



European Parliament resolution of 17 January 2008 on the situation in the Democratic Republic of Congo and rape as a war crime

The European Parliament ,

- having regard to its previous resolutions on human rights abuses in the Democratic Republic of Congo (DRC),
- having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 22 November 2007,
- 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 the United Nations Twenty-fourth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo of 14 November 2007,
- having regard to the statement issued on 27 July 2007 by the United Nations Mission in the Democratic Republic of Congo (MONUC),
- having regard to the Human Rights Watch publication entitled "Renewed Crisis in North Kivu" of October 2007,
- having regard to the Human Rights Watch publication "Seeking Justice: The Prosecution of Sexual Violence in the Congo War" of March 2005,
- having regard to the Amnesty International Report 2007,
- having regard to the UN-sponsored Democratic Republic of Congo Humanitarian Action Plan 2008 of 11 December 2007,
- having regard to the UN Office for the Coordination of Humanitarian Affairs' "Humanitarian News and Analysis" of 13 December 2007,

- having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas the war and unrest in the eastern part of the DRC have resulted in sexual violence against women on a widespread and alarming scale, committed by armed rebel groups as well as by government, army and police forces,
- B. whereas in the eastern part of the DRC women are being systematically attacked on an unprecedented scale and whereas, according to the United Nations Under-Secretary-General for Humanitarian Affairs, the sexual violence in the DRC is the worst in the world,
- C. whereas rape is also being committed in displaced persons' camps, where many civilians have sought refuge from the fighting that drove more than 400 000 people from their homes and villages in 2007 alone,
- D. whereas, according to the Special Representative of the UN Secretary-General in the DRC, atrocities against women are structured around rape, gang rape, sexual slavery and murder, which has far-reaching consequences including the physical and psychological destruction of women,
- E. whereas, according to the DRC Humanitarian Action Plan 2008, 32 353 rapes were reported during 2007, which was most probably a fraction of the total number,
- F. whereas UN Security Council Resolution 1325 (2000) emphasises the responsibility of all states to put an end to impunity and to prosecute those responsible for crimes against humanity and war crimes, including those relating to sexual and other violence against women and girls,
- G. whereas rape seems to be used as a way of humiliating women in front of their families and communities and thus destroying the integrity, morale and cohesion of those communities,
- H. worried that women and girls who are victims of rape suffer widespread social discrimination and rejection by their families and communities, while perpetrators enjoy impunity, this being an additional reason why only a fraction of rape incidents are reported by victims,
- I. deeply concerned by the inadequacy of efforts to conduct thorough investigations into such crimes, the absence of protection measures for witnesses, victims and victims' families, the lack of information regarding cases and the lack of appropriate medical care for victims,
- J. whereas the new 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, has so far had little effect,

K. whereas a Joint Statement by Rwanda and the DRC was signed in Nairobi on 10 December 2007 in favour of a comprehensive solution to the presence of armed groups in the Kivus which are responsible for sexual violence and other human rights violations,

L. whereas the many years of armed conflict have resulted directly and indirectly in 4 million direct and indirect victims and caused the displacement of at least 1.5 million people, most of them women and children, as well as the destruction of the socio-economic infrastructure of the DRC,

1. Strongly condemns the use of rape as a weapon of war and recalls that the International Criminal Court has jurisdiction over such acts, as does the DRC;
2. Urges in particular that the perpetrators of sexual violence against women be reported, identified, prosecuted and punished, in accordance with national and international criminal law;
3. Calls on the Government of the DRC to put an end to impunity and to implement the new law adopted by its Parliament outlawing sexual violence, which lays down stiffer penalties for perpetrators;
4. Urges the international community to take all necessary steps to support the relevant national authorities in investigating these acts and prosecuting those responsible;
5. Calls on the EU to allocate substantial funds to providing medical, legal and social support for victims of sexual abuse and empowering women and girls as a way of preventing further sexual abuse;
6. Calls on all the forces participating in conflicts in the east of the DRC to respect human rights and international humanitarian law, to cease all attacks on women and other civilians and to allow humanitarian agencies to come to the assistance of victims;
7. Calls on the EU and the UN formally to recognise rape, forced impregnation, sexual slavery and any other forms of sexual violence as crimes against humanity, serious war crimes and a form of torture, whether or not they are carried out in a systematic manner;
8. Calls on all UN member states that send personnel on the MONUC peacekeeping mission to follow up all claims of sexual abuse and exploitation, particularly those which concern minors, and to bring individuals who have committed sexual abuse to court as quickly as possible; calls therefore for MONUC's mandate with respect to the protection of civilians against sexual violence to be strengthened;
9. Calls on the UN, the African Union, the EU and the other partners of the DRC to do everything possible to put in place an effective mechanism for the monitoring and documenting of sexual violence in the DRC and to provide efficient and adequate aid and protection for women, particularly in the east of the country;

10. Expresses its deep concern at the fact that sexual violence is causing an immense rural exodus, and stresses that systematic sexual violence and an overall "culture of sexual violence" destroy all social networks and represent a genuine national threat;
11. Welcomes the opening of the conference on peace, security and development in Goma (North Kivu) and hopes that the cessation of hostilities during the conference is the first step in building confidence between the belligerents; urges the participants to address the issue of sexual violence against women and girls and to commit themselves to bringing the perpetrators to justice;
12. Calls on the Commission to provide support, including financial aid, for the holding of a peace conference in Kivu with a view to enabling the population to participate in the search for lasting solutions;
13. Calls on the Government of the DRC and MONUC to guarantee an appropriate level of security for the members of humanitarian organisations;
14. Instructs its President to forward this resolution to the Commission, the governments of the EU Member States, the governments of the DRC and of the Great Lakes countries, the African Union institutions and the UN Secretary-General.