereas the six activists were convicted for incitement to rebellion against authorities, hearings took place in just seven days without proper due process,
- J. whereas in June 2014 the EU sent a follow up electoral mission which pointed out the need to ensure an updating of the voting list, the necessity to create the conditions for a fair competition among candidates and the need to strengthen the protection of public liberties, the electoral dispute system and the fight against impunity;

- K. whereas the 2014-2020 National Indicative Programme for DRC funded with 620 million euros from the 11th European Development Fund prioritises strengthening governance and rule of law, including reforms in the judiciary, police and army;
- L. whereas the DRC remains a fragile country with weak institutions and a tremendous need for reconstruction and a revival of economic growth and whereas the EU has to support the DRC in reaching this goals
- M. whereas the economic situation of the country is likely to worsen in the coming weeks due to the decrease of the price of oil and copper, and the growing incapacity of the Government to cover its functioning costs; alors que la dernière évaluation économique du FMI montre que le taux de pauvreté en RDC figure toujours parmi les plus élevés au monde
- N. whereas according to UNESCO, 3,6 millions of orphans are estimated to be living in the DRC; whereas, on 25th September 2013, the Congolese Ministry of Interior and Security, General Direction of Migration, had suspended issuance of exit permits to adopted Congolese children seeking to depart the country with their adoptive parents;
1. Expresses deep concern about the delays in the electoral process in DRC and urges the DRC authorities to immediately present an electoral calendar and budget for the Presidential elections in full respect of the constitutional time-frame;
 2. Calls on the DRC Government to allow an open and inclusive political debate in the 2016 elections campaign; recalls that the DRC constitution states: ‘The President of the Republic is elected by direct universal suffrage for a five-year term renewable once’;
 3. Urges the European Commission to intensify its dialogue with DRC authorities, in the framework of article 8 of the Cotonou Agreement, with the objective of obtaining definitive clarifications on the electoral process;
 4. Stresses the need to promote youth political participation in DRC; calls on the country's Government to promote gender equality and effective participation of women in political life, ensuring their effective representation on the lists of candidates; expresses its deep outrage at the acts of abuse and violence against women and girls in DRC and calls on all relevant national and international authorities systematically to bring the perpetrators to justice;
 5. Insists that failing this the European Commission must launch the proceedings under article 96 of the Cotonou Agreement, and notably the redirection of budget support towards civil society;
 6. Highlights the crucial role of the African Union in preventing political crisis in Central Africa and invites its Leaders, notably South Africa, to engage in favour of the respect of the Constitution of DRC;

7. In this perspective, urges the European Union to use all its diplomatic and economic tools, including the forthcoming signature of the Economic Partnership Agreements, to reach this goal;
8. Strongly supports the renewal of the MONUSCO's mandate in 2016, and the reinforcement of its competences in the field of civilian protection in the electoral context;
9. Asks the EU to push forward the inclusion in the renewal of this mandate of the nomination of a special envoy in charge of the electoral process;
10. Insists that the nature and amount of EU support to the electoral process in the DRC must depend on the progress made in the implementation of the recommendations of the 2011 EU Election Observation Mission and its 2014 follow up, in particular the respect of the constitutional time-frame in fixing the electoral calendar, the presentation of a credible budget, the revision of the electoral roll and the independence guarantees of the CENI;
11. Strongly support special attention to be paid to the humane treatment and security of failed asylum seekers forcibly returned to the Democratic Republic of Congo; calls for investigation of allegations from human rights and refugee organisations of subsequent violence, inhuman and degrading treatment, and lengthy detainment suffered by those forcibly returned
12. Recalls that freedom of expression, association and assembly are the basis of a dynamic political and democratic life; Strongly condemns the increasing restrictions of democratic space and targeted repression of members of the opposition, civil society and media;
13. Remains concerned about the fate of members and supporters of political parties arrested and awaiting trial,
14. Asks the EU to reinforce its support to civil society, in particular human rights defenders, and to ensure their protection and security;
15. Calls the Congolese government to guarantee the press freedom in DRC, the access to information for all Congolese media and prevent ANR, police and military forces from repressing or threatening Congolese journalists,
16. Supports the proposal to reinstate a UN rapporteur on human rights in DRC;
17. Asks for a full, thorough and transparent investigation to be launched by the DRC government together with international partners on the human rights violations that took place during the election-related protests and to identify any illegal actions or denial of rights or freedoms; insists that any official suspected to be responsible for violating rights or freedoms guaranteed by national and international texts must be brought to justice;
18. Urges the EU Delegation to monitor the 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-democratic movements;
19. Welcomes the decision of the Congolese authorities to review the cases of adoption,

blocked since 25th September 2013; takes note of the work of the Congolese Inter-ministerial Committee and the sporadic issuance of exit permits for adopted children; recalls that almost one thousand children have yet to join their adoptive family, sometimes living in extremely precarious conditions; calls on the Inter-ministerial Committee to continue its work diligently and coherently in a serene atmosphere, and to keep children out of the political debate; calls on the EU delegation and Member States to monitor closely the situation;

20. 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 governments of the countries of the Great Lakes region, 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 JPA.