

Some Socio-economic Aspects of Development of Democratic Republic of Congo

Tshibola Aimee Murphie Lubeshi

student

Department of Legal Regulation of Economic Activities

Financial University

Moscow, Russia

onyxialokoto@gmail.com

Abstract. In the first part of this article we analyse the question of freedom of the press. We understood it as the right to inform freely and to be informed all too freely. It is a human right enshrined in both international and national legal instruments. Unfortunately, the Congolese daily practice tells us conclusively and unstopably that freedom of expression and opinion, is somehow not respected in the D.R. Congo by the politicians or authorities, where at any time the journalists are arrested, doors missing, media closed, despite the advent of the High Council of audiovisual and communication (CSAC), as an instance of media regulation and institutional guarantor of freedom of press. Where should decriminalize press for media actors offences to ensure the effectiveness of the exercise of the freedom of press. In the second part this article examines the situation of child soldiers in the world and the phenomenon of exclusion of girls from education. The author proposes a number of recommendations to enable States to deal with these two problems.

Keywords: freedom of press; decriminalization; child soldier; young girl; education.

Некоторые социально-экономические аспекты развития Демократической Республики Конго

Тчибола Эйми Мурфи Лубеши

студентка

Департамент правового регулирования экономической деятельности

Финансовый университет

Москва, Россия

onyxialokoto@gmail.com

Аннотация. В первой части статьи проанализирован вопрос свободы прессы. Свободу прессы мы понимаем как право свободно информировать и быть свободно информированным. Это является правом человека, закрепленным как в международных, так и в национальных правовых документах. К сожалению, конголезская ежедневная практика бесспорно и неопровержимо говорит о том, что свобода выражения мнений и взглядов в Демократической Республике Конго политиками или властями, иногда не соблюдается. В любое время арестовываются журналисты, захлопываются перед ними двери, закрываются средства массовой информации, несмотря на учреждение Высшего совета по аудиовизуальным средствам и коммуникации (CSAC) в качестве регулятора средств массовой информации и институционального гаранта свободы прессы. Необходимо также декриминализовать сферу прессы, чтобы обеспечить эффективность осуществления свободы печати. Во второй части статьи рассмотрен вопрос детей-солдат и выключения девочек из процесса образования. Автор статьи предлагает свое решение всех указанных в статье вопросов.

Ключевые слова: свобода прессы; декриминализация; дети-солдаты; девочки; образование.

FREEDOM OF PRESS AND THE DECRIMINALIZATION OF PRESS IN DEMOCRATIC REPUBLIC OF CONGO

Freedom of the press is one of the main public freedoms. It is a necessary condition for the exercise of democracy. It is part of the right of expression and criticism have all citizens living in democratic countries. But obtaining this right asked for long fights. Even today, this freedom concerns only a minority of countries. However, even in democratic countries, freedom of the press must deal with the economic realities.

The constitution of the D.R. Congo, as the basic law, guarantees freedom of expression and opinion and the right to information. Moreover, in the preamble, it states the following: "reaffirming *our membership and our attachment to the universal declaration of the rights of man, to the Charter African human and people's rights*"¹.

Thus so, freedom of expression includes the right of opinion and freedom to receive or communicate information or ideas without that there can be interference by public authorities and regardless of border.

Considered as a fourth power, the press plays a fundamental role of oversight of the actions of representatives of the public authorities and their staff. The media in this context act as isolated actors of social movements but also become a terrifying counter-power through their strategy of information and whistleblowing². In this role of safeguarding the principles and democratic values, the media also act as actors of social movements.

It's a truth today the power of the press in the formation of public opinion is undeniable. Its activity is likely to increase the ability of each citizen to understand, analyze and freely discuss political, economic and sociocultural issues. In this, the mission of the press should benefit, like education or health, special attention from Governments. She undeniably makes a service of public interest. Illustrated by these attempts at definitions of the public interest.

Freedom of expression is guaranteed by article 23 of the Congolese Constitution recalled, but also

by article 24 which provides that the State shall encourage a pluralistic media environment. In order to implement this obligation, the Supreme Council of audiovisual and communications (CSAC) was created by an act of January 2011³ and has been actually implemented in August 2011. The CSAC, authority for decisions on press, to investigate any violation of the law on the press law of January 2011.

However, it remains clear that the D.R. Congo is a State that does not promote the development of the freedom of the press. Indeed, many laws perpetuate the footprint of the press dissemination of daily occurrences. Journalists are often arrested and detained, publishing houses and other independent media outlets are subject to searches or frequent suspensions, and media broadcasters see their broadcast signals interrupted arbitrarily and without notice.

Therefore, the D.R. Congo is regularly on the list of countries where the media are intentionally suffocated and unfortunately, there is no doubt that the Congolese laws are not up to the international standard regarding democratic regulation of media⁴.

For several years, the problem is the same. Journalists are arbitrarily arrested by officials of some security agencies treated outside the normal judicial circuit. They are humiliated, assaulted, tortured and placed in dungeons unconnected with the Prosecutor's office. They are usually private, not only their physical freedom, but to organize their means of defense. Their release depends only on the advice of officials of these organizations which, in the best cases, expect the injunctions of the political power.

The CSAC is the instrument behind which the responsible Minister can hide to punish the press that bothers. Drawing the consequences of this catastrophic situation for the regulation of the media, the journalist in Danger (JED) had recommended, in its 2011 annual report, the dissolution of this structure and its replacement by a new more credible and competent regulatory body. In vain. The Office of the President of the Republic saying,

¹ Préambule de la Constitution de la RDC du 18 février 2006 telle que révisée par la loi n° 11/002 du 20 janvier 2011 portant révision de certaines articles de la Constitution de la RDC du 18/09/2006.

² E-N. Eveu, *Sociologie des mouvements sociaux*, La découverte, Paris, 3^{ème} édition

³ Loi n° 11/001 du 11 janvier 2011 portant composition, attribution et fonctionnement du Conseil Supérieur de l'Audiovisuel et de la Communication et Ordonnance présidentielle n° 11/054 du 12 août 2011

⁴ République Démocratique du Congo, *Manuel traitant du droit des médias en Afrique australe*, V.2, p.2, in [en ligne] <http://www.kas.de>, consulté le 06 janvier 2016.

unconvincingly, in a response letter to JED, the powers of the two institutions were distinct⁵.

For the D.R. Congo, unfortunately, despite constitutional guarantees affirming the freedom of the press, corollary of freedom of expression and opinion, follow and years tend to resemble each other negatively. Journalists threatened, jailed, attacked, beaten, sometimes killed; closed media, attacked the gun, sometimes burned,... it's all part of the Congolese political landscape for a very long and seems more impress many people. This report gives illustrations and displays statistics, the victims' names, and dates and places where committed the worst abuses against journalists and the media⁶.

