



Plenary sitting

B8-0059/2018

16.1.2018

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 situation in the Democratic Republic of the Congo
(2018/2515(RSP))

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on behalf of the EFDD Group

B8-0059/2018

**European Parliament resolution on the situation in the Democratic Republic of the Congo
(2018/2515(RSP))**

The European Parliament,

- having regard to its previous resolutions, in particular those on the Democratic Republic of the Congo (DRC) of 9 July 2015¹, 10 March 2016², 23 June 2016³, 1 December 2016⁴, 2 February 2017⁵ and 14 June 2017⁶,
- having regard to the Council conclusions of 17 October 2016, 6 March 2017 and 11 December 2017 on the DRC,
- having regard to the statements by the High Representative of the European Union for Foreign Affairs and Security Policy / Vice-President of the Commission Federica Mogherini and by her Spokesperson on the situation in the DRC,
- having regard to the statements by the EU Delegation to the DRC on the situation of human rights in the country,
- having regard to the political agreement reached in the DRC on 31 December 2016,
- having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 15 June 2016 on the pre-electoral and security situation in the DRC,
- having regard to the report of the UN Secretary-General of 10 March 2017 on the UN Stabilisation Mission in the DRC,
- having regard to the electoral calendar published on 5 November 2017 by the Congolese Electoral Commission,
- having regard to the revised Cotonou Partnership Agreement,
- having regard to the African Charter on Human and Peoples' Rights of June 1981,
- having regard to the African Charter on Democracy, Elections and Governance,
- having regards to the Universal Declaration on human right of 1948, ratified by the DRC,
- having regards to the Declaration on human rights' defenders adopted by the General

¹ Texts adopted, P8_TA (2015)0278

² Texts adopted, P8_TA (2016)0085

³ Texts adopted, P8_TA(2016)0290.

⁴ Texts adopted, P8_TA(2016)0479.

⁵ Texts adopted, P8_TA(2017)0017.

⁶ Texts adopted, P8_TA(2017)0264.

Assembly of the UN on 9 December 1998

- having regard to the Constitution of the DRC, adopted on 18 February 2006,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas the DRC has suffered from continuous cycles of conflict and brutal political repression; whereas the humanitarian and security crisis in the DRC has further deteriorated as a result of the political crisis caused by non-compliance by President Joseph Kabila with the constitutionally mandated two-term limit;
- B. whereas an agreement reached on 31 December 2016 under the auspices of the National Episcopal Conference of the Congo (CENCO) and signing between the Majority and the Opposition envisages a political transition to end with free and fair presidential elections to be held by the end of 2017 without changing the constitution (the Saint Sylvester Agreement); whereas to date the agreement has been violated as presidential elections has not been held by the end of 2017 as agreed;
- C. whereas, as reported by the UN Committee for human rights in DRC, on 31 December 2017 DRC security forces killed at least 4 people, injured more than 90 people and arrested 180 people during protests organised by Catholics and activists one year after the signing , of the Saint Sylvester Agreement;
- D. whereas UN human rights officers have been barred to enter in mortuaries, hospitals and detention centres by DRC security forces, so being impeached from reporting more accurate data on the number of people killed, injured and arrested during the protests of 31 December 2017, whereas the number of people killed, injured and arrested on 31 December 2017 could be greater than what stated above;
- E. whereas government officials have barred free speech on 31 December 2017 by blocking the use of mobile communication applications, specifically targeting those airing messages about the protests;
- F. whereas Congolese Electoral Commission has set the presidential elections on 23 December 2018; whereas enrolment in the remaining provinces of Kasai, Kasai Central and Lomani, delayed because of local conflicts, has to be end by 31 January 2018 as reported in the Electoral Calendar, so to allow the effective holding of presidential elections in December 2018;
- G. whereas on 12 December 2016 the EU adopted restrictive measures against seven individuals in response to the obstruction of the electoral process and human rights violations, and on 29 May 2017 against a further nine individuals who hold positions of responsibility in the state administration and in the chain of command of the DRC security forces; whereas the EU renewed on 11 December 2017 until 12 December 2018 these restrictive measures,
- J. whereas human rights organisations are continually reporting on the worsening situation in the country regarding human rights and freedom of expression, assembly and demonstration, an increase in politically motivated trials and the excessive force used against peaceful demonstrators, journalists and political opposition, particularly

perpetrated by the army and militias; whereas women and children are the first victims, and sexual-based violence, often used as a tactic of war, is widespread;

