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Republic of Congo: Analysis of 2001 Law on Freedom of Information and Communications

The Centre for Law and Democracy (CLD), at the request of our local partners, prepared an analysis of the Republic of Congo’s 2001 Law on Freedom of Information and Communication and more recent amending legislation based on international human rights standards, in particular relating to freedom of expression. Although the Law, as amended, has some positive features, it also suffers from some serious flaws, including imposing a range of illegitimate content restrictions and failing to secure the independence of the regulator, the Superior Council for Freedom of Communication.

“The Law on Freedom of Information and Communications is now well over 20 years old and it is in serious need of a significant overhaul,” said Toby Mendel, Executive Director of CLD. *“A number of unduly restrictive rules should simply be removed, regulation should be done by a robustly independent body and other parts of the Law should be modernised and elaborated on more clearly.”*

The CLD Analysis contains several recommendations for reform, including the following:

- The procedures for issuing broadcast licences should be clarified and a tailored and less onerous licensing procedure for community broadcasting should be added.
- The numerous illegitimate criminal and administrative content restrictions in the Law should be reviewed and either amended or repealed entirely. Among those that should be repealed entirely are criminal defamation, insult and false news provisions.
- The unclear procedures for rights of reply, response and correction should be clarified and consideration should be given to removing one of the rights of reply or response, given that one is sufficient.
- The scope of the Law’s guarantee of source protection should be clarified.
- The limited provisions on the right to information for journalists should be replaced with a comprehensive right to information law which applies to everyone.

The CLD Analysis is available in English [here](#).

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