Thus so, called to work in an environment that is hostile to all points of view, political, economic and security, Congolese journalists seem to bring himself to make the "minimum service" that is just what it takes to not take risks and continue to survive, the helping hand to those who feed them.

Where this terrible feeling that media Congolese have ceased to be a power, the fourth power, to become simple cases of resonance of ideologies and opinions even the most ludicrous; that the Knights of the pen or the microphone, more became that *little soldiers* who obey the orders of the political principals or powers of money. All of this to the dismay of the freedom of the press and democracy.

In the face of this increase in respect for the freedom of press in the D.R. Congo, it is imperative to question as follows: *why the freedom of press, corollary of the right to expression as a fundamental right is not respected in the Democratic Republic of the Congo? In this perspective, is it not possible to decriminalize press offences for the guarantee of this right of the man in favor of media professionals?*

The answer to these two questions are the subject of heart of our study which focuses on two main points: the exercise of the freedom of press in D.R. Congo (I) and the decriminalization of press offences (II) and a conclusion will end our presentation.

⁵ République Démocratique du Congo, *Manuel traitant du droit des médias en Afrique australe*, Op.cit., p.2,

⁶ JOURNALISTE EN DANGER, *L'état de la liberté de la presse en Afrique centrale francophone : la RDC sous prétexte de la guerre*, Rapport Annuel, 2012, s.d, p. 10. In [en ligne] <http://afrikarabia.com/wordpress/wp-content/uploads/2014/01/JED-Rapport-2012.pdf>, consulté le 06 janvier 2016.

I. THE EXERCISE OF THE FREEDOM OF PRESS IN THE D.R. CONGO

I.1. Freedom of the press

A. Definition of the freedom of the press

The freedom of the press⁷ is one of the main public freedoms. It is a necessary condition for the exercise of democracy. It is part of the right of expression and criticism have all citizens living in democratic countries. But obtaining this right asked for long fights. Even today, this freedom concerns only a minority of countries. However, even in democratic countries, freedom of the press must deal with the economic realities. She is one of the fundamental principles of democratic systems based on the free, mental freedom and expression⁸.

According to article 8 of the law No. 96-002 of 22 June 1996 setting out the terms of the exercise of the freedom of press, freedom of press is understood as the right to be informed, to have his opinions, his feelings and to communicate without hindrance, regardless of the means used, subject to the respect of the law of public order rights of others and public morality⁹.

B. Elements of the freedom of the press

Freedom of the press includes the different concepts that make up and accompany the exercise of this freedom from the point of view of professionals of the press on the one hand, and on the other hand, from the point of view of the public.

B.1. The freedom of the press from the point of view of professionals of the press

The press professional, means any person working within the categories of business and devoting to on a regular basis to the collection, processing, production, dissemination of information and programmers, through a press organ

⁷ JOURNALISTE EN DANGER, *La liberté de la presse pendant les élections. Des médias en campagne, Rapport spécial annuel de 2011*, s.d, pp. 7-8.

⁸ JOURNALISTE EN DANGER, *L'état de la liberté de la presse en Afrique centrale francophone: la RDC sous prétexte de la guerre*, Rapport Annuel, 2012, s.d, p. 10. In [en ligne] <http://afrikarabia.com/wordpress/wp-content/uploads/2014/01/JED-Rapport-2012.pdf>, consulté le 06 janvier 2016.

⁹ JOURNALISTE EN DANGER, *La liberté de la presse pendant les élections. Des médias en campagne, Rapport spécial annuel de 2011*, s.d, pp.7-8.

and which title the essential revenues of this profession.

It marks the starting point for the exercise of the freedom of expression by media professionals. She is to gather social facts of any kind for treatment¹⁰.

When a journalist collects information, they are always in a gross situation. Thus, to avoid the distortion of facts, it is required to give them a more realistic sense; and, sometimes using the euphemism for a good production which allows the professionals of the media in general; and to news agencies in particular, to ensure that material information gathered for dissemination. The production of information can be achieved for payment for the purpose of dissemination.

The dissemination of information is the right of spreading facts and ideas collected. It is the corollary of freedom of thought¹¹; in this sense it is to say what we think or what we know, in private or in the media. The key element that appears, among the items listed as an indication, is information.

The right to information that was once a theory supported by the doctrine, is currently enshrined in the Constitution of the D.R. Congo of February 18, 2006. Analyzing this as one components of freedom of the press, from the point of view of the journalist or professional of the press, the right to information means the prerogative to inform. The State has the obligation to ensure and to give effect to this right.

However, in the collection, processing, production and dissemination of information, the journalist must easily access sources.

On behalf of the freedom of the press, the journalist is free access to all sources of information¹². Information source, means the origin of the facts, data or messages to which the reporter refers to information available to the public. Free access to sources of information involves the duty of vigilance. Indeed, the duty of care of the press corresponds to the particular rights of the latter. In other words, it must provide information that would be more truthful as possible. The press professional is thus required to check, before appear them, all the

information regarding their veracity, their content and their origin.

B.2. From the point of view of the public

Freedom of the press, from the point of view of the public, is made up of the *right to information*. But the latter is analyzed as the right of the public to be informed¹³. The public has the right to receive quality information; that is, information that respects public order and good morals. This is clear from article 9 paragraphs 8 of the organic law on the composition, allocation and functioning of the CSAC.

Indeed, in its attributions, the CSAC is called, notably, to ensure the quality of the productions of the audiovisual sector both public and private media and to promote excellence¹⁴.

With the advanced information and communication technologies, the Internet, social networks, is added to the media list. Given the perverse effects of Internet, the legislator told the CSAC mission to take all necessary measures to protect children from the effects of harmful and perverse of the Internet¹⁵.

C. Typology and nature of violations of freedom of press¹⁶

Internationally, there is not, strictly speaking, uniform typology of violations of freedom of the press. The journalist in danger (JED)¹⁷ has opted for the typology of Reporters without borders (RSF) which he is a member and corresponding in the D.R. Congo. There are nine forms of attacks on the freedom of the press here:

1. *Journalists killed or murdered*: it's the journalists or media professionals who are killed in the exercise of their profession or because of it. Murdered journalists are those who have been victims of targeted and deliberate murder, targeting them personally in order to make them stop permanently.

¹³ Lire à ce propos l'article 1 du code de déontologie et éthique des journalistes congolais.

¹⁴ Article 22 de la Constitution de la RDC du 18 février 2006 telle que modifiée par la loi No. 11/002 du 20 janvier 2011 portant révision de certaines articles de la Constitution de la République Démocratique du Congo du 18 février 2006.

¹⁵ Article 11 de la loi fixant les modalités d'exercice de la liberté de presse précitée.

¹⁶ Article 24 de la Constitution de la RDC.

