



THE STATE OF MEDIA FREEDOM IN RWANDA

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MEDIA PROGRESS

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PREFACE

The face of the media landscape in Rwanda has been swiftly evolving since the 2002 liberalisation that allowed private media ownership. We have since then seen multiple media outlets emerging contributing to widening the space for expression through the media. However, the 2013 media reforms were a milestone in the sense that with them we witnessed the very first shift from statutory regulation to self-regulation in the history of Rwanda. The formation of Rwanda Media Commission (RMC) in August 2013 therefore introduced a new significant player on the media landscape, with a mandate to regulate the daily functioning of the media and conduct of journalists, as per Article 4 of the 2013 Media Law. Since then we have pursued this mandate with the commitment of seeing an improved media sector in Rwanda. But RMC's mandate is not limited to only the regulatory functions. According to the Blueprint on Self-regulation in Rwanda, a document developed through comprehensive consultations with journalists on what type of self-regulatory body they wanted, RMC's mandate is defined as three-fold: to promote and nurture professional and ethical practices, to defend media freedom; and to speak on behalf of the media fraternity in Rwanda. In order to do our work more effectively, we have found it imperative to have well researched baseline information on the status of the media sector from a multi-dimensional perspective.

This report, **The State of Media Freedom in Rwanda**, provides a useful basis to understand the broad nature of media freedom, and gauge the status of media freedom and development from a legal, policy and professional perspective. Being the first of its kind to be produced by RMC, we attach special value to this product because it sets the standards for future publications. Our plan is to produce an annual analysis of the media sector in Rwanda to provide a point of reference on media issues as well as an alternative assessment of media freedom in Rwanda.

As you will notice, this report adopts the UNESCO methodology of assessing media freedom, which is a broad understanding of the multi-dimensional nature of media freedom. We chose this methodology because it was more comprehensive than other available methodologies and most reports about media freedom in Rwanda so far have focused primarily on the political aspects of media freedom. Yet, as this reports indicates, there are other important aspects, such as the professional, the educational, the infrastructural, and even the economic aspects that in the final analysis have an impact on the nature of media freedom. This report therefore goes beyond the political, and examines other important factors that influence the nature of the media landscape that we have.

Our hope is that this report will be used by policy makers, regulators like ourselves, academicians, students, media freedom enthusiasts and the general population, as an authoritative reference tool to the media sector in Rwanda. Many thanks to our partners in putting this report together, especially the One UN through UNDP that has funded this undertaking, and Media Progress, the consulting firm that has researched and put together this report.

FRED MUVUNYI

Chairperson

Rwanda Media Commission

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Abbreviations and Acronyms

ACHR	American Convention on Human Rights
ACHPR	African Commission on Human and Peoples' Rights
AJEPRODHO	Association de la Jeunesse pour la Promotion des Droits de L'Homme et le Développement
ARJ	Association Rwandaise des Journalistes
BBC	British Broadcasting Corporation
CJFE	Canadian Journalists for Free Expression
CLADHO	Collectif d'organisations rwandaises de défense des droits de l'Homme
CSO	Civil Society Organisation
DG	Director General
ECHR	European Convention on Human Rights
FoE	Freedom of Expression
FOI	Freedom of Information
GLMC	Great Lakes Media Centre
ICCPR:	International Covenant of 16 December 1966 on Civil and Political Rights
ICT	Information and communications technology
ITU	International Telecommunications Union
ICCPR	International Covenant on Civil and Political Rights
IWPR	Institute for War and Peace Reporting
MHC	Media High Council
MOU	Memorandum of Understanding
NGO	Non-Governmental Organisation
NUDOR	National Union of Disabilities Organisations of Rwanda
ORINFOR	Office Rwandais d'Information
PLDP	Political Leadership Development Programme
PMO	Prime Minister's Order

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PSB	Public Service Broadcaster
RBA	Rwanda Broadcasting Agency
RCSP	Rwanda Civil Society Platform
RGB	Rwanda Governance Board
RMC	Rwanda Media Commission
RURA	Rwanda Utilities Regulatory Authority
RTLM	Radio Télévision Libre des Mille Collines
RWF	Rwandan Franc (FRW)
SJC	School of Journalism and Communication
UDHR	Universal Declaration of Human Rights
UN	United Nations
UDHR	UN Universal Declaration of Human Rights
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UPR	Universal Periodic Review
USD	United States Dollar

Executive Summary

This study is an assessment of the state of media freedom and development in Rwanda in 2014 and the first part of 2015. The study is based on UNESCO's Media Development Indicators as approved in 2008 by the 26th session of the Intergovernmental Council of the International Programme for the Development of communication (IPDC). The Media Development Indicators are a comprehensive system for assessment of the media landscape, and its media freedom.

