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Follow-up of the elections in the Democratic Republic of Congo

European Parliament resolution of 13 June 2012 on the monitoring of elections in the Democratic Republic of Congo (2012/2673(RSP))

The European Parliament,

- having regard to the Declaration of Principles for International Election Observation commemorated at the United Nations in October 2005,
- having regard to the United Nations Charter of Human Rights,
- having regard to the African Charter on Human and Peoples' Rights, which was ratified by the Democratic Republic of the Congo (DRC) in 1982,
- having regard to the Commission communication on EU election assistance and observation,
- having regard to its previous resolutions on the Democratic Republic of Congo,
- having regard to the Cotonou Partnership Agreement signed in June 2000,
- having regard to the resolution of 22 November 2007 of the ACP-EU Joint Parliamentary Assembly on the situation in the Democratic Republic of Congo, particularly in the east of the country, and its impact on the region,
- having regard to 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 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 mandate of the Election Observation Mission (EU EOM) deployed by the European Union for the presidential and parliamentary elections of 28 November 2011 to provide a detailed, impartial and independent assessment of the electoral process, within the national and regional legal framework, but also in accordance with international standards and the international treaties signed by the Democratic Republic of Congo,
- having regard to the mandate of the European Parliament delegation that joined the EU EOM and endorsed its conclusions,
- having regard to the statement of 9 December 2011 by Baroness Ashton, High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission, on the electoral process in the Democratic Republic of Congo;

- having regard to the Joint Declaration by EU High Representative Ashton and Commissioner Piebalgs of 2 December 2011 on the elections and the Declaration of 7 June 2012,
 - having regard to the statement of 20 December 2011 by Baroness Ashton, High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission, on the electoral process in Democratic Republic of Congo,
 - having regard to the Final Report of the European Union’s Election Observation Mission in the Democratic Republic of Congo and its recommendations,
 - having regard to the recommendations of the Independent National Electoral Commission (INEC), issued in April 2012,
 - having regard to Rule 110(2) and (4) of its Rules of Procedure,
 - having regard to Rule 122 of its Rules of Procedure,
- A. whereas the European Union’s Election Observation Mission in the Democratic Republic of Congo has concluded in its final report that the electoral process was marred by a lack of transparency and credibility due to the numerous irregularities and cases of fraud detected;
 - B. whereas the EU EOM in the DRC has drawn up 22 recommendations for the Congolese authorities aimed at essential measures for improving the transparency and credibility of elections that are technically feasible before the forthcoming provincial and local elections;
 - C. whereas, speaking on behalf of the EU, Vice-President / High Representative Catherine Ashton reiterated concern at the serious shortcomings and lack of transparency in the compilation and publication of the electoral results which were reported by, among others, the EU Election Observation Mission;
 - D. whereas, despite shortcomings identified by the Congolese authorities themselves and by the INEC, the Supreme Court of Justice of the DRC confirmed the definitive results of both elections and, on 16 December 2011, proclaimed the incumbent, Joseph Kabila, President re-elect;
 - E. whereas the date set for the holding of provincial and local elections, namely 25 March 2012, has not been respected and whereas on 6 June 2012, the Chair of the INEC announced a revised timetable for provincial, city, municipal and local elections which extends the electoral process to 2014;
 - F. whereas the High Council for Audiovisual and Communications (CSAC) was unable to ensure that the principle of equal media coverage for all candidates was respected;
 - G. whereas impunity for serious human rights abuses is creating a climate of insecurity, and whereas the situation as regards the democratisation process in the DRC continues to give cause for concern, given that politically motivated human rights violations increased in the run-up to the presidential elections;
 - H. whereas the repression of human rights activists and journalists in Congo has increased and they are being arbitrarily arrested and intimidated;

- I. whereas the assassination of Floribert Chebeya Bahizire, a leading Congolese human rights activist, and the way in which the matter has been handled are not only serious crimes in themselves but also the worst sign there could be for all Congolese human rights defenders;
 - J. whereas a large number of problems built up during the pre-election period, including the changeover to a single-ballot system for the presidential elections, an unvalidated electoral roll, a lack of legitimacy on the part of the INEC, an inadequate and poorly applied legal framework and the appointment of Supreme Court judges;
 - K. whereas, under the 10th EDF A-envelope, the EU supports good governance projects, such as the holding of democratic and transparent elections;
 - L. noting the EU financial contribution to these elections, amounting to EUR 47.5 million, with an additional EUR 2 million for security; appreciating the personal involvement of 147 observers in the electoral surveillance operations, as part of the EU EOM DRC 2011;
 - M. whereas in its Resolution 1991 adopted on 28 June 2011, the UN Security Council extended until 30 June 2012 the mandate of the United Nations Stabilisation Mission in the DRC (Monusco);
 - N. whereas increased unemployment, the social downturn and impoverishment of the population are also determining factors in undermining political stability in the Democratic Republic of the Congo;
 - O. whereas there are 1,7 million internally displaced persons and 426 000 Congolese refugees in neighbouring countries;
1. Believes that the building of a democratic society requires, above all, strong political will and ambitious vision on the part of political leaders, governments and opposition groups, with the aim of building political institutions to guarantee the human, civil and political, social, economic and environmental rights of the population;
 2. Takes the view that political leaders, civil society organisations, religious authorities and women's associations in the DRC should reach a national consensus on adequate and appropriate institutions, and established and agreed procedures through which democratic practices can be implemented;
 3. Considers that independent judicial and media systems are essential in shaping and regulating the democratic process, with a view to reinforcing the rule of law, building democratic institutions, including a functioning parliament based on political pluralism, and strengthening the role of civil society;
 4. Takes the view that elections are necessary, but are not of themselves sufficient to create the necessary conditions for a democratisation process, which involves more than simply organising elections; considers that for a democratisation process to be successful, a commitment to the social and economic development of the country and to upholding the population's basic rights, including the right to employment, health and education, is crucial;