¹⁷ Article 9 alinéa 8 de la loi organique portant composition, attribution et fonctionnement du CSAC.

¹⁰ La liberté de presse, in <http://www.larousse.fr/encyclopedie/divers/libertédelapresse>, consulté le 27/01/2016

¹¹ WIKIPEDIA, « La liberté de presse », in <http://fr.wikipedia.org>, consulté le 27/01/2016.

¹² Article 8 de la loi No. 96-002 du 22 juin 1996 fixant les modalités de l'exercice de la liberté de presse.

2. *Journalists missing*: set considered 'missing' journalist that has more news and there is evidence that this disappearance is related to his work or his quality of journalist. And also considered door disappeared, a journalist who's everything indicates that he was killed but no body or evidence cannot support it in an absolute way. A journalist spent in hiding for his safety or voluntarily refuses to give its news cannot be considered 'missing'.

3. *Reporter in jail*: it comes to journalists in jail at the time of the report. These journalists have been thrown in jail in the exercise of their profession or because of it.

4. *Incarcerated journalists*: any journalist who has been deprived of his liberty for more than 48 hours on grounds related to his profession. The place of detention is of little importance.

5. *Journalists detained*: it comes to any journalist having been deprived of his freedom, for professional reasons, for less than 48 hours.

6. *Journalists assaulted or tortured*: it's physically, assaulted journalist manhandled, abused, injured, beaten or who has suffered mental distress or physical extreme and deliberate because of his opinions or his professional activities.

7. *Journalists threatened or harassed*: he journalists victims of any threat, direct or indirect, collective or individual, of the fact of the State or its representatives, political parties, armed groups and rebel movements, religious communities, etc. designed to damage or interfere with the exercise of the profession of journalist is.

8. *The pressures legal, administrative or economic*: there are administrative pressures that are observed more often in the media by suspensions, transfers, dismissals, etc. under plausible reasons that hide a desire to reduce to silence a journalist.

There are media that are victims of the economic pressures as blackmail for access to advertising, tax audits, etc. Often, the day after the publication of an article or broadcast of a program that bothers the IRS service ordered sealed media.

9. *Obstructing the free movement of national or international information*: it is banning published or broadcast; the provisional suspension and the seized newspapers in kiosks or on the street; the confiscation of notes, cassettes, film, diskettes or any other information medium; bans in ports and airports, to leave the country with local newspapers; the refusal of visa or accreditation for the foreign press and local correspondents of foreign

media; no certain journalists or media access to some public demonstrations and the monument of the press, courier or printing houses.

1.2. Bodies leads to ensure respect for the freedom of press

Talk of bodies responsible for ensuring respect for the freedom of press in the D.R. Congo, this brings us back to consider in turn the High Council of audiovisual and Communication, the National Union of the Congolese press, and finally the journalist in Danger.

A. The High Council of audiovisual and Communication

◇ Purpose, nature of and the CSAC

The Supreme Council of audiovisual and communication, (CSAC)¹⁸ is an institution in support of democracy. It is independent, autonomous and has legal personality. Seat of the Council is established¹⁹ to Kinshasa, capital of the Democratic Republic of Congo. In exceptional circumstances preventing the Council to meet in his usual seat, the plenary Assembly may decide which will provisionally House its work. The seat of the Council, as well as offices in the province are inviolable, except in cases provided for by law and in the forms prescribed by it.

◇ Functions of the CSAC

Although the D.R. Congo has only a single authority controlling the dissemination and distribution of signals and different laws establish some regulatory authorities, it remains clear that the real power of control over the media lies with the executive authority of the Government; more precisely to the Minister responsible for the press and Information. Indeed, the work of the Supreme Council of audiovisual and Communication at the side of the regulator, which controls the technical aspects of media outreach, home overshadow by departmental attributes exercised by the Executive despite the constitutional design of the Board.

Which we reference to study the main functions as a High Council of audiovisual and Communication on the one hand and on the other by his duties as a regulatory authority.

¹⁸ Ibid., alinéa 20.

¹⁹ http://www.jedafrique.org/index.php?option=com_content&view=article&id=185:rapport-annuel-2015&catid=97:rapports&Itemid=1695

◇ *Functions as a regulatory authority*

According to article 8 of the law box No. 013–2002 of 16 October 2002 on telecommunications in the Democratic Republic of the Congo, the regulatory authority is a public service with legal personality. As a result, she has powers²⁰ from:

- ensure the respect of the laws, regulations and telecommunications agreements;
- teach grant application files, issue the permits, receive statements, establish the specifications corresponding to permissions and ensure that the obligations entered into by their holders are met;
- Proceed to the approvals required by this act;
- define the principles of interconnection and pricing of public telecommunications services;
- manage and control the frequency spectrum;
- developing and managing the national numbering plan;
- analyze and prospectively evolution, both national and international, environmental, social, economic, technical and legal activities in the sector;
- contribute to define and adapt according to the guidelines of the policy, the general legal framework in which the activities of the telecommunications sector.

According to article 49 of the law on the SCAC, provincial coordination is responsible for the execution of the missions of the Council in the province. It is headed by a coordinator, assisted by a Deputy Coordinator.

It has an extension of the center of monitoring of Congolese media, of the Secretariat of education and Service of standardization, and has technical and administrative staff.

B. The Union national of the Congolese press

◇ *Legal nature*

The National Union of the Congolese press (UNPC) is an independent organization of support to journalists in the Democratic Republic of the Congo²¹.

From another angle, UNPC is the only Union of the media established by the law on the status of journalists. By this fact of the legal monopoly, this structure has a lot more power insofar as, according to some experts, the control exercised by it is excessive, while its primary mission remains to ensure the freedom of the press. For example, in understanding the most simplistic of article 5, it is said that only the UNPC is authorized to issue press cards while in section 54 of the Act, any journalist is free to join any trade union or professional organization compatible and operate both within the a PC or not. Which leads to the fact that, according to the PC, this last is the only one authorized to grant as a journalist.

◇ *Main missions*

The UNPC has for missions²² of:

- Coordinate the activities of the groups and associations;
- Defending the freedom of the press, the rights and the interests of the press and its members;
- Organize the profession, edit the deontological and ethical rules and punish breaches;
- Identify the journalists and similar operating in Democratic Republic of Congo;
- Issue press card in accordance with article 5 of the order-law No. 81 /012du 02 April 1981 with statutes of the journalists working in DR Congo.
- Accredite foreign journalists on mission in DR Congo;
- Represent the profession inside and outside the country;
- Promote the press on moral, professional and material;
- Strengthen understanding and solidarity among its members and to establish, within its links between various professional associations of the press in the D.R. Congo;
- Maintain contacts and promote exchanges of view between the press and public and private institutions;
- Facilitate to its members access to information sources;
- Organizing activities of professional and trade union training for its members.

