

## **P7\_TA(2011)0340**

### **Democratic Republic of Congo and the mass rapes in the province of South Kivu**

#### **European Parliament resolution of 7 July 2011 on the Democratic Republic of Congo and the mass rapes in the province of South Kivu**

*The European Parliament,*

- having regard to its earlier resolutions on the Democratic Republic of Congo,
  - having regard to the Cotonou Partnership Agreement signed in June 2000,
  - having regard to the EU Guidelines on violence and discrimination against women and girls,
  - 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 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,
  - having regard to UN Security Council Resolution 1925 (2010) defining the mandate of the UN mission in the DRC (MONUSCO),
  - having regard to UN Security Council Resolution 1991 of 28 June 2011 to extend the mandate of MONUSCO,
  - having regard to the statement of 23 June 2011 by the UN Secretary-General's Special Representative on Sexual Violence in Conflict, Margot Wallström,
  - having regard to the final communiqué of the 6<sup>th</sup> Regional Meeting of the ACP-EU Joint Parliamentary Assembly in Yaoundé, Cameroon, on 28 and 29 April 2011,
  - having regard to the law 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,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas 170 persons were the victims of rape or physical violence between 10 and 12 June 2011 in the villages of Nakiele and Abala in the province of South Kivu; whereas members of the same armed group responsible were previously implicated in mass rape, arrests and lootings in the same area in January 2011,
- B. whereas the security situation in South Kivu remains extremely unstable and the disruption

affecting the eastern DRC have led to an increase in human rights violations and war crimes, including sexual violence against women, mass rape and related act of torture, massacre of civilians, and the widespread enlisting of child soldiers committed by armed rebel groups as well as by government army and police forces,

- C. whereas rape, used as a weapon of war by combatants to intimidate, punish and control their victims, has become horrifically widespread in the eastern DRC since the launching of military operations in 2009; whereas atrocities against women are structured around rape, gang rape, sexual slavery and murder, which has far-reaching consequences on the physical and psychological destruction of women,
- D. whereas on 29 June 2011 the UN Security Council decided to extend the UN Mission to the DRC (MONUSCO) for a further year, and whereas this mission has a mandate authorising it to use all necessary means to protect civilians against violations of international law and human rights,
- E. whereas the victims of rape are faced with a serious shortage of infrastructure and are unable to benefit from adequate medical assistance or care; whereas women are deliberately attacked in public, which often costs them their place in society and their ability to care for their children, and whereas the risks of contamination with the AIDS virus are considerable; whereas the only emergency medical response is that provided by the many NGOs working in the area, whose coordination and access to victims are no longer assured,
- F. whereas the inability of the DRC to bring to justice members of its own army and armed groups for crimes under international law has fostered a culture of impunity; whereas the Congolese army does not possess sufficient human, technical or financial resources to carry out its duties in the eastern provinces of the DRC and to guarantee the protection of the population,
- G. whereas the implementation of the law on sexual violence adopted by the DRC Parliament in 2006 is very limited,
- H. whereas the media have an essential role to play to ensure that awareness of the issues remains high and to alert public opinion,
  - 1. Roundly condemns the mass rapes, acts of sexual violence and other human rights violations perpetrated between 10 and 12 June 2011 in the South Kivu region; shares in the pain and sorrow of all victims of sexual violence, especially mass rape, that have been committed repeatedly in the eastern part of the DRC over the past four years;
  - 2. Calls on the government of the DRC to consider the fight against mass rape and sexual violence against women as a national priority;
  - 3. Welcomes the UN's decision to carry out an inquiry into these events; calls for immediate, independent and impartial investigations to be conducted into these crimes in accordance with international standards; deplors the fact that war criminals are still holding high command positions; calls for effective and immediate measures to ensure the protection of victims and witnesses during and after those investigations;
  - 4. Demands that the Commission and the Democratic Republic of Congo review the DRC's Country Strategy Paper and the National Indicative Programme of the 10<sup>th</sup> EDF (2008-

2013) with the objective of making the issue of mass rape and sexual violence against women into a national priority to combat impunity;

5. Is disturbed at the risk that acts of sexual violence may become routine; stresses that it is incumbent on the government of the DRC to guarantee security on its territory and protect civilians; reminds President Kabila that he has personally undertaken to pursue a zero-tolerance policy towards sexual violence and to prosecute the perpetrators of war crimes and crimes against humanity committed in the country, and to cooperate with the International Criminal Court and the countries in the region;
6. Welcomes the action of the NGOs bringing aid to the victims of violence and war crimes, particularly the medical aid provided by certain hospitals such as Panzi hospital in Bukavu; stresses that the majority of the victims of sexual aggression are not receiving the necessary medical, social or legal aid; suggests that a comprehensive programme of assistance to victims and their reintegration into Congolese society and the labour market be worked out by the Government of the DRC; calls on the Commission to release additional funds to combat sexual violence and to work to create houses for the victims of sexual violence in sensitive areas; suggests that a pilot project be set up to improve medical assistance to victims of sexual violence in the DRC;
7. Is concerned that the Gender-Based Violence (GBV) Sub-Cluster, which was intended to coordinate the humanitarian response to sexual violence, was abolished a year and a half ago owing to a lack of leadership from the UN Population Fund; calls, therefore, for the recasting of the humanitarian coordination system on the ground;
8. Expresses its concern that MONUSCO could not use its mandate and rules of engagement more actively to provide protection against such mass rapes, including the atrocities committed by its own forces; recognises, however, that its presence remains indispensable to humanitarian aid accessibility; insists that MONUSCO's mandate and rules of engagement should be carried out with determination to guarantee the safety of the population more effectively; welcomes the decision to extend the mission's mandate to 30 June 2012;
9. Calls on the EU and its Member States to support the activities of the EUSEC RD and EUPOL RD missions; calls for issues relating to combating sexual violence to be fully integrated into joint security and defence operations;
10. Remains deeply concerned at the current humanitarian situation in the DRC and at the under-funding in this region owing to the reduction in funding from certain bilateral donors; deeply regrets the fact that, at present, the funds allocated are reaching only few victims; calls on the Commission to maintain the funding allocated to humanitarian aid in the eastern DRC;
11. Calls on the Commission to come forward with a legislative proposal on conflict minerals which fuel the war and mass rape in the DRC, with a view to combating impunity, similar to the Dodd-Frank Act (especially section 1502), which imposes new reporting requirement on manufactured products for which 'conflict minerals' are used;
12. Notes that the conflict resolution plan for South Kivu, which gives priority to the military solution, has proved to be a failure; considers that the solution to this conflict must be political and regrets the lack of courage on the part of the international community;

considers that the time has come to go beyond condemnation and that responsibilities should be assumed by the Congolese government, by the EU and the UN to take concrete actions to end these atrocities; stresses that, if nothing changes, humanitarian workers will have to be present on the ground for a long time to come;

13. Instructs its President to forward this resolution to the Council, the Commission, the Commission Vice-President / EU High Representative 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 Special Representative on Sexual Violence in Conflict, the UN Security Council and the UN Human Rights Council.