

3.5. Democratic Republic of Congo

The Pretoria peace treaty and the installation of the transitional government on 1 July 2003 officially ended the war in the DRC that has claimed about 3 million victims since it began in 1998. According to the interim Constitution, elections have to take place by July 2006. It is not clear, however, if this date can be kept to. The political transition process involves a radical change of the political landscape, which also demands an adaptation of the role of the media. In the pre-electoral phase the media is often used by different political movements to influence public opinion. Since journalists and editorial staff are not paid regularly, the Congolese press remains extremely vulnerable to outside manipulation. With the installation of the High Authority of the Media (Haute Autorité des Médias), there is a more or less independent body to oversee media activity in the electoral period. However, even though this body is formally not under the control of the government, its recent intervention in favour of government policies casts a reasonable doubt about its neutrality.

I. General Conditions

The rate of literacy in the Democratic Republic of Congo is unclear. According to the National Report of Human Development, the figure stood at 69.1 per cent in 2000, whereas UNDP's calculated estimates were closer to 58.9 per cent. According to a recent official UNDP report, the rate of adult education (aged 15 years or older) was at 47 per cent; more precisely, for young adults between 15 to 24 years the number was 68.9 per cent and the school attendance rate was 54 per cent.¹

Illiteracy
and education

According to figures from 1995, though 46 per cent of women were illiterate, and whereas 29 per cent of children aged 6 to 14 years had never attended school because they were from poor families, 56 per cent of the children of the same age attended school regularly.² However, a striking contrast in the figures appears when looking at the children's places of origin. In urban areas, education was

¹ UNDP: *Rapport National sur le développement humain 2002, Gouvernance pour le développement en République Démocratique du Congo*, Kinshasa 2002, p. 43.

² UNDP: *Rapport National sur le développement humain 1996, Gouvernance pour le développement en République Démocratique du Congo*, Kinshasa 1996, p. 89.

provided for 76 per cent of the children compared to only 48 per cent of children from rural areas; 59 per cent of the boys attended school, whereas only 53 per cent of girls had this opportunity. These shortcomings can be explained by the advanced age at which pupils start school, the socio-economic difficulties of their parents and the distance between home and school. Furthermore, the extended war, the lack of employment and the low income of parents do not contribute to high education standards. The following figures illustrate the changes in the levels of illiteracy: 69 per cent (1960); 58 per cent (1970); 42 per cent (1980); 26 per cent (1990); 33 per cent (1995).

Local media The Democratic Republic of Congo has more newspapers (213) than radio stations (119) and television stations (53). Most of the radio stations have been created by evangelical churches and people close to political parties or involved in civil society. The majority of them were established after 2000.

The geographical distribution of the media in the DRC is characterised by a deep imbalance between rural and urban areas.

TV The total number of Congolese television stations (53) seems impressively high at first sight. However, it should be noted, that most of the local TV stations in the provinces do not operate permanently. The majority of these very small stations belong to evangelical churches and broadcast mainly church services and religious music. There is no network that covers the entire country. The only public television, RTNC, is found in all the 11 provinces, but covers only about 40 per cent of the territory. Out of the 42 private channels, there are in fact only 5 TV stations that accord with the common definition of the term network and apply minimum quality standards in their programmes. These are Raga TV, Tropicana, Antenne A and Digital Congo, which is directly owned by President Joseph Kabila.

Radio Radio remains the most important source of information, especially in the rural areas in the east of the country. The majority of the 107 private radio stations are affiliated either with churches or political movements. There is a nationwide network of community radio stations (Association des radios associatives et communautaires du Congo, ARCO) that receive their news programmes from their central office in Kinshasa. No Congolese network covers the entire country.

The only radio station operating nationwide is the UN network, Radio Okapi.

The majority of the newspapers (149) are not published regularly. Out of the 64 regularly published papers only 8 produce more than 1,000 copies. Those 8 newspaper are all based in Kinshasa and have local offices in the provinces. However, there is no single newspaper that is published nationwide. Print

According to the Congolese press law,³ which regulates the freedom of the press, a liberal character is assigned to the media sector. As a basic consequence everyone can invest in the media sector. This law applies without distinction, '... to professionals of the press sector, the companies of the press sector and to all people physically or morally affected by audio-visual reports or messages.'⁴ So far no political party has been registered as owning a radio or television station or newspaper; however, it should be noted that certain media enterprises have political leanings. Media ownership