²⁰ Article 2 de la loi organisant le CSAC et Manuel traitant du droit des médias en Afrique australe, République Démocratique du Congo, V. 1, p.12.

²¹ Article 3 de la loi organisant le CSAC précitée.

²² Article 8 de la loi No. 013–2002 du 16 octobre 2002 sur les télécommunications en République Démocratique du Congo.

C. The journalist in Danger (JED)²³

Journalist in danger (JED) is an organization independent and non-partisan promotion and defense of the freedom of press created in 1998. JED is a member of IFEX (International Freedom of Expression Exchange), the world's largest network of defenders of freedom of expression based in Toronto (Canada). JED is a member of the International network of Reporters without borders (RSF, Paris), a world leader in the defense of freedom of expression.

Since May 2003, JED also monitors the freedom of the press in eight other Central African countries covered by the OMAC (Organization of media of Central Africa which is headquartered in Bujumbura, capital of Burundi. The other 8 countries on which extends the mandate of JED are: Burundi, Cameroon, Congo/Brazzaville, Gabon, Equatorial Guinea, Central African Republic, Rwanda and Chad.

JED was born out of a concern that its founders got the conclusion that, despite the fall of the dictatorship of Marshal Mobutu and the 'liberation' announced by the advent of the AFDL (Alliance of democratic forces for liberation) of Laurent-Désiré Kabila, there was more no day without that, somewhere in our society, the freedom of the press is with impunity violated without a feather being broken.

The finding was that journalists were, often victims of summary justice. Any holder of a parcel to political, economic or military that can get justice whenever the speech of the press not found it. The journalist was then held in prison and his media was banned as long as the executioner wanted it.

The founding trio of JED (Donat M'Baya, Tshivis Tshivuadi and Moro Mwamba), all journalists, was based on the fundamental value of human rights: *freedom*. Freedom of the press draws its legal basis for three major international legal instruments that the D.R. Congo has ratified. It is the Universal Declaration of human rights, of the international Covenant on civil and political rights and the African Charter of the rights of man and of peoples. The D.R. Congo has the obligation to respect them.

For good monitor on a daily basis the freedom of the press, JED has implemented a national alert network consisting of more than 250 contacts.

What are these correspondents who are the eyes and ears of JED in the provinces?

JED is mobilizing every day for:

- *Monitor the exercise of the freedom of the press in 9 countries of the sub region of Central Africa by the monitoring and field investigations into all allegations of violations of freedom of the press;*
- *Actions of protest (by letters or alerts) and lobbying for those responsible for violations of the freedom of the press in order to stop these violations in each country and/or redress;*
- *Regular visits to places of detention or imprisonment of journalists;*
- *Assign (directly or indirectly) a small financial assistance to the families of journalists killed or imprisoned as a result of the exercise of their profession;*
- *Provide legal assistance to journalists or media pursued before the courts and tribunals for their work, by their provision of lawyers.*
- *Observe lawsuits against media and journalists;*
- *Participate in studies on the improvement of the legal, political and economic framework of the exercise of the freedom of the press;*
- *Publish annual reports on freedom of the press on specific issues in relation to the news media, alone or with partners;*
- *Organize workshops, conferences, seminars on issues related to ethics and ethics, professional treatment information, and the security of journalists;*
- *Publish a Magazine called "pen and freedom."*

I.3. Nomenclature of legal texts on freedom of the press²⁴

The existing legal texts in the field of broadcasting can be divided into three broad groups: those with an international scope, those with a strictly national scope, and those having a quasi-private scope because of the nature of their emanation.

A. texts with international reach²⁵

There are four essential texts which, although not exclusively applicable to broadcasting, however refer to the freedom of the press and to broad-

²³ Missions de l'UNPC, in [en ligne] <http://www.unpc.info/article-5-17.html>, consulté le 01 janvier 2016.

²⁴ Présentation de JED, in <http://www.jed-afrique.org/index.php?>, consulté le 30 mars 2016.

²⁵ C-M. Mushizi, *Le cadre juridique et institutionnel des médias congolais*, Kinshasa, Décembre 2007, pp. 16-17.

casting. These texts are universally accepted principles of freedom of speech, freedom of the press and the public's right to information.

The universal human rights Declaration adopted by the General Assembly of the United Nations in its resolution 217 A (III) of 10 December 1948, the UDHR, which the D.R. Congo is part ownership to have ratified it, which article 19 States that: "every individual has the right to freedom of opinion and of expression, which entails the right to not be molested for his opinions and that look, receive and spread, without consideration of borders, the information and ideas by any means of expression, be it."

Article 19 also guarantees freedom to collect, disseminate information, as well as the right for others. It is well (to the right of the public to information) or the public to receive information freely.

- *The international Covenant on Civil and political rights*

Adopted by resolution No. 2200 A (XXI) of the General Assembly of the United Nations in its session of December 16, 1966, the ICCPR entered into force on 23 March 1976. The D.R. Congo has ratified it. One of its provisions States that: "no one may be molested for his opinions. . . Any person has the right to freedom of expression, this right includes freedom of seek, receive and impart information and ideas of all kinds, without consideration of borders, in oral, written, printed, or artistic form or through any other media of his choice."

- *The African Human Rights Charter and peoples*

Fifteen years after the adoption of the international Covenant on Civil and political rights, more specifically on June 27, 1981, the African heads of State meeting within the OAU (Organization of African Unity, became the African Union), citing the cultural particularities of Africa, adopt the African Charter of human rights and peoples (ACHPR).

Article 9 of the Charter said in two paragraphs: "every person has a right to information. Every person has the right to express and disseminate his opinions within the laws and regulations."

- *The Charter of Munich*

In 1971, the journalists from six Western European countries, meeting in the city of Munich in Germany, wrote a statement commonly referred to as the Charter in Munich. This Charter which includes duties and rights of journalists, since then, been adopted by the International Federation of journalists (IFJ). This document is

the matrix of most codes of ethics and professional conduct of journalists around the world including those from the D.R. Congo.

*B. texts with a national scope*²⁶

- *The Constitution of the Democratic Republic of the Congo*

The Constitution of the Democratic Republic of the Congo such as amended by law No. 11/002 January 20, 2011 revision of certain articles of the Constitution of the Democratic Republic of Congo on 18 February 2006 based and guaranteed, in his capacity as the law mother and fundamental notions of freedom of expression, the right to information freedom of press and freedom of information and emission.

In its article 23, it provides that: "every person has right to freedom of expression. This right includes the freedom to express his opinions or beliefs, by speech, writing and the image, subject to the respect of the law, public order and good morals."

Article 24 adds that: "every person has a right to information. Freedom of the press, freedom of information and broadcast by radio and television, the print media or any other means of communication are guaranteed subject to respect for public order, morals and the rights of others. Procedure for the exercise of these freedoms are set by law. The audiovisual and written State media are public services whose access is guaranteed equally to all political and social currents. The status of the State media is established by the law which guarantees objectivity and impartiality and diversity of opinion in the processing and dissemination of information."