- K. Whereas Paul Nsapu, President of the human rights organisation The League of Voters ("Ligue des électeurs" or LE) and a member of the FIDH, has been threatened of death along with its family members through an anonymous call on 9 January 2018, after having reported and denounced the violence in the Kasai Region from March to July 2017, and the unwillingness of President Joseph Kabila to organise and hold free and transparent elections;
1. Strongly regrets the non-compliance with the political agreement of 31 December 2016 by President Joseph Kabila, who by non-holding the presidential elections by the end of 2017 as agreed with the CENCO and the Opposition, has caused protests and violence all over the Country;
 2. Profoundly regrets that the national council for monitoring the agreement and electoral process in accordance with the political agreement of 31 December 2016 has entirely failed its missions;
 3. Call the Government of the DRC for transparent, free, and fair elections to be held in a credible manner ensuring the protection of political rights and freedoms; and regrets delays in organising the next presidential and legislative elections in the DRC, which constitutes a violation of the Congolese constitution;
 4. Welcomes the publication of the electoral calendar and the on-going process of electoral registration; welcomes the adoption on 15 December 2017 of the new electoral law in the Congolese parliament;
 5. Underlines the crucial importance of the next presidential and legislative elections and of the fact that they should be peaceful, transparent, smooth and timely conduct by the end of 2018;
 6. Firmly condemns the use of force on the march organised across the country by members of Catholic church on 31 December 2017 demanding President Joseph Kabila to step down; strongly condemns the violent suppression of fundamental rights and freedoms and the desecration of places of worship by DRC Security forces;
 7. Calls for the launch of a full investigation on the violent repression of demonstrations of last Sunday 31 December 2017, as well of September and December 2016, in order to ensure that those responsible are held to account;
 8. Calls the EU to intensify pressure on CENI, Congolese Government and President Joseph Kabila in order to ensure the effectiveness of presidential and legislative elections by 23 December 2018; urges the President Joseph Kabila to avoid holding any referendum or any other political manoeuvre with the aim to change the Constitution so to stay in office and bid a third-term, as this will have the effect of destabilizing furthermore the Country, leading to further escalation of violence and abuse in the Country;
 9. Recalls that the DRC is committed under the Cotonou Agreement to respect democracy

and human rights, including freedom of expression, freedom of assembly, freedom of the press and the principles of the rule of law and urges the Congolese authorities to restore an environment conducive to the free and peaceful exercise of freedom of these fundamental freedoms;

10. Calls the European Union to provide financial and logistic support to the CENI in order to facilitate the holding of presidential and legislative elections and to condition any election funding upon demonstrable political will by Congolese authorities to organise elections in 2018; urges Congolese government to respect the conditions stated on 31 December 2016 Agreement as they are crucial on guaranteeing peaceful elections;
11. Calls the EU to encourage and plan substantive financial support to civil society actors and the youth organised into citizens' movements;
12. Underlines that the Independent National Electoral Commission is responsible for being an impartial and inclusive institution in the implementation of a credible and democratic electoral process and deplors any connivance between Central Government and key figures of the CENI;
13. Calls for the release of all political prisoners and for the dropping of politically motivated prosecutions against the opposition and civil society, as well as for the rehabilitation of those who have been subject to politically motivated judgments;
14. Calls Congolese authorities to open an exhaustive and impartial inquiry aiming to identify and sanction the individuals responsible of the above mentioned death threats towards Paul Nsapu and to protect him and his family members and guarantee their physical and psychological integrity;
15. Reiterates its deep concern about the alarming humanitarian situation in the DRC, which includes displacement, food insecurity and epidemics; urges the EU and its Member States to increase financial and humanitarian aid through reliable organisations, in order to meet the urgent needs of the population, particularly in the Kasai province; strongly condemns all attacks conducted on humanitarian personnel and facilities, and insists that the Congolese authorities ensure the smooth and timely delivery of aid to the population by humanitarian organisations;
12. Recalls the importance of holding individuals to account for human rights abuses and other actions which undermine a consensual and peaceful solution in the DRC; supports the Council conclusions on the DRC adopted on 11 December 2017, welcomes the renewal of EU targeted sanctions against individuals responsible for serious human rights violations; calls for sanctions to be extended against new individuals responsible, at the highest level of government, for the latest violence and crimes committed in the DRC during the march of protesters on 31 December 2017; stresses that the sanctions must continue to include asset freezes and the prohibition of entering the EU;
13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the European Commission / High Representative of the European Union for Foreign Affairs and Security Policy, the African Union, the Pan-African Parliament, the ACP-EU Council of Ministers and Joint Parliamentary Assembly, the Secretary-General of the UN, and the President, Prime Minister and Parliament of the

Democratic Republic of the Congo.