In the DRC there are no independent local Internet newspapers. In fact, only 7 per cent of the newspapers published in the provinces have access to the Internet. In Kinshasa only the large newspapers (17 per cent) have access. Internet media

Electric power is only available in 5 per cent of the republic. This inadequate coverage means there is poor access to the Internet and television in the 11 provinces. In many cities the supply of electricity is only assured by power generators, which run on fuel. Obviously, the access to electric power determines the availability of these media. Accordingly, the Internet has only slowly been implemented in the DRC: on average, there are three Internet access points in each provincial capital, excluding Kinshasa. Media access Internet

Newspapers are produced in very low numbers. A provincial newspaper will rarely produce more than 100 copies per edition and a newspaper in Kinshasa rarely exceeds 1,000 copies. Consequently, the circulation of Congolese newspapers is rather poor. The eight daily newspapers of Kinshasa, which on average have a print run of 8,000 copies, serve a potential readership of 5 million people, equalling 10 Print

³ Loi no. 96/002 ('Press Law'), *Fixant les modalités de l'exercice de la liberté de presse*, du 22 juin 1996.

⁴ Press Law.

per cent of the Congolese population; thus, there are not enough newspapers.

However, the low demand for media cannot be attributed to the lack of copies. It is the consequence of the constraints faced by the consumer. These are the cost per copy (US\$ 0.80) and their lack of education, literacy and fluency in French. Language is a serious constraint. In Congolese cities, daily communication is essentially carried out in local languages. French is only an additional tool, which is used for specific activities such as teaching, administration, etc.

TV
Radio
The distribution of the media throughout the DRC is uneven. All daily Congolese newspapers are based in Kinshasa and there are none in the interior. The television stations are divided more or less equally between the capital and the interior of the country. The radio is found more generally in the provinces. In absolute figures the number of radios per 1,000 people is 102, while the number of televisions per 1,000 is 41.

Media consumption
Radio is the most frequently consulted media because of its availability in rural areas. This is because radios in various formats are easy to obtain and they also run on batteries. Newspapers and television stations remain the media of the cities. It is obvious that the audio-visual media are essentially dependent upon the availability of electric power. The geographically unbalanced distribution of media throughout the republic excludes a large number of potential users. More than 70 per cent of the radio stations and 99 per cent of the newspapers have been established in cities; 45 per cent of the radio and television stations are located in Kinshasa where only 10 per cent of the population resides. All television headquarters are based in an urban environment.

The geographically unbalanced distribution of the media means that messengers, the telephone, administrative correspondence and informal contacts remain the most reliable and most effective source of information. The lack of transport, the bad condition of the roads, and the absence or the insufficiency of the communication infrastructure explain the need to rely on these traditional forms of communication.

While radio and television stations compete with each other, their influence on the poor sectors of the population is relatively weak. This is due to the cost of the receiving devices, the lack of electricity, the outdated equipment and

their weak operating range. Furthermore, media consumers are generally dissatisfied with the contents of media productions since they find them difficult to relate to. The media professionals are accused of incompetence and amateurism and even of being manipulated by political lobbies. They themselves denounce the political pressures put on them and their bad living and working conditions. Generally, TV and the press are occasionally [2] used as a source of information, while the Internet only plays a marginal role [1]. Radio is the most frequently used source [4], and information very often is exchanged verbally [4].

Radio, TV,
Print, Internet

There is strong variation in how the media influences political opinion. In particular, the influence is affected by the social background of the media consumers, the origin of the television programme (national or international), the competence of the journalist, the comprehension capacity and literacy levels of the general public, the level of access to the media and the quality of the media content. Furthermore, the influence differs according to the relationship between the editorial position of the newspaper and the ruling government. Generally, foreign television programmes such as the BBC, RFI and VOA tend to have a strong influence on public opinion, since they are regarded as neutral and unbiased. Private radio and television programmes produced in Kinshasa, which show an affiliation to the political opposition, have a significant influence on the political opinion of the recipients. The public radio and television station Radio Télévision Nationale Congolaise (RTNC) is generally regarded as being strongly influenced by the government and is therefore not perceived as being impartial. Accordingly it has only minimal influence on public opinion. The Internet does not have any influence at all because of its limited social penetration.