Article 212 provides that "shall be set up a High Council of audiovisual and communication with legal personality. Their mission is to guarantee and ensure freedom and protection of the press, as well as all means of mass communication in compliance with the law. It ensures respect for the ethics of information and fair access of political parties, associations and citizens to official means of information and communication."

- *Act No. 96-002 of 22 June 1996 setting out the terms of the exercise of the freedom of press*

Act No. 96-002 of 22 June 1996 establishing the modalities of the exercise of the freedom of press, overflows with in its article 8 that: "every person has the right to freedom of opinion and ex-

²⁶ Ibid., pp. 17-19.

pression.” “Freedom of opinion and expression, it means the right to inform, to be informed, to have his opinions, his feelings and to communicate without hindrance whatever the medium used, subject to respect for the law, of public order and the rights of others and public morality.”

- *Organic Law No. 11/001 of January 10, 2011, on composition, allocation and functioning of the CSAC*

This organic law attributes explicitly to the CSAC, among its missions provided for in article 8, the competence of the media regulation authority, hence guarantor of full respect of freedom of the press, information and any other means of communication of the masses as well as to ensure the protection of the press. It should be noted again that this organic law, still recognizes the CSAC, specifically in article 9 point 6, the allocation to ensure compliance with the Act setting out the terms of the exercise of the freedom of press in Democratic Republic of Congo.

C. texts with reach private²⁷

- *Codes of ethics and professional conduct of Congolese journalists*

A Code of ethics and ethics of the Congolese journalist has been implemented so that the right to information, freedom of expression and criticism is one of fundamental freedoms of every human being and that this right of the public to thwart the opinions, perform all of the duties and the rights of journalists.

As a result, first article requires any journalist working the Congolese to pursue freedom at any time in the collection, processing and dissemination of information, opinions, comments and critical territory; This freedom is inseparable from the public right to be informed and receive and make freely opinions.

- *JED reports on violations of the freedom of press in the D.R. Congo*

There is no need to remind that the JED mobilizes daily to monitor the exercise of the freedom of the press in the D.R. Congo by the monitoring of violations of the right to inform and be informed freely by the media.

Indeed, in its report of 2012, the JED is that: “political and media of the Democratic Republic of the Congo has been marked, in 2012, by two events namely: the political crisis following the presiden-

tial and legislative elections of November 28, 2011, of which the results were strongly disputed by a large part of the national and international opinion.” “...and burst, in the month of April 2012, a new war in the East of the country between loyalist Forces a group of mutinous soldiers that would be sustained, according to a report of experts United Nations, by neighboring Rwanda. As might be expected, these two events have created a general climate of tension and insecurity conducive to serious violations of the rights of man and fundamental freedoms, including freedom of press and expression.”²⁸

This year, particularly in the East of the D.R. Congo, violations of the freedom of journalists (arrests, arbitrary detentions), threats to their security, and acts of censorship to the media have proliferated since the month of April. At Butembo, have been temporarily suspended in concert by the Mayor of the city and the High Council for audiovisual and communication (CSAC) who accused them of giving the floor to the rebels²⁹.

In the same vein, the JED2015 annual report provides information that “was in no doubt, 2015 year ending a year thermometer, which indicates that the democratic process has registered a surge of fever, and that freedom of expression is somewhat ‘seized up’ as well as other areas of social life in the R.D Congo.” At the beginning of the year precisely January 19, violence erupted in Kinshasa, the capital, where a protest at the call of the opposition against the reform of the electoral law has degenerated, opposition fearing that the reform of the electoral law is a move by the ruling majority to delay by several years the holding of the elections scheduled for 2016³⁰.

He says bluntly that, it is clear that without surprise, the D.R. Congo is the 150th place of 180 countries in the world ranking of the freedom of the press, published by reporters without borders in February 2015. And for good reason, year after year, the general climate of the work of the media does not improve³¹. The multiplication of acts of violence against the press, censorship of the media, and acts of intimidation against journalists, show that the D.R. Congo is always among the countries of the world where it’s not always good to be a journalist, as well for the

²⁸ Charles-M. Mushizi, *Op.cit.*, pp. 19–20.

²⁹ *Ibid.*

³⁰ *Journaliste en Danger, Liberté d’expression et élections en RD CONGO, 2016: L’information sous haute surveillance*, Rapport annuel 2015, Kinshasa, Novembre 2015, pp. 4–5.

³¹ Charles-M. Mushizi, *Op.cit.*, pp. 20–21.

²⁷ *Ibid.*

national press for international media constantly confronted with the stigma.

In terms of statistics of violations of the freedom of information recorded this year, since the publication of the last report of JED in November 2014, there are: 2 journalists killed, 22 journalists deprived of their freedom for more or less long periods and 25 journalists assaulted or threatened in the exercise of their profession³².

No doubt these very serious measures of repression against the media have marked a watershed in the ongoing democratic process, and have been, at this point, indicative of a mindset that is fundamentally hostile to freedom of press and expression in the head of the Congolese Government.

I.4. The state of freedom of press in the D.R. Congo

Freedom of the press, understood as the right to inform freely and to be informed all too freely, is a human right enshrined in international as well as above national legal instruments.

The finding is bitter insofar as freedom of expression and opinion, is not respected in the D.R. Congo by the political actors, where at any time the journalists are arrested, missing, media closed, etc. While there is a regulatory institution and having among its missions the guarantee and the scrupulous respect for freedom of press, it's the SCAC.

Reading the various reports of the JED, it is revealed that in 2015, for example, found cases of pressures and censorship on the media and journalists by public authorities represent 38% of attacks against the media, or the record of violations. In addition, at least 22 journalists, representing 30% of the media professionals were deprived of their freedom for more or less long periods. Finally, 25 cases of journalists assaulted or threatened in the exercise of their profession, or harassed media. And even this year reporters 'encouraged' to do not evoke the massacres in the province of Kasai in the D.R. Congo.

In the light of these figures, we can note that business inform remains a profession at risk in D.R. Congo and the Congolese authorities took no action, nor political, nor administrative to strengthen the safety of journalists in their work.

It is worth noting that violations of freedom of the press are still very high in the D.R. Congo.

³² Journalise en Danger, *Etat de la liberté de presse en Afrique Francophone. RD Congo: sous prétextes de la guerre...*, Rapport Annuel 2012, 10 décembre 2012, p. 10.

Despite, according to JED, a slight quantitative decrease of attacks against the media and journalists observed in 2015 and 2016 the present D.R. Congo still many challenges to freedom of the press and the safety of journalists.

