



Plenary sitting

B9-0293/2020

15.9.2020

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 144 of the Rules of Procedure

on the case of Dr Denis Mukwege in the Democratic Republic of the Congo (2020/2783(RSP))

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on behalf of the S&D Group

B9-0293/2020

**European Parliament resolution on the case of Dr Denis Mukwege in the Democratic Republic of the Congo
(2020/2783(RSP))**

The European Parliament,

- having regard to its previous resolutions on the Democratic Republic of the Congo (DRC), notably that of 18 January 2018;
- having regard to the declaration by the High Representative on behalf of the EU on the security situation in Ituri of 20 May 2020;
- having regard to the Council conclusions on the Democratic Republic of the Congo of 9 December 2019;
- having regard to the Council Decision of 26 November 2019 amending Decision 2010/788/CFSP concerning restrictive measures against the DRC;
- having regard to Regulation (EU) 2017/821 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas;
- having regard to United Nations Security Council resolutions, notably resolution 2528 (2020) on DRC, and resolution 2463 (2019) on the renewal of the mandate of the United Nations Organisation Stabilisation Mission in the DRC (MONUSCO);
- having regard to the UN Report of August 2010 of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the DRC between March 1993 and June 2003;
- having regard to the Report of the Working Group on the Universal Periodic Review of the DRC of 5 July 2019;
- having regard to the awarding of the European Parliament's Sakharov Prize for Freedom of Thought to Dr Denis Mukwege in 2014;
- having regard to the awarding of the Nobel Peace Prize to Dr Denis Mukwege in 2018;
- having regard to the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part (the Cotonou Agreement);
- having regard to the African Charter on Human and Peoples' Rights which was adopted on 27 June 1981 and entered into force on 21 October 1986;
- having regard to UN Security Council Resolution 1325 on Women, Peace and Security, adopted unanimously on 31 October 2000;

- having regard to the Universal Declaration of Human Rights;
 - having regard to the Charter of the United Nations;
 - having regard to Rules 144 (5) and 132 (4) of its Rules of Procedure.
- A. whereas the Democratic Republic of the Congo continues to suffer violence, attacks, killings and widespread human rights violations perpetrated by domestic and foreign armed groups, notably in the east of the country; whereas these attacks have been multiplying these past weeks, especially on the border of Ituri and North Kivu;
 - B. whereas Nobel and Sakharov laureate Dr Denis Mukwege founded the Panzi hospital in Bukavu in 1999 to treat victims of sexual and gender-based violence in eastern DRC; whereas he has provided medical care for thousands of women who were victims of assault, attacks and rape;
 - C. whereas Dr Mukwege is an outspoken human rights defender who has tirelessly advocated for an end to the violence, justice for victims, ending the endemic impunity and holding the perpetrators to account;
 - D. whereas Dr Mukwege has faced serious and sustained threats including death threats against himself, his family and the medical staff in the Panzi hospital; whereas these threats have been increasing in recent months in response to Dr Mukwege's repeated calls in July to bring an end to impunity for perpetrators of sexual crimes and massacres in Kipupu and Sange and in Ituri province; whereas the UN High Commissioner for Human Rights noted his life currently seems to be at serious risk; whereas he survived an assassination attempt in 2012 in which his bodyguard was killed;
 - E. whereas security protection for Dr Mukwege and the Panzi hospital has been provided by the UN through MONUSCO; whereas this protection was withdrawn in May 2020 but reinstated on 9 September following international outcry concerning Dr Mukwege's safety, including calls from the European Parliament; whereas Dr Mukwege's long-term protection remains unclear and must be ensured;
 - F. whereas the troop numbers and budget of MONUSCO continues to be gradually reduced;
 - G. whereas the President of the DRC Felix Tshisekedi has urged his government to take all the necessary measures to ensure the safety of Dr Mukwege and open an investigation into the threats; whereas such an investigation has yet to be opened by the DRC government;
 - H. whereas, following the discovery of three mass graves in eastern DRC in 2005, the UN Mapping Report of 2010 documented 617 corroborated serious human rights violations and violations of international humanitarian law in the region between March 1993 and June 2003; whereas the report further identified many of the alleged perpetrators; whereas a series of recommendations for action were laid out in the report; whereas few of these proposals have been taken forward;
 - I. whereas abductions of and attacks on human rights defenders, civil society

organisations and humanitarian workers remain widespread across the DRC; whereas women in eastern DRC face serious and sustained threats of sexual and gender-based violence; whereas rape continues to be used as a weapon of war;