Media
influence on
political
opinion

In general, the influence of the media on political opinion is rather little [2]. However, one can distinguish between different forms of media: the influence of the radio, in particular the African programmes of the foreign media (RFI, VOA and BBC) is highly significant, while newspapers produced in the cities, in particular in Kinshasa, which publish the debates between the political parties and the views of the opposition also play a significant role. National television stations based in Kinshasa and certain media which publish their political rallying calls have rather little influence.

State-owned media There are no state-owned newspapers in the Democratic Republic of Congo, but there is a state-owned radio and television station, RTNC. Only RTNC radio is present in all the provinces. The authorities directly influence the content of the different radio and television programmes. This government policy remained unchanged even after Laurent-Désiré Kabila took power in 1998. The content of the programmes is strongly influenced by the Minister of Information, who is traditionally close to the current president. The content of the programmes of the private media are strongly influenced by the company owners. They in turn are often influenced by different political circles or the religious sector. Chief editors keep owners permanently informed about the contents of their programmes or publications. In the Democratic Republic of Congo, journalistic freedom is not protected by any law against external influences. In fact, only the professional ethics of the journalists forbid them from turning into propagandists or advertising agents. Thus, journalistic freedom is not sufficiently protected.

State-owned media and published opinion The degree to which political opinion is influenced by public and private media is determined by the following factors: In Kinshasa, the private media, in particular the newspapers which are close to the political opposition, have a significant influence on political opinion. Public radio, on the other hand, only broadcasts the official point of view. A general public perception is that RTNC radio only broadcasts lies and makes propaganda for the head of state and his political proponents. Thus, the public radio and television stations do not have a significant influence. Indeed, their public image is perceived as negative.

The state owns two radio stations in Kinshasa; in the provinces it relies on small provincial stations to broadcast its programmes. These provincial stations are generally in a poor condition and are barely functional. The national public radio station in Kinshasa has an outdated infrastructure which inhibits it from reaching the whole country. Consequently, certain rural areas are only covered by community radio stations, which are financed externally. The government has little control over the content of their programmes.

It is due to the private radio and television stations that pluralist opinion can be formed. The content of the programmes might be favourable towards the government, civil society or the political opposition, depending on the

political position of the owner of the media company. The RTNC radio has invested little in the coverage of rural areas. These are mainly covered by community radio stations. There were 68 community radio stations in February 2004. This means that the private media companies have a greater influence on public opinion in the rural areas. In all, there is a hegemony of the private media. The relationship between the public media and the government can be summed up as close to the government [+1].

From time to time some members of the government (including the head of state) hold press conferences to report on their activities. These press conferences are generally improvised and ad hoc. The programme of the ministry is seldom on the agenda. The conferences usually cover only general reports about the government's mission and explanations about selected governmental measures. Consequently, access to public information remains a key problem for journalists. Their right to a multitude of sources of information is often neglected. As a result, the public is generally misinformed or uninformed about important topics, so the people rely on informal sources of information, like rumours and informal meetings in popular public places (parlements-debout). Therefore, the Congolese people are denied the right to the information they want.

Government
press
conferences

When a press conference is organised, the invitations are only addressed to certain media companies. The organisers use subjective criteria to choose those invited to attend, which leads to selected access to the press conferences. Some of these press conferences are announced with very little or even no prior notice. Generally they are announced by RTNC, when obviously not everybody necessarily happens to be watching or listening to the programme where the announcement is made.

II. Legal Environment

To end the civil war, the different parties of the power sharing agreement adopted, in April 2003, an interim Constitution⁵ that governs the transitional period. This interim Constitution will remain in place until a final Constitution is adopted in a nationwide referendum. The interim Constitution explicitly guarantees freedom of opinion and expression in Article 28. It is defined as a fundamental human right. The Constitution also guarantees

Freedom of
expression

⁵ Constitution de la Transition, du 04 avril 2003.

Media coverage	other rights and freedoms to the Congolese citizen, like the right to publish newspapers (Article 29), the right to meet (Article 30), the right to benefit from public education (Article 46), and the freedom to move and live anywhere in the DRC (Article 33). Being able to exercise freedom of expression is essential for the media. This is also stated by the Press Law, which regulates the freedom of the press.
Regulation of media coverage	In the DRC there is no specific law that prohibits defamation and that limits access to information to protect the privacy of office bearers. These rights are only protected by the Press Law and the criminal code. The Congolese Press Law gives only a vague definition of what constitutes a violation of privacy. ⁶ In Article 74 a violation of privacy is defined as 'any infringement made by newspaper or audio-visual means'. Article 10 of the same law states only that in the DRC freedom of the press may be exercised. However, it has to be exercised according to the general requirements of law and order, morality, common decency and in respect of the honour and the dignity of all individuals. These limits are only to some extent related to journalistic offences like defamation or violation of privacy.

