

# Human rights in the digital context and the state of civic space in the Democratic Republic of Congo (DRC): Summary of key findings and recommendations

The following key findings and recommendations are based on the Universal Periodic Review (UPR) joint stakeholder report submitted by Rudi International<sup>1</sup> and the Association for Progressive Communications (APC).<sup>2</sup> The full report is available here.<sup>3</sup>



1. [www.rudiinternational.org](http://www.rudiinternational.org)
2. [www.apc.org](http://www.apc.org)
3. <https://www.apc.org/en/node/40163>

## KEY FINDINGS

- The laws and provisions in place addressing “fake news” and hateful speech pose risks to the exercise of human rights, raising several issues with regard to freedom of expression, restriction of the media, criminalisation and censorship of legitimate online content, and prosecution of journalists. Legislative responses that contain broad and vague terms are contrary to international human rights standards and the principles of legality, necessity and proportionality. These responses allow arbitrary or discretionary application, resulting in legal uncertainty, and pose serious challenges to the exercise of human rights due to their criminalising effects.
- Restrictive laws in the DRC impact human rights defenders by limiting their freedom of expression and association and their activities. The Law on the Protection of Human Rights Defenders requires individual workers to register with the National Human Rights Commission and submit annual reports on their activities. This registration and reporting process can be seen as a form of control and monitoring, leading many activists to fear surveillance and restrictions on their work. The law also criminalises defamation, insults or slanderous information published by human rights defenders, potentially resulting in imprisonment.
- These laws, measures and practices in place in the DRC implicitly encourage the use of arbitrary arrests, intimidation and detentions of human rights defenders, journalists and political opponents, preventing activists from freely engaging in activities essential for upholding democracy, promoting gender equality and defending human rights.
- Women, including journalists, politicians and women human rights defenders (WHRDs), face increasing intimidation and death threats for exercising their freedom of expression and airing their opinion publicly. Technology-facilitated gender-based violence (TFGBV) is a growing threat in the DRC, including harassment, cyberbullying, blackmail, hacking and identity theft, among other types of violence. However, there is a lack of awareness and enforcement of the legal frameworks that protect individuals against TFGBV. In addition, there is no clear indication of where victims can report cases and to whom. A lack of digital knowledge and skills among women rights defenders makes their work difficult and renders them more vulnerable to online attacks.
- Barriers to access to technologies for people living in remote areas, the slow progress in ICT infrastructure development, also due to the non-implementation of the Universal Service Fund, the lack of training and awareness on how to effectively use digital platforms for WHRDs and journalists, slow internet growth, and the lack of investments in ICT infrastructure and skills education, coupled with online violence and harassment against women journalists, politicians and WHRDs with no prosecution of perpetrators, are among the key issues that the government needs to address to tackle disparities in access to and use of technologies.

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4. Nyamwire, B., Metial, K., & Siba Yahaya, M. (2022). *A Dark Place for Women Journalists and Women Human Rights Defenders: Documenting the Experiences of Online Violence in Anglo and Francophone Countries*. Pollicy. <https://pollicy.org/resource/a-dark-place-for-women-journalists/>

## RECOMMENDATIONS

The key recommendations to the Congolese government regarding digital issues and human rights are as follows:

- We encourage the government to implement holistic approaches to tackle disinformation and hateful speech online, such as implementing digital and media literacy programmes. These programmes could be embedded in the regular education system curricula.
- Amend laws addressing disinformation, “fake news” and hateful speech to align with international human rights laws and standards and ensure they do not restrict media freedom or criminalise legitimate content. These measures must be in accordance with the principles of lawfulness, legitimacy, necessity and proportionality. This in line with the Declaration of Principles on Freedom of Expression and Access to Information in Africa 2019.<sup>5</sup>
- The government should refrain from stifling freedom of opinion and expression under the guise of countering disinformation or “fake news”, including intimidating journalists and interfering with their ability to operate freely.
- Along with digital literacy, the government should enhance efforts towards digital inclusion. We call on the DRC government to accelerate the rollout of the Universal Service Fund to ensure access to the internet in remote regions and work towards addressing existing digital gaps in the country, including through the adoption of community-centred responses to digital inclusion, such as community networks.
- Implement comprehensive cybersecurity policies and frameworks, including data protection laws, awareness-raising programmes and training initiatives for various sectors. At the same time, the government should strengthen citizens’ rights to privacy through the establishment of a clear, comprehensive and up-to-date law on privacy and data protection.
- The government should ensure the safety of journalists online and offline, by ending impunity for threats, intimidation, harassment, attacks and killings of journalists, including women journalists, bloggers, cartoonists and human rights defenders, and ensuring that perpetrators of violations against journalists, online media professionals, bloggers and human rights defenders are brought to justice.
- The government should stop criminalising human rights activists and journalists as a way to discourage them from doing their jobs. To encourage their work and the promotion of civil liberties, the arbitrary detention of human rights defenders in the DRC should cease.
- The government should act in a holistic way to fight against technology-facilitated gender-based violence by: prohibiting, investigating and prosecuting online gender-based violence (GBV), including technology-facilitated violence; raising awareness on existing legal frameworks to protect women from online GBV and implement public campaigns to address TFGBV; and providing measures for redress and reparation for survivors of online and technology-facilitated violence, making sure that any restrictions to freedom of expression as a response to GBV must be necessary and proportionate, should not be overly broad or vague in terms of what speech is restricted and should not over penalise.
- The government should condemn attacks on WHRDs and acknowledge their work as legitimate and essential for democratic societies, and refrain from using language that stigmatises, abuses, disparages or discriminates against them. It should ensure that law enforcement personnel, government officials and the judiciary receive appropriate training relating to the work and legitimacy of WHRDs and the gendered impact of violations against them. It should also increase or commence awareness-raising programmes on the rights and roles of WHRDs.

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5. <https://achpr.au.int/en/node/902>