Moreover, the various Governments of terror that successive never took no positive action in the direction of the improvement of the working environment of journalists, or to better security of media professionals. The impunity enjoyed by people identifiable, responsible for violations, sometimes glaring at the freedom of information is a major obstacle to the trade of journalists.

Because, in all the years targeted by our study, the problem remained the same. Journalists continue to be arbitrarily arrested by officials of some security agencies treated outside the normal judicial circuit. They are humiliated, assaulted, tortured and placed in dungeons unconnected with the Prosecutor's office. They are usually private, not only their physical freedom, but to organize their means of defense. Their release depends only on the advice of officials of these organizations which, in the best cases, expect the injunctions of the political power.

Where the exercise of the freedom of press in the D.R. Congo, is not guaranteed in practice, despite the presence of a range of legal texts are related and bodies of regulations.

II. ADVOCACY FOR THE DECRIMINALIZATION OF PRESS IN D.R. CONGO OFFENCES

II.1. Press offence, what?

In the D.R. Congo, when we talk of "press offence," we need fast recourse to article 74 of Act No. 96-002 of 22 June 1996 establishing the modalities of the exercise of the freedom of the press, to learn the definition. The article cited this law defines the crime of press as "any offence committed by way of print or audiovisual media."³³

Of this definition, it is clear that whenever an offence is committed through the press, i.e. through a media written, electronic or audio-visual, there would be a press offence³⁴.

³³ *Ibid.*

³⁴ Journaliste en Danger, *Liberté d'expression et élections en RD CONGO, 2016: L'information sous haute surveillance*, Rapport annuel 2015, Kinshasa, Novembre 2015, pp. 4-5.

Pierre AKELE detects a very broad vision of the crime of press of the fact that it incriminates somehow “the abuse of the freedom of the press, i.e. the use of the media for the purpose of committing any offence whatsoever” in the head of the Congolese legislature³⁵.

Thus, this definition provided for in article 74 of the law of 22 June 1996 is found to be vague wish by Léopold MBUYI, to the point that we must consider the press offence most as a particular mode of commission of an offence as an own offence. Press in this Act offences, said, are more aggravating and modes of criminal participation as autonomous offences. Léopold MBUYI indicated that the Organization of civil liability, the prescription and especially competence are incomplete. This omission of the legislature at the time wasn't a coincidence³⁶.

It should be noted that the concept of a press offence is not the preserve of one Congolese law. Jean-Marie Charon and Claude Ferret³⁷ consider the press offence as a crime of opinion by means of the press. For them, whenever the press serves as a means of expression to an offence, the offence becomes a press offence as long as the gate material on the crime of opinion.

Ultimately, quite, as do know Charles Mugagga Mushizi and Donat M'baya Tshimanga³⁸ as long as it can be interpreted as breaking one of the penal provisions in force in the D.R. Congo or in the international legal order, a crime of press for as much as it is committed through the press. It generates so, automatically, a criminal responsibility on the part of its author, even if the prosecution does not follow automatically or immediately. We could thus infer that whenever the press serves as a means of expression to an offence, this offence becomes a press offence. Therefore, the crime of press can be made by a professional media or any individual who would use a written or audiovisual own media to commit an offence. Where we call for its decriminalization.

³⁵ *Ibid.*

³⁶ Journaliste en Danger, Rapport annuel 2015, *Op.cit.*

³⁷ Article 74 de la loi No. 96/002 du 22 juin 1996.

³⁸ USAID et INTERNEWS, *Revue de la législation sur les Médias en République Démocratique du Congo*, Programme de Développement du Secteur Médiatique (PDSM), Kinshasa, Juin 2012, pp. 9–10.

II. 2. The decriminalization of press offences

In a democratic society, the exercise of a freedom, she was the pillar of the defense of fundamental rights, cannot be justified by the commission of violations, from challenging the legitimacy of the rules of public order, and hence the system any integer³⁹. In this context, notes Kory Yate, it belongs not to the press or to unfairly smear a man, nor publish example information likely to jeopardize the defense national⁴⁰. While acknowledging that the press as the fourth estate is a necessary asset in building a democratic State, Montesquieu⁴¹ warns that this power like any power becomes dangerous and may even ruin the democratic process by the unconsciousness of some of its members.

But unfortunately, in a democracy⁴², no person shall be criminally prosecuted for his opinions. This is the basis of the Anglo-American norm based primarily on compensation for harm caused to others only by damages, namely the civil for cases of defamation.

However, almost everywhere in the world, the defenders of freedom of expression are moving toward an outright neglect of the criminal aspect of defamation in favor of recourse to damages. In some jurisdictions, such as those in the United States, public figures are also granted less protection that private persons, and particularly on their part to prove a certain seriousness of the accusations against the journalist, such as malice is required and actual knowledge of the erroneous nature of the information at issue, before winning damages.

This regime ensures quality protection to journalists and strengthens an open discussion of political issues in the public sphere⁴³.

³⁹ A. Akele Adu, *Dépénaliser les délits de presse en RDC: pourquoi et comment?*, in *Plaidoyer pour la dépénalisation des délits de presse en République Démocratique du Congo*, Kinshasa, mai 2004, cité par I. Olenga Lumbahee, *Op.cit.*

⁴⁰ L. Mbuyi, *La problématique de la diffamation et des imputations dommageables par voie de presse*, in *Code de déontologie des journalistes en RDC, OMC*, Kinshasa, février 2005, cité par Olenga Lumbahee, *Op.cit.*

⁴¹ J.-M. Charon et C. Furret, *Un secret si bien violé: la loi, le juge et le journaliste*, Paris, Seuil, 2000, cité par Olenga Lumbahee, *Op.cit.*

⁴² C. Mugagga et D. M'baya, *Comprendre les textes juridiques et déontologiques régissant la presse en RDC*, février 2006, Institut Panos Paris, p.69, cité par I. Olenga Lumbahee, *Op.cit.*

⁴³ Fontbressen P. cité par Olenga Lumbahee, *Dépénalisation des délits de presse en République Démocratique du Congo: analyse de l'action de journaliste en danger (JED). Approche sociologique du droit de l'information*, Mémoire de Licence en Journalisme et Politique Intérieure, IFASIC-KIN, 2010.

Why, Congolese Parliament to decriminalize press offences for professionals of the media and anyone else is vowing to make use of the fundamental right to freedom of expression.

Therefore, it is imperative for the legislature to the D.R. Congo, to enact a new law on the decriminalization of all offences committed through the media and means of communication be.

CONCLUSION

Freedom of the press, remains a right to inform freely and to be informed all too freely, from one of the fundamental human rights as prescribed by national and international legal instruments.

At present, it is irrevocable conclusion that this human right is unknown in our democratic societies, because in practice every day, the freedoms of expression and opinion are not seen even less respected in the D.R. Congo.