5. Welcomes the fact that the Congolese people turned out in large numbers for the presidential and parliamentary elections of November 2011, thereby demonstrating their deep attachment to the building of a genuine democracy in the DRC;
6. Encourages the government to initiate a political dialogue with all parties, including the opposition forces and civil society, paving the way for true democracy and political reform in the country;
7. Emphasises the importance of setting up a Constitutional Court that will ensure more transparency in the electoral process, especially as regards the settlement of electoral disputes;
8. Reiterates its finding that the INEC has failed and recommends fundamental reforms in several areas after its composition has been revised in order to ensure genuine parity and make it more representative of Congolese civil society;
9. Welcomes the willingness of the INEC to restore trust among the various actors and to implement the recommendations of the EU EOM, calls on the INEC, in this connection, to suggest a specific and suitable course of action;
10. Emphasises the crucial role of Congolese civil society in the electoral process in terms of promoting civic education and national observation; calls therefore on the European Union and the international community to support the DRC in its efforts to underpin democracy and peace, to assist Congolese NGOs in increasing voter awareness and monitoring elections at home and to support the Congolese people in its bid to achieve democracy and social justice;
11. Urges that the High Council for Audiovisual and Communications (CSAC) be allowed to operate effectively and efficiently so as to ensure that the principle of equal media coverage for all candidates in the elections is respected;
12. Strongly condemns the deplorable violence and violations of fundamental rights during the elections of 28 November 2011 and calls upon the Congolese authorities to make every effort to hold the necessary investigations to find the perpetrators; welcomes and encourages the work of the security forces and the law enforcement agencies in their efforts effectively to address all the human rights violations;
13. Emphasises that no significant progress has been made in criminal investigations into human rights violations, in particular mass rape; notes that the judiciary has remained largely unable to dispense justice and offer compensation to the victims;
14. Is concerned that the killers of Floribert Chebeya, the human rights activist, are still at large despite a Court ruling; urges the Congolese justice system to consider the appeal in respect of this ruling by Chebeya's widow and to set a date for this appeal;
15. Calls on the Congolese authorities, in the name of freedom of expression, not to impede, either directly or indirectly, the distribution in the DRC of the film by filmmaker Thierry Michel on this case;
16. Calls on the Congolese Government to commit itself resolutely to a political practice that genuinely respects all human rights including freedom of expression and opinion, freedom

to demonstrate, freedom of religion, and the end of the discrimination based on sex or sexual orientation; stresses the importance of strengthening the rule of law, good governance and the fight against corruption and control over the security services;

17. Calls on the current DRC Government to step up its domestic efforts to enforce the rule of law and ensure the security of the Congolese people throughout the country; invites the Prime Minister, as the government member responsible for public finances, to ensure that the highest financial management standards and sound budgetary procedures become the norm in the policy-making decisions of the DRC Government;
18. Notes that discrimination against women which stands in the way of their full participation in political life is continuing, despite the fact that the principle of equality between men and women and gender parity in the various decision-making bodies is enshrined in the Constitution; proposes that all necessary measures be taken to ensure the integration of women in political life and that the electoral law be amended to ensure the principle of gender parity;
19. Welcomes the announcement by the Bureau of the INEC, made by means of a press release issued on 6 June 2012, of its decision N 019/CEN/BUR/12 setting a revised timetable for the provincial, city, municipal and local elections which extends the electoral process to 2014;
20. Calls on the INEC to present an organisational plan and a budgetary plan which outline clearly how the forthcoming elections will be organised; calls for these plans to be submitted to all the political parties and to civil society for approval;
21. Calls on all the members of the presidential majority, the opposition and the public administration, and on civil society and Congolese people in general, to ensure that the forthcoming elections included in the revised electoral timetable for the period 2012-2014 are transparent, credible and reliable and that human rights and fundamental freedoms are respected;
22. Encourages the Commission and Member States to make the Union's financial contribution to the electoral process in the DRC dependent upon the effective implementation of the recommendations of the EU EOM;
23. Emphasises that the security and humanitarian situation in the country remains a threat to stability in the region and stresses that peace, security, democracy and good governance are preconditions for the long-term development of the DRC;
24. Calls for the Congolese Parliament to be involved in the work of monitoring the mining sector and for consideration to be given to holding an independent inquiry with a view to ensuring that the sector conducts its activities in a transparent manner;
25. Supports the creation of the post of Special Rapporteur for the DRC to the Human Rights Council and the renewal of Monusco's mandate in order to protect the civilian population;
26. Calls on the Congolese authorities to ratify the African Charter on Democracy, Elections and Governance at the earliest opportunity;

27. 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 countries the Great Lakes region, the UN Human Rights Council and the authorities of the Democratic Republic of Congo.