

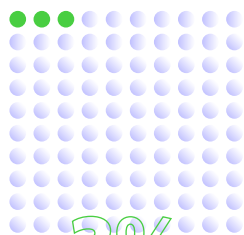


UPR SESSION 33

DEMOCRATIC REPUBLIC OF THE CONGO

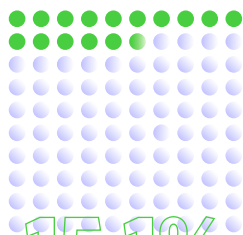
FREEDOM OF EXPRESSION & INTERNET FREEDOM

HOUSEHOLDS WITH INTERNET ACCESS



3%

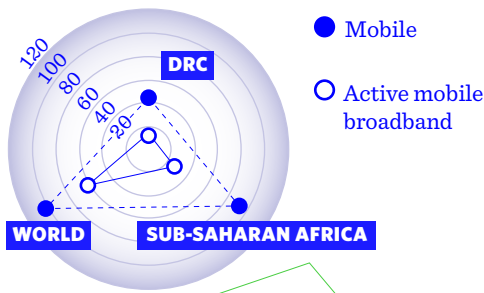
INDIVIDUALS USING THE INTERNET



15.1%

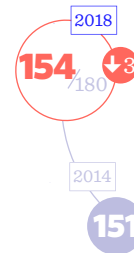
Sources: ITU, Country Statistics 2018

SUBSCRIPTIONS PER 100 INHABITANTS



PRESS FREEDOM RANKING

Reporters Without Borders, 2018



State-imposed internet shutdowns were used extensively during the 2019 elections to limit freedom of opinion and expression.

Despite freedom of expression being constitutionally protected, the media environment in the DRC is subject to intense government censorship and surveillance. Journalists are frequently targeted with threats, physical attacks and arbitrary arrest. Foreign monitors like RFI also suffer from state interference.

The government imposes internet shutdowns to control the flow of information. Online media endured extensive restrictions before the January 2019 elections. The entire internet and SMS infrastructure was completely shut down between 31 December 2018 and 19 January 2019.

Multiple state-directed shutdowns have been documented since December 2011, and their increasing frequency poses a grave threat to freedom of expression and access to information in the DRC.

RECOMMENDATIONS

- Guarantee citizens' rights to free expression and free assembly both online and offline, and cease the practice of disrupting or limiting citizens' access to the internet
- Accelerate the adoption of the new 'Law on Telecommunications and ICT' under legislative review, thereby strengthening citizens' rights to development and privacy
- Urgently establish a clear, comprehensive and up-to-date law on privacy and data protection, developed in accordance with international legal obligations
- Invest in ICT infrastructure development and skills education, so as to support citizens' rights to free expression and assembly, and further economic and social development

SUBMITTING ORGANISATIONS



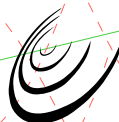
LDGL DRC



SI JEUNESSE SAVAIT DRC



RUDI INTERNATIONAL DRC



CIPESA



accessnow

ACCESS NOW



SMALL MEDIA

- Guarantee citizens' rights to free expression and free assembly both online and offline, and cease the practice of disrupting or limiting citizens' access to the internet.

Since 2011, the government of the DRC has purposefully blocked or slowed access to the internet during elections and periods of social unrest.

On 19 January 2015, the government ordered telecoms companies to suspend all internet and SMS access in the midst of protests against a draft amendment to the electoral law. This shutdown lasted 20 days, but social networks including WhatsApp, Facebook and Twitter remained blocked until 5 February 2015.

Access to the Internet was cut off for 19 days from 20 January 2016 amid political tensions against a change in the electoral law, with social networks blocked for the same period. Further internet shutdowns occurred over the course of 2016-17.

Recently, internet and SMS access was suspended for 20 days after the elections that took place on 30 December 2018.

- Accelerate the adoption of the new 'Law on Telecommunications and ICT' under legislative review, thereby strengthening citizens' rights to development and privacy.

The draft Telecommunications and ICT Bill is ready to be submitted for presidential approval, after being under consideration by Parliament and the Senate for over two years. This bill proposes a number of modifications to the existing 2002 law that would support the expansion of access to telecommunications services while introducing new privacy protections.

Measures are planned to compel telecommunications operators to ensure equitable access to services by users in marginalised communities through the inclusion of a "universal service fund" to support infrastructure development.

The new law clearly delineates the separation of powers of the ICT Minister in his attributions and the ones of the Regulatory Authority, removing potentially problematic ambiguities that could otherwise facilitate violations of citizens' privacy.

- Urgently establish a clear, comprehensive and up-to-date law on privacy and data protection, developed in accordance with international legal obligations.

- Owing to ambiguities in existing legislation, there is a need for a separate, more elaborate and clear legislation on privacy and data protection.

The DRC lacks specific and comprehensive data protection legislation. As a consequence, both private and public entities that collect individuals' personal data are subject to minimal regulation.

Article 7 of a 2015 Ministerial Decree requires telecoms companies to protect the privacy of their subscribers, but allows state actors to access this information if 'national security' or an ongoing court case is cited. The process for state actors to make these requests is not clearly delineated, nor is the authority that is permitted to request personal data from subscribers, leaving the decree open to being abused by state actors to violate citizens' privacy.

The Telecommunications and ICT bill currently under review includes insufficient provisions to protect privacy.

- Invest in ICT infrastructure development and skills education, so as to support citizens' rights to free expression and assembly, and further economic and social development.

The high cost of Internet packages and telecommunication services in the DRC, despite the slight price decline in June 2016, deprives many citizens of access to the Internet.

Meanwhile, rural access to telecommunications is limited by inadequate infrastructure. A draft 'Telecommunications and ICT Bill' has been under discussion in Parliament and the Senate for more than two years, dealing with the question of providing universal access to telecommunications services.

Securing inclusive and affordable access to the internet will support citizens' rights to free expression and access to information, and further the economic and social development of the DRC.

UPROAR is coordinated by Small Media, in collaboration with a network of digital rights organisations working internationally.

For more information contact glenn@uproar.fyi

UNIVERSAL PERIODIC REVIEW