The criminal code⁷ prohibits in a general manner certain statements such as defamation, insults, denunciations, as well as verbal or written threats.⁸ Furthermore, it bans statements based on ethnic or tribal hatred, and public insults of common decency in all forms. The journalist might, in exercising his profession, violate an individual's right to privacy. This right to privacy, protected by the criminal code, includes the protection of residence and the privacy of correspondence.

In the DRC there is a general Press Law which regulates all legal aspects of the media sector.⁹ This law allows journalists the freedom to access any source of information. According to Article 11 'the journalist is free to access all the sources of information. He is not obliged to reveal his sources of information except in the case envisaged by law.' Thus, the freedom of access to any source of information has its inherent limits.

⁶ Press Law.

⁷ Larcier, Ferdinand: *Les codes Larcier*, Tome II, Droit Pénal, Kinshasa 2003.

⁸ Ibid, pp. 7-8.

⁹ Press Law.

One of the most important aspects of the Press Law is its dedication to ending the state monopoly through the implementation of structural changes in the press sector.

According to Articles 13 and 52 of the Press Law, journalists or editors have the right to appeal to the judiciary if their rights are infringed, which they did not have under the former regulation.

Furthermore, the law mentions the neutrality of the public media in explicit terms: 'the state media must function independently and neutrally and according to the principle of the equality of everyone under the law. They can under no circumstances compromise the accuracy and objectivity of information' (Article 36).

One of the most important advantages of the current press law is its explicit guarantee of freedom of thought and expression, based on international texts and duly ratified by the Democratic Republic of Congo. This guarantee gives a universal character to the law and opens the country to common international legal standards.

Furthermore, the law protects in certain terms the pluralism of the entire media sector in the DRC. Article 53 stipulates as follows: 'the public, audio-visual communication is pluralist. Under no circumstances can it be monopolised to benefit only one political opinion or one group of individuals. Any person or entity can make use of sound broadcasting and television ...'

Another important aspect of the Press Law is the establishment of certain ethical and moral standards, especially in regard to common decency (Articles 48–49, 57). Furthermore, the Press Law explicitly regulates the right to reply and to demand correction by people for defamation or objectively false information (Articles 37–43).

One of the most significant problems in applying the Press Law is the lack of public and professional knowledge about it. The law, and the regulations about how it is applied, were never sufficiently publicised to journalists. However, they are the primary beneficiaries of the law and have the duty to apply it. Furthermore, neither the general public nor the academic institutions which train the journalists have been sufficiently informed about the content and the scope of this regulation.

The fact that certain articles of this law are not applied evokes further criticism. This criticism refers to a lack of

financial assistance to the press (Articles 17 and 18) and the lack of promotion of local programmes.

Another source of contention is the inaccuracy of the legal provisions of the Press Law. In case of a violation, the legal provisions determining an infringement or a punishment are extremely vague. The same holds true for respect of common decency. One general complaint about all television channels in the DRC is their lack of moral standards. Certain channels broadcast erotic or even pornographic films both day and night, although it is explicitly prohibited by the Press Law Article 22, which stipulates that 'the broadcaster has to assure that the interests of children and teenagers are to be regarded under all circumstances, according to the Universal Charter of the Rights of the Child'. This prohibits broadcasting films known as 'R-Rated' or 'not suitable for children before 10 p.m. with an obligation to indicate the restriction on the screen'.

In principle the current Press Law does not provide for any censorship by state authorities. This means that authorities do not examine reports or articles before their publication. In certain exceptional cases, however, the law allows some restrictions to the freedom of media coverage. Article 76 of the Press Law explicitly regulates the limits of free speech in times of war. '... a journalist will be liable for treason at times of war when he: Encourages the fighting forces to desert to the service of a foreign power; Knowingly takes part in the demoralisation of the army or population with the aim of harming the national defence; Delivers secret information and documents important for national defence (directly or indirectly) to a foreign power.'

Furthermore, Article 77 of the Press Law foresees further restrictions to the freedom of the press: it is forbidden to spread discrimination, hatred or violence with regard to a person or a group of people, because of their origin or their affiliation to an ethnic group, a nation, a race, an ideology, or a specific religion; it is forbidden to offend the head of the state; and it is forbidden to encourage members of the armed forces and the police to defect from their duties.

