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Freedom of the Press 2017 - Congo, Democratic Republic of (Kinshasa)

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Press Freedom Status: Not Free

Total Score: 82/100 (↓4) (0 = Most Free, 100 = Least Free)

Legal Environment: 25/30 (↓1)

Political Environment: 32/40 (↓2)

Economic Environment: 25/30 (↓1)

Quick Facts

Population: 79,800,000

Freedom in the World Status: Not Free

Internet Penetration Rate: 3.8%

Key Developments in 2016:

- A number of journalists were arbitrarily detained while covering protests in Kinshasa at which participants called for President Joseph Kabila to step down, as constitutionally mandated, at the end of his second term. There were also reports of media workers being beaten by security forces during the demonstrations, during which dozens of protesters were killed.
- Marcel Lubala, a state television journalist, was murdered in his home in November.
- In November, the communications ministry issued regulations that restricted the operations of foreign media outlets working within the country.

Executive Summary

Press freedom is severely restricted in the Democratic Republic of Congo (DRC). Journalists and media outlets who challenge powerful figures or cover protests and other controversial events run the risk of prosecution, harassment, and attack, including by members of the security services. Poor economic conditions make it difficult for many outlets to remain financially sustainable.

In 2016, authorities failed to hold constitutionally mandated elections set for November, and President Joseph Kabila overstayed his term in office. The developments prompted violent protests, and the consequent suppression of human rights groups, citizens' movements, and journalists. The broadcast signals of numerous media outlets were cut or scrambled, access to social media websites was restricted, and the Communications Ministry issued an order that restricted the operations of foreign broadcasters within the country.

Legal Environment: 25 / 30 (↓1)

Although the constitution and various laws provide for freedoms of speech and of the press, these guarantees are seldom enforced. Reporters risk arrest and criminal prosecution for carrying out ordinary journalistic activities, and corruption and politicization of the judiciary hampers impartial adjudication of cases against journalists. A number of journalists faced dubious legal prosecutions in 2016. Among them was the arrest and detention on unclear charges in March of Willibrond Kahamwiti, an editor for the *Ishango News*; he was held for several weeks after his paper published an article on the failing health of a former government official, and released in June after paying a fine. In June, Papy Okito, a journalist with the newspaper *Echo d'opinions*, was arrested after refusing to publish a letter from the country's economy minister refuting an earlier story in which he was accused of graft. Okito was later released on bail.

Defamation is a criminal offense, and authorities frequently invoke or threaten to invoke defamation laws in response to critical coverage.

Media outlets are regulated by the High Council for Broadcasting and Communication (CSAC), which has the power to temporarily suspend outlets for hate speech and other serious ethical transgressions. Advocates for free expression have criticized the council as politically biased and indifferent to press freedom violations. The government in 2016 invoked regulatory mechanisms to hamper some outlets' operations. In January, the Communications Ministry ordered the closure of two television stations owned by Moïse Katumbi – a former governor of Katanga Province who defected from the ruling party and is now a member of the opposition – for allegedly failing to pay annual licensing fees. Both stations disputed the claim, and observers charged that political motives were behind the closures. Similarly, in March, the ministry issued an order that shuttered another channel owned by an opposition leader, Gabriel Kyungu wa Kumwanza, for the same reason; its management similarly protested that the order had been politically motivated.

In August 2016, the electoral commission announced that planned presidential elections would be postponed, sparking outrage among Kabila's political opponents and civil society groups. The subsequent government crackdown exacerbated already repressive conditions for journalists; severe pressure to limit critical coverage of the political situation and the activities of the opposition left little space in which to conduct normal journalistic activities.

Nevertheless, a number of professional associations work to support journalists and advocate for their rights. In March 2016, the group Journalists for Human Rights (JHR) convened a forum in Kinshasa to establish best practices for coverage of the planned presidential election; the event was notable as the first nationwide meeting of journalists in the country. Pressure from the group also led to a formal apology in May by the government for an assault perpetrated by the security services against a journalist investigating a case of arbitrary detention.

Political Environment: 32 / 40 (↓2)

Many media outlets display political bias. State-owned broadcasters favor President Kabila's party, though other ruling political parties are occasionally given airtime. Private outlets owned by partisan figures and affiliated businesspeople are often used to disseminate political propaganda. The only independent radio network with nationwide reach, Radio Okapi, is funded by the United Nations and the Switzerland-based Fondation Hirondelle. In an apparent push to increase the prevalence of progovernment media ahead of the 2016 elections, the state-run Radio Télévision Nationale Congolaise (RTNC) established new local branches throughout the country in 2015, and directed RTNC staff to avoid criticizing government officials or giving airtime to the opposition.