This failure seems to be attributed to the political actors or public authorities, because at any time the journalists are arrested, missing, closed media,... when even though currently, we saw the birth of a public body says SCAC, with a mission not only to regulate the media but also and above all ensure respect unequivocally of the exercise of the freedom of press. Thing that is still monster in the D.R. Congo. Where, the investigations and reports from journalists, especially the journalist in Danger rights advocates revealed that as an example, in 2015, there was the compelling presence of cases of pressures and censures exerted on the media and journalists by public authorities represent 38% of attacks against the media, or the record of violations.

As a result, Government and Parliament must respect the freedom of the press, corollary of freedom of expression, as guaranteed by the law on the press and the Constitution of the Democratic Republic of Congo and multiple texts of an international character. They must ensure the fair and equal to all stakeholders access to public media.

Also, to push for the reopening of all media outlets closed across the expanse of the country, the release of all the journalists who are in jail, the acceleration of the adoption of the law on access to information currently under consideration in the Parliament as well as to adopt a moratorium on arrests and imprisonment of journalists, pending the adoption of a law on the decriminalization of press offences.

THE PROBLEM OF CHILD SOLDIERS AND THE EXCLUSION OF GIRLS FROM EDUCATION

Young people are often at the heart of conflicts. They may be manipulated by those in power and used as soldiers — or caught up in the crossfire as casualties. Girls' education is more than just about getting girls into schools. It is about development, health and economy. It is also linked to achieving more participative societies.

1. Addressing the situation of child soldiers

Around the world, thousands of boys and girls are recruited into government armed forces and rebel groups to serve as combatants, cooks, porters, messengers or in other roles. Girls are also recruited for sexual purposes or forced marriage. Many have been recruited by force, though some may have joined as a result of economic, social or security pressures. Situations of displacement and poverty make children even more vulnerable to recruitment.

The phenomenon is not recent, but has nevertheless increased with the end of the Cold War and the multiplication of intra-state conflicts. But the process has started even earlier. Two years after the beginning of the Second World War all sides were suffering of the consequences, because they were not ready for the conflict in a proper way. That is the main reason why the drafting age decreasing process has started so dramatically. They were trying to supply army with youngsters⁴⁴.

It is difficult to estimate the number of child soldiers in the world. The numbers are constantly changing. If thousands of children have been demobilized from armed forces in which they were fighting over the last five years with the end of armed conflict in countries such as Afghanistan, Angola and Sierra Leone, thousands more were involved in new conflicts, such as Ivory Coast, Sudan and Chad. In countries such as Colombia, Burma and the Democratic Republic of Congo (DRC), there has been little change and thousands of children continue to be used as soldiers. Currently several thousands of children used in armed conflicts in the Middle East (Syria, Libya, Iraq, Pakistan, Yemen ...) ⁴⁵ Concerning the situation of child soldiers in the world in conflict, we propose some recommendations:

⁴⁴ <https://www.child-soldiers.org/>

⁴⁵ <https://www.dosomething.org/facts/11-facts-about-child-soldiers>.

- Insist to make a Fond to protect and help Child from Child Soldiers all over the world, with collaborative work of Member States;
 - Further invites all the countries to prohibit the recruitment of child soldiers who are under 18 years old;
 - Promotes creation of advanced training courses for teachers during the martial law. This program will explain and train teachers how to behave and accomplish their work;
 - Recommends Member States, especially ones which are under the danger to impose martial law, to elaborate special course which would provide students with the necessary information how to act during the war;
 - Recommends the release of all child soldiers in conflict;
 - Urges Member States to do their utmost to prevent violence against child and to investigate all the cases when the violence took place;
 - Encourages to set a quota of pupils and students who will be sent off to the nearest countries with the same culture, traditions, religion and the language until the conflict ends in their country;
 - Appeals to boost collaboration and exchange of information between the UN and the Prosecutor of the International Criminal Court for involvement of guilty persons to responsibility;
 - Ensures the effective implementation of existing regulations;
 - Recommends to integrating age-verification for recruiting Soldiers;
 - Expresses its hope for Member States to adopt a law to stop politicians from having child soldiers businesses;
 - Recommends to adopt the program for the help and support of the children who have left ranks of child soldiers;
 - Declaring to ensure the provision of humanitarian assistance to the civilian population and taking into account the needs of children;
 - Seeking to ensure that programs for refugees and internally displaced persons safeguard children's rights and needs, e.g. for psychological counseling services, schooling and tracing their families;
 - Recall to build an orphanage for child Soldiers who don't have families or whose families could not protect them.
- a) providing special mentors to work on their development.
 - b) sending psychologists to these orphanages.

- c) providing health care through building medical punks in the orphanage.
 - Suggests the United Nations Security Council involving state parties to take further military actions and political measurements against the military organizations, governments and individuals that have been proven to be violating the children's rights in armed conflicts by the United Nations.
 - Decides to create rehabilitation centers to support disarmed child soldiers who are mentally and/or physically traumatized.

II. The Exclusion of Girls from education

Girls' education constitutes a strategic development priority, for better educated women tend to be healthier than uneducated women. Moreover, better educated women are likely to participate in the labour market, earn higher incomes, marry at a later age and have fewer children, and as of consequence provide better healthcare and education for their children. Notwithstanding the fact that these factors could be decisive in lifting thousands of households out of poverty, reality is still worrisome. Although in many countries enrolment rates, both for primary and for secondary school, are similar for boys and girls, 31 million girls are not in school⁴⁶. Overall, they continue to lag behind boys when it comes to completion rates in secondary school.

Disparities are manifest also in overall access to schooling. 16 million girls between 6 and 11 years old never enter school compared 8 million boys of the same age range⁴⁷. All the studies have shown how positively education has improved the lives of women whenever their access to education has been eased and successful. The gains have never been only for the ladies themselves, nor their families only but rather for the whole community as the ramifications from their transformation transcend their immediate environment and spill over in many aspects of daily life. While issues of poverty, violence, cultural norms and practices, poor service delivery, and poor infrastructure may have been identified for having facilitated girls' exclusion and marginalization from education; particularly in Less Developing Countries,

⁴⁶ https://unstats.un.org/unsd/gender/downloads/WorldsWomen2015_chapter3_t.pdf.

⁴⁷ UNESCO Institute for Statistics (UIS) and UNICEF (2015). Fixing the Broken Promise of Education for All: Findings from the Global Initiative on Out-of-School Children. Montreal: UIS. <http://dx.doi.org/10.15220/978-92-9189-162-7-en>.

LDCs, the role of governments and international institutions is also to be considered as a key factor in accounting for this failure of the world community in educating and, thereby, empowering our mothers, sisters, wives, cousins and all the little girls out there.