This regulation gives public authorities a wide margin of interpretation. This results in a system of arbitrary judgements on behalf of the authorities. In addition, Articles 25 and 26 of the Press Law exclude certain groups of people from being professional journalists. These are specifically: members of the government, magistrates, public office

holders, members of the army or the police force, as well as members of Parliament. This prohibition, however, does not affect their right to express their opinion through media channels.

There is one independent regulating body in the DRC, which is called the High Authority of the Media. This commission was put in place as a result of the power sharing negotiations in Sun City in December 2003. It is made up of members of all former parties of the civil war in the DRC and reflects the principle of power sharing at all levels of government. Its main responsibilities are the supervision of the application of the Press Law and to guarantee the citizens a civil right to access reliable, pluralistic and objective information. Beyond that, it has the role of a mediator between the public and the media and guarantor of the neutrality of, and equal access to, the public media institutions. Furthermore, it has the task of controlling the public and private media sectors, ensuring a certain professional standard of ethics and morality for journalists, and ensuring that all the Congolese media have access to new technical developments and to new means of communication. It also acts as a consultant to the government concerning all aspects of audio-visual media. Additionally, it has to ensure that the content of the media broadcasts are of a peaceful, democratic nature and respect common decency. Lastly, it has to encourage the local production of programmes which promote human values, in particular the dignity of women, of youth and of underprivileged or handicapped people.

This supervising power of the High Authority of the Media covers both private and public media institutions, as well as the audio-visual and the written press. It therefore has both an advisory and a coercive function.

Since 1996, there have been no changes [0] in the legal framework for media coverage. Free media coverage has not changed in any other forms during the last few years [0].

Changes in the past five years

From a judicial point of view, there is no censorship in the Democratic Republic of Congo. Everybody is very reluctant to introduce censorship after the bad experience of the Mobutu dictatorship (1965–97). Nevertheless, there is an unofficial form of self-censorship in a lot of media enterprises, especially in the public radio and television stations. This happens in the form of suppression of news concerning the political opposition. Free speech is not

Censorship under the law

prohibited; the Press Law underlines in Article 9 that its prohibition is an exception. 'As regards audio-visual communication and newspapers, free speech is the principle and can only be prohibited subject to law and order, the rights of others and common decency.'

Media
licenses

In the DRC, newspapers are obliged to obtain a licence before pursuing any activity. They have to apply to the relevant Regional Executive College. To receive a licence for a nationwide radio and television station, an application has to be made to the Ministry of Press and Information. In order to obtain a licence for regional broadcasting, the TV or radio station has to file an application with the relevant Regional Executive College.

As there is no law regulating censorship in the DRC, there are no legal provisions concerning the breach of such a law. Nevertheless, in reality the authorities undertake different measures, such as compulsory liquidation of media companies, as well as short and long-term prison sentences for journalists that publish information too critical towards the current government. This is done in an arbitrary way and therefore difficult to categorise.

The Press Law provides recourse to the competent court of appeal if an application is not granted. The regulating authorities of the Democratic Republic of Congo rarely withdraw a licence due to the wide interpretation of the right to freedom of speech.

Journalists'
status

Journalists are not obliged to obtain a licence to practise their profession. Article 2 of the Press Law merely states: 'A professional of the press sector is any person working in the media sector and dedicating himself in a regular way to the collection, treatment, production and the diffusion of information and programmes through a press body and who draws his essential income from this work ... To work as a journalist, one has to comply with the regulating statutes as fixed by the Congolese Press Congress.' These specific regulations concerning journalists were issued by the Press Congress in March 2003. Thus, access to the profession of journalism is regulated by the sector itself. In reality, access to the profession happens in a regular manner without the exclusion of anybody.

In principle, the meetings of Parliament are open to the public; however, there are exceptional meetings closed to the public, when matters of national security are concerned. These meetings are announced by Parliament through the

public media institutions. All government meetings are usually announced through the common, governmentally accepted journalistic channels.

There are no legal regulations governing the formation of monopolies and cartels in the DRC. There are currently no monopolies or cartels in the private media sector. There is, however, a slight concentration of radio and television stations belonging to certain social groups (politicians and churches) in some of the bigger cities. This concentration is apparently due to people's political ambitions during the pre-electoral period. However, since there is no monopoly of any sort, the regulating authorities have not taken legal action.