Amid the 2016 protests that erupted in response to the postponement of the presidential election, authorities enacted several measures that gave the government greater control over what information could be disseminated, and which outlets were permitted to broadcast. Among them was a November decree that prohibited foreign broadcasters from operating in the country unless they were taken over by a Congolese citizen. Alternatively, foreign broadcasters could establish partnerships with Congolese outlets, but then would be able to stream content on their partners' allotted frequencies only intermittently. The decree came after authorities had cut the signal of the French radio broadcaster Radio France Internationale (RFI), whose signal remained blocked after the decree was issued even though it specified that foreign broadcasters would be given time to comply with the new regulations.

Private media outlets are frequently subject to censorship and retaliatory action over antigovernment content, with such efforts intensifying in 2016 as the end of Kabila's constitutionally mandated term approached. In November, the signal for the UN-backed Radio Okapi was scrambled. In December, it was reported that local authorities in Kasai Oriental Province had instituted a ban on all political programming. The same month, in Kongo Central Province, two television stations were raided by police and taken off the air as they broadcast a discussion of a no-confidence motion against a local governor. Finally, the signals for Canal Congo Télévision and Radio Liberté, both owned by an opposition politician, were cut off without explanation in late December. A compromise reached between Kabila and the opposition on December 31 to hold new elections in 2017 included a pledge to work toward the reopening of media outlets that were shuttered during the unrest that took place in 2016. Authorities have also taken action aimed at blocking the spread of news regarding the security forces. In March, the administration in Rutshuru Territory, in North Kivu Province, issued an order prohibiting the media from reporting on any information related to the security services. Six local radio stations subsequently ceased production of their news reports, citing fear of reprisals.

Journalists risk being arrested while covering protests and other tense or controversial situations. At least eight journalists and media workers with both local and foreign outlets were arrested and detained for varying lengths of time while attempting to cover protests in Kinshasa that erupted in September, which saw clashes between demonstrators and police that left dozens of people dead. There were also reports of attacks against media workers during the unrest, including by security forces. Separately, in December, journalist Adèle Uvon was arrested as she was covering a press conference by members of an antigovernment citizens' movement, and detained for nearly a week.

Journalists were subject to physical violence and other reprisals from state authorities as a result of their work in 2016. In July, two radio journalists were arrested and held for more than a week in

Ituri Province after they broadcast news of a petition denouncing military abuses in the area. They were forced to sign a document agreeing to not report on such cases in the future before they were released. In August, armed security agents raided the home of journalist Christian Kahindo Muke, purportedly in connection to his nonpayment of a \$1,500 defamation fine. However, Muke had never been notified of the fine, and learned of it only after his lawyer protested the home raid to authorities. The same month, a deputy commander of the North Kivu police threatened a Radio Okapi journalist in apparent connection with a story about the fatal beating by police officers of a young person in Goma; following the deputy commander's warning, the journalist claimed that he was followed by police officers and received threatening phone calls.

In November, Marcel Lubala, a reporter with the state television broadcaster, was shot dead in his home. The motive for his murder remains unclear.

A media crackdown in neighboring Burundi has resulted in the presence of a number of Burundian journalists in the DRC, where they have faced scrutiny from the government. In late 2015, authorities arrested radio technician Egide Mwemero of the Burundi-based Radio Publique Africaine (RPA), in the town of Uvira, near the Burundian border. He was eventually accused of espionage after being held without charge for months, but was finally released in October 2016.

Economic Environment: 25 / 30 (↓1)

The DRC retains a large and relatively diverse private press, including both progovernment and pro-opposition outlets. Hundreds of privately owned radio and television stations operate alongside three state-owned radio stations and a state-owned television station. The British Broadcasting Corporation (BBC) and RFI are available in several cities on FM radio. Given low literacy rates and poverty, the population relies largely on radio broadcasts to receive news. Only a few stations, including the state broadcasters and internationally funded Radio Okapi, have nationwide reach. While internet access has spread in urban areas thanks to the proliferation of private and affordable internet cafés, only about 6 percent of the population used the internet in 2016.

Authorities have been known to disrupt the means of news production and distribution in order to suppress critical coverage of the government or of other powerful figures. In November 2016, the distributor of the newspaper *La Tempête des Tropiques* was arrested and copies of that day's edition of the paper were confiscated when police suspected an article critical of the head of a local church was to appear. The government during the year also took steps to prevent critical coverage of Kabila by invoking restrictive measures that limited or prevented outlets' ability to broadcast. And in December, as opposition groups were planning for demonstrations to mark the end of Kabila's constitutional mandate, the government ordered internet service providers to block access to various social media sites and communication tools, including Facebook, Twitter, and Whatsapp, a move journalists said impeded their work.

Poor economic conditions in the country make it difficult for many media outlets to operate. Many cannot afford to pay the requisite licensing fees and thus operate illegally, leaving them vulnerable to selective closure by the government. Other costs of doing business compound the pressure. The price of advertising has plummeted in recent years, depriving outlets of badly needed revenue. Meanwhile, in June 2016, the price of mobile internet service increased by substantial amounts across all providers, drawing protests from press groups who say the hikes threatened their ability to work.

Journalists at major media outlets are usually poorly paid and insufficiently trained, leaving them vulnerable to bribery and political manipulation.