In spite of progress achieved in recent years, girls are still faced with difficulties and barriers hindering their access to education. Figures show that, in 2013, 31 million girls did not go to primary schools, whereas 32 million girls were left out of secondary schools. By 2015, 69% of countries have achieved primary education parity, whereas only 48% have achieved parity in lower secondary education⁴⁸.

Likewise, the existence of gender parity is not to be taken for granted. Many countries have not reached parity in education yet. In terms of regions, Sub-Saharan Africa and South and West Asia present the lowest gender parity rates and are the regions where the highest rates of gender gap in out-of school population exist.

While we may have international institutions like the specialized bodies of the United Nations; specifically UNESCO and UNICEF with special missions for education and for children including girls; one can still contend that despite their efforts worldwide these institutions have not done enough to eradicate or to just substantially reduce the plight of female illiteracy in the world. They have not done enough in compelling their member countries to invest more in education and apply an "education affirmative action," that is a "positive discrimination for education" public policy that would favor and accelerate the accessing of girls to education. This is what the international community needs to do to help create female leaders who will take over tomorrow from Hilary Clinton, Segolene Royale, Angela Merkel, Serlief Johnson, Theresa Mae, Marine LePen, Bambara Kinkade, Tonny Morrisson, Marie Curie, to only name a few.

Concerning the exclusion of girls from education, we propose some recommendations:

- Urges to ratify and lead all countries to execution the Worst Forms of Child Labour Convention, 1999 and the Minimum Age Convention, 1973 of the International Labour Organization to consider doing so;
- Strengthening the position of women in society by educating adults as well as children;

- Also pleased States to ensure that the right of girls to express themselves and culture;
- Support the introduction of social and psychological security that take both women's and men's needs into account;
- Calls for the establishment of mobile public schools which will be giving students lessons in informal locations such as public territories and places to open classes
 - a) Pleased to scheduling lessons flexibly;
 - b) Encouraging girls' participation and activism in classes;
 - c) Making the classrooms more child-centered and gender-sensitive;
 - d) Recruiting and training teachers who are sensitive to gender and child rights and paying them a regular living wage;
 - e) Develop an express education program for teenagers;
 - f) Providing early childhood programs;
- Eliminating gender bias from learning materials;
- Welcomes an initiative of the UN about education for girls which the Secretary general at the World forum had taken;
- Confirms in this regard that the attention should be paid also to the right of children for development, and special attention of the rights of girls;
- Urges State Members to make education free, and also to provide schools and educational institutions with necessary books and textbooks.
- Calls to make a minimum age of marriage in the age of 16 for boys as for girls without parents agreement.
- Calls to make the kinder-gardens in the same building with schools to help young mothers with education for them and their child and place a psychology meetings.
- Insistently urges the states to accept and to strictly apply the laws providing marriage only in case of a free and full consent of the persons intending to become spouses and to accept and to apply strictly the laws concerning the minimum age of a consent to marriage established by the law and the minimum age of consent;
- Urges Members states to have commercial campaigns to convey messages about child marriage:
 - a) organize lessons about sexual protection
 - b) social advertising

⁴⁸ <http://www.euractiv.com/section/development-policy/news/education-goal-far-from-reached-unesco-warns/>.

c) integrate meetings between young families and the families who have had the same problem to communicate

- Calls to make voluntary programs for qualified teachers from other countries to contribute in developing countries education:

a) these teachers help ensure school attendance and retention for girls improve

b) serve a positive role models for their students

c) make some lessons of religion and culture of different countries

d) pleased to educate young mothers and fathers for child care

Pleased to organize a hotline service for the girls in distressing situations such as:

a) violence to marriage

b) unexpected pregnancy

c) lack of communication between children and parents.

References

1. C-M. Mushizi, Le cadre juridique et institutionnel des médias congolais, Kinshasa, Décembre 2007.
2. Code de déontologie et éthique des journalistes congolais, Juin 2006.
3. Constitution de la RDC du 18 février 2006 telle que modifiée par la loi n° 11/002 du 20 janvier 2011 portant révision de certaines articles de la Constitution de la République Démocratique du Congo du 18 février 2006.
4. E-N. Eveu, Sociologie des mouvements sociaux, La découverte, Paris, 6^{ème} édition, 2015.
5. http://www.jed-afrique.org/index.php?option=com_content&view=article&id=185:rapport-annuel-2015&catid=97:rapports&Itemid=1695.
6. Journalise en Danger, Etat de la liberté de presse en Afrique Francophone. RD Congo: sous prétextes de la guerre..., Rapport Annuel 2012, 10 décembre 2012, p. 10.
7. JOURNALISTE EN DANGER, L'état de la liberté de la presse en Afrique centrale francophone: la RDC sous prétexte de la guerre, Rapport Annuel, 2012, In [en ligne] <http://afrikarabia.com/wordpress/wp-content/uploads/2014/01/JED-Rapport-2012.pdf>, consulté le 06 janvier 2016.
8. JOURNALISTE EN DANGER, La liberté de la presse pendant les élections. Des medias en campagne, Rapport spécial annuel de 2011.
9. Journaliste en Danger, Liberté d'expression et élections en RD CONGO, 2016: L'information sous haute surveillance, Rapport annuel 2015, Kinshasa, Novembre 2015.
10. La liberté de presse, in <http://www.larousse.fr/encyclopedie/divers/libertedelapresse>, consulté le 27/01/2016.
11. Loi n° 013-2002 du 16 octobre 2002 sur les télécommunications en République Démocratique du Congo.
12. Loi n° 96-002 du 22 juin 1996 fixant les modalités de l'exercice de la liberté de presse.
13. Loi n° 11/001 du 11 janvier 2011 portant composition, attribution et fonctionnement du Conseil Supérieur de l'Audiovisuel et de la Communication et Ordonnance présidentielle n° 11/054 du 12 août 2011.
14. Missions de l'UNPC, in [en ligne] <http://www.unpc.info/article-5-17.html>, consulté le 01 janvier 2016.
15. OLENGA LUMBAHEE, Dépénalisation des délits de presse en République Démocratique du Congo: analyse de l'action de journaliste en danger (JED). Approche sociologique du droit de l'information, Mémoire de Licence en Journalisme et Politique Intérieure, IFASIC-KIN, 2010.
16. Présentation de JED, in <http://www.jed-afrique.org/index.php?>, consulté le 30 mars 2016.
17. Programme de Développement du Secteur Médiatique (PDSM), Kinshasa, Juin 2012.
18. République Démocratique du Congo, Manuel traitant du droit des médias en Afrique australe, V. 2, p. 2, in [en ligne] <http://www.kas.de>, consulté le 06 janvier 2016.
19. USAID et INTERNEWS, Revue de la législation sur les Médias en République Démocratique du Congo.
20. WIKIPEDIA, *La liberté de presse* in <http://fr.wikipedia.org>, consulté le 27/01/2016.