Monopolies
and cartels

III. Political Conditions

There are no sectors of the population whose political concerns are excluded from media coverage. Nevertheless, the political concerns of certain ethnic and tribal groups are rarely discussed in the media. This is specifically true of the political concerns of the Banyamulenge Tutsis in the Kivu and the Pygmies in the province of Equateur. In addition, there are no sectors of the population who are deliberately excluded from access to information by actions of the state.

Coverage of
marginal
groups

There is some degree of self-censorship in the media coverage. In reality, the journalists in the public television and radio stations are constantly exposed to a form of censorship by the Minister of Information. No statements which are critical of the current government are allowed on the public networks. Journalists with the private radio and television stations are a little less exposed because of their editorial independence.

Self-
censorship

Journalists have reason to fear state repression, contrary to what the law says. This illegal repression manifests itself in different ways. They might be summoned before the police, detained and even imprisoned. The repression is fundamentally politically motivated and is a sign of the abuse of power. Repression violates the Press Law, which provides compensation in the event of damage caused to journalists (the right of reply, correction by the journalist, judiciary, etc.). Illegal state repression started during the Mobutu dictatorship. Since the seizure of power by Laurent-Désiré Kabila (May 1997–January 2000) illegal state repression has been reduced because of the liberalisation of free speech.

Illegal state
repression

Obstacles to Internet access	The NGO Congolese Journalists in Danger found that 'from 1997 to 2003 more than 300 journalists were deprived of their freedom for sometime in the DRC.' ¹⁰ The NGO observed developments for the same period and reports '... that anyone with some kind of political, economic or military power can influence the police force and the magistrates to prosecute a journalist.' ¹¹ Access to the Internet, however, is not obstructed by the state.
Changes in the past five years	There has been a <u>slight improvement</u> [+1] in the threat of state repression during the past five years. This is because the international environment favours good governance, which includes basic human rights. The regular reports of the international and national NGOs of violations against the freedom of the press have supported the democratic evolution in the DRC. After all, the war in the eastern part of the DRC has adversely affected the government's organisational capacities.
Government control over print media	The practice of monitoring the production and distribution of print media by public media companies is unknown in the DRC. However, in 1998, President Laurent-Désiré Kabila donated US\$ 10 million to the Congolese press as 'presidential support'. ¹² This money was entrusted to a group of editors close to his political viewpoint. The editors have determined the conditions of access to the money as well as the amount to be received per newspaper irrespective of their professional quality. These editors developed a temporary cash pool to assist media professionals (Caisse d'assistance des professionnels des media - CASPROM). The purpose of this money was to provide basic equipment to the media companies; however, it went bankrupt as a result of bad management.

IV. Economic Pressures

State subsidies	The state does not grant subsidies to the private media sector. Nevertheless, the Press Law provides for indirect and financial aid to all press organs. ¹³ There is no structural, coherent financial aid to the private media companies. The law itself is not explicit about the procedures for obtaining financial aid. The relevant articles are formulated in a general and non-committal way. This might create the
-----------------	---

¹⁰ Journaliste en Danger: *Report 2003*, Kinshasa 2003, p. 21.

¹¹ Ibid, p. 25.

¹² *Mail and Guardian*, 15.07.1998, p.6

¹³ Press Law.

impression that the state wants to avoid an enforceable right to financial aid. Every journalist, however, is entitled to obtain a press card, which enables him or her free access to sports activities and the free use of public transport.

According to Article 17 of the Press Law, 'the state may grant indirect aid to private press companies by granting them reduced imports taxes on raw material which is necessary for the production and the distribution of the information, in particular paper, equipment and films.' Furthermore, Article 18 states that 'The public authorities may grant indirect assistances to those private companies which make a request, provided that they broadcast at least 50 per cent of their programmes on cultural, educational and social subjects.' In reality, though, it is difficult to establish whether these indirect subsidies are actually granted. Since it is impossible to verify the amount of financial aid, one cannot distinguish between private media enterprises that are government-friendly or government-critical. The general impression is that none of the private media companies receive a significant amount of subsidies from the state.