- J. whereas on 12 March 2017 armed men executed two United National investigators - Zaida Catalan, a Swede, and Michael Sharp, an American - while they were documenting human rights abuses in the central Kasai region of the DRC;
- K. whereas Dr Mukwege was awarded the European Parliament's Sakharov Prize for Freedom of Thought in 2014 for dedicating his life to providing care for victims of sexual violence in the DRC; whereas in his capacity as Sakharov laureate, Dr Mukwege is entitled to the European Parliament's full support;
1. Is deeply concerned at the grave danger that continues to face Dr Mukwege; deplores the threats to his life and the threats against his family and staff; expresses its full solidarity with and support for Dr Mukwege;
 2. Welcomes the decision by the United Nations to reinstate MONUSCO security protection to Dr Mukwege; reiterates that his personal protection is paramount and urgent; urges the UN to ensure his stable and sustained protection, particularly in light of the serious threats to life he is currently facing;
 3. Urges President Tshisekedi to ensure the DRC government provides all available assistance to facilitate Dr Mukwege's protection and that of his family and the Panzi hospital;
 4. Further calls on the European Commission and the EEAS to mobilise available support through EU instruments to Dr Mukwege as a human rights defender and 2014 Sakharov Prize laureate;
 5. Welcomes Dr Mukwege's outspoken commitment to the work undertaken in the 2010 UN Mapping Report; condemns the lack of progress by the international community in implementing its recommendations;
 6. Underlines the importance of transitional justice, with the full participation of all victims and alleged perpetrators of human rights violations, including for the survivors of sexual violence in line with UN Security Council resolution 1325, for the achievement of societal reconciliation and a viable and lasting peace in eastern DRC; stresses that the failure to address ongoing impunity for serious human rights abuses contributes to the continuation of human rights violations in the country; urges the DRC and the UN to take forward the main recommendations of the report;
 7. Calls on the Congolese government to adopt a national law safeguarding the protection of human rights defenders and whistleblowers;
 8. Calls on the Congolese authorities to ensure the protection of women and girls from gender-based violence, in particular rape and sexual violence, and implement concrete steps towards the achievement of gender equality in line with UN Security Council resolution 1325 and relevant follow-up resolutions;

9. Supports the proposals for the creation of specialised mixed chambers in DRC courts to allow the cooperation of the Congolese judiciary and the international community to prosecute human rights abuses;
10. Urges the Congolese government to review the work of the previous truth and reconciliation commission, and to use this assessment to establish a new and enhanced commission able to effectively carry out its mandate;
11. Highlights the importance of institutional reforms in the country including in the security and judicial sector; urges the Congolese authorities to work with experts in the international community to support the consolidation of state institutions;
12. Strongly advocates that reforms go beyond the conclusions of the Mapping Report which were made a decade ago; calls on the member states of the UN Security Council to call for the establishment of an international criminal tribunal to take forward the documented cases of human rights abuses from pre-2002, as the International Criminal Court is unable to do so;
13. Calls on the EU to maintain sanctions against perpetrators of violence and human rights abuses in the DRC and calls for the extension of these sanctions to the perpetrators cited in the Mapping Report;
14. Urges the Commission and External Action Service to continue to offer technical and financial support and expertise on judicial reform, including for the specialised mixed chambers in DRC courts, for the future truth and reconciliation commission, and for the future international criminal tribunal on the DRC, as well as to work with the Congolese government towards comprehensive security sector reform;; calls on the HR/VP and EEAS to take forward these recommendations in political dialogue with the DRC;
15. Reiterates the importance of humanitarian and development assistance to support women and girls in the DRC who face widespread and ongoing danger; welcomes the continued support provided by the EU to the Panzi hospital and its staff and patients; recalls that the hospital also contains sensitive medical records and its continued protection is paramount; calls in this respect for the long-term continuation of the MONUSCO protection for both Dr Mukwege's personal safety and that of the Panzi hospital;
16. Recalls that the violence in eastern DRC is perpetuated by armed domestic and foreign rebel groups which are financed by and vying for access to the mineral trade; emphasises that any business, individual or state or state-related actor contributing to the perpetration of such crimes must be brought to justice; welcomes the scheduled entry into force of the Conflict Minerals Regulation in the EU in January 2021 which is the first of many steps needed by the international community to address this deep-rooted problem; stresses the urgent need for further action on mandatory due diligence and responsible business conduct by businesses operating in conflict zones;
17. Strongly urges cross-border cooperation in the Great Lakes region and a regional strategy by neighbouring countries to address the violence and human rights abuses in the DRC;

18. Instructs its President to forward this resolution to the Council, the Commission, and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the ACP-EU Council of Ministers and Joint Parliamentary Assembly, the Norwegian Nobel Committee, the President, Prime Minister and Parliament of the Democratic Republic of the Congo, and the African Union and its institutions.