There is a generally unfavourable economic environment for all media houses. The lack of modern technical equipment, the low circulation rate of newspapers, the low income of potential clients, as well as the absence of transport facilities outside of Kinshasa add to the economic disadvantages with which every press company has to cope. Journalists are generally not paid a fixed salary by their editors but on the basis of published articles. These factors leave the journalists extremely vulnerable to outside manipulation. It is common practice and very easy for an individual, political party or NGO to pay a journalist to write and publish an article on their behalf. This also applies to both radio and TV coverage. Even international NGOs or the UN pay regularly for media coverage of their activities. There is even an unofficial price list which is used when 'buying' articles or airtime. For example, a three-minute piece on the national TV RTNC evening news sells for as little as US\$ 400. This leads to the absurd situation that at least half of the evening news is regularly bought by different interest groups, including international organisations, private companies or political parties or movements. For the viewer it is impossible to distinguish between 'real' news which has a national significance, or manipulated and bought reports. One can

Further aspects

imagine the dangerous opportunities for influence and manipulation during the forthcoming electoral campaign.

V. Non-state Repression

Repression by non-state groups
Journalists and the media companies are in general not subject to repression by non-state groups or organisations. In the field of sports or music coverage, however, some journalists have been personally attacked because of their unfavourable articles about sports and music stars. During Mobutu's dictatorship, Congolese civil society boycotted the official press organs because of their anachronistic coverage of political events. Since the 1990s, however, this form of pressure by society has almost never been exercised.

Changes in the past five years
As there has been no intimidation of the media sector by non-governmental groups since the 1990s, there has been no change in the last five years [0]. The development of a pluralistic media sector makes concerted intervention by civil society superfluous.

VI. Conclusions

Evaluation of media coverage
Over the last five years there has been a positive change in free media coverage in the DRC. This is due to the plurality of the media sector, the positive influence of the international community, the improved legal framework and the general acceptance of diversified sources of information. The development of freedom of the media has slightly improved [+1].

KAF support
The Konrad Adenauer Foundation assists and supports Congolese journalists in many different ways. In 2004, a series of seminars for journalists was organised to inform and instruct them about the role of the media in the electoral process. There is a strong partnership between the High Authority of the Media, the journalism faculty of the university and the KAF. Furthermore, the KAF organised, in partnership with Deutsche Welle, a three-week workshop in Germany to train 15 Congolese journalists on ethical standards in journalism. Nevertheless, the KAF could intensify its support of Congolese journalists with the following measures: regular organisation of training workshops, installation of a modern press centre (first in Kinshasa where 75 per cent of the journalists work), increasing the number of overseas workshops as well as the training of journalists in the use of new information technologies.

In general, freedom of the media in the DRC is granted with minor restrictions. However, important obstacles remain. One major obstacle to free media coverage is the poor educational standards. Statistics show that the journalists in general are not sufficiently educated and never receive further training. It is common to have people who have six years of high school education working as journalists in most of the Congolese radio stations. This demonstrates the need to organise a series of information exercises throughout the DRC.

Freedom of
the media:
general
situation

Major
obstacles

Another major problem is the lack of financial resources available to the Congolese media companies and journalists. The Congolese media companies are not very profitable and seldom financially autonomous. As already described, the journalists are almost never paid regularly by their editors and can therefore be very easily manipulated. The aims of neutrality and objectivity therefore remain rather hollow and theoretical in journalists' daily practice. This bad economic situation leads to strong political influence on the press sector in the DRC.

Another significant problem is the lack of experienced managers within the media sector. The private media sector faces several specific difficulties, for example the free access to information on the public sector (public and semi-public companies, the police force, the army, etc.). Another significant obstacle to professional media coverage is the lack of all kinds of technical equipment. This also applies to basic documentation facilities, like archives, dictionaries, legal texts and literature.

Aimé Kayembe / Ingo Badoreck

Aimé Kayembe is professor of social communication at the Catholic Faculties of Kinshasa. Ingo Badoreck is the resident representative of the Konrad Adenauer Foundation in the Democratic Republic of Congo.

BIBLIOGRAPHY:

Journaliste en Danger: *Plaidoyer pour la dépenalisation des délits de presse en RDC*, Kinshasa 2004.

MICS République Démocratique du Congo: *Enquête nationale sur la situation des enfants et des femmes, Rapport d'analyse*, Kinshasa 2002.

Piron, Pierre and Devos, Jacques: *Codes et lois du Congo-Belge. Matières civiles, commerciales et pénales*, Tome 1, 8^{ème} édition, Bruxelles 1960.

UNDP: *Rapport Mondial sur le développement humain*, Paris 2004.

UNDP: *Rapport National sur le développement humain, Gouvernance pour le développement en République Démocratique du Congo*, Kinshasa 2000.