The report is structured according to five categories with a total of 50 indicators:

1. A system of regulation conducive to freedom of expression, pluralism and diversity of the media
2. Plurality and diversity of media, a level economic playing field and transparency of ownership
3. Media as a platform for democratic discourse
4. Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity
5. Infrastructural capacity is sufficient to support independent and pluralistic media

The first chapter addresses the constitutional and legal framework for freedom of expression, and its framework for media freedom and diversity of the media in law and in practice. The report evaluates the effects of a media reform which has transformed the legislation on media, access to information, public service broadcasting and other legislative and regulatory areas. The changes determine the formal freedoms, while the journalistic practice has a number of other factors influencing it. The report praises the change from statutory regulation to self-regulation as a milestone for the media sector in Rwanda but also points to the lack of transparency and independence in the appointment of heads of public media organisations and regulatory bodies except obviously the self-regulatory body RMC. The report also notices that defamation and press offences are still punishable by criminal libel law, and it points to a number of mechanisms resulting in widespread and strong self-censorship as well as to the state's blocking of online media. In both cases the report recommends it to change.

The second chapter examines the degree of structural media pluralism and diversity of media including their economic sustainability. The fact that Rwanda is a small market for media constitutes a challenge to the production of content diversity and to media viability. The struggling print media and the mushrooming of private radio and TV stations risk undermining not only media viability but also media professionalism. The self-regulatory body handles complaints from the public, monitors media and evaluates license applications and content. The report notes the tasks of that the regulatory body responsible for the

frequency allocation and media technical – RURA – are defined by prime ministerial order and that it does not appoints its own management.

The third chapter reviews the performance of media as providers of a platform for democratic debate. It notes that media concern with the social conditions for the country and its population, and authorities are held accountable on commercial, community and public community radios. There is, however, no open debate of governmental policies and plans in any media. The self-regulatory body RMC has received and concluded 70 cases dealing with complaints from the public, the media and the government over the past 16 months. These cases have all been settled with a compromise accepted by the involved parties. The physical safety of journalists has improved significantly in recent years, but widespread self-censorship is a case of concern.

The fourth chapter deals with the needs and provisions of all kinds of mid-career training for journalists and media managers and the profile of university based educations within the media sector. The study acknowledges the improvements but encourages a much stronger emphasis on capacity building through on-the-job training, coaching, and other practical approaches. To ensure independence the report recommends establishing a basket fund for media development to support increased innovation and coherence of training and education providers. The report notes that media professionals may join trade unions, but emphasizes the need to set up systems ensuring social security for media workers.

Finally, the fifth chapter addresses questions about ICT and production techniques for the media. It notes that most media except print media are reasonably equipped, and that access to internet is rapidly spreading across the country. It recommends new online business models and that the ambitious ICT-strategy takes into account marginalized and rural groups.

Recommendations

Recommendations Category 1

Legal and policy framework

- In order to secure sustainable peace, development, democracy and freedom of speech RMC and the Ministry of Local Government should candidly discuss and agree on a strategy to gradually remove the boundaries for reporting on sensitive issues such as:
 - The policies and plans at government level
 - The democratic model for Rwanda, including the consensus model versus opposition/government models
- The limitations in Article 6 in the Law Regulating the Media should be reduced to a minimum in the interest of the public.

- Article 5 of the Law Regulating the Media concerning the role of journalists. The “obligations” of the journalists to inform and educate the population, to defend freedom of information and to analyse and comment on information should be changed from “obligations” to “main tasks”.
- To optimise an independent journalistic practice the RMC, the government and other authorities should implement together an awareness and capacity building campaign promoting the mutual benefits of media independence.
- Forced disclosure of sources as in Article 13 and the seizure of documents as in Article 10 of the Law Regulating the Media should be defined as restrictively as possible.
- The Ombudsman should be authorised to handle complaints about the Law Regulating Access to Information and power to sanction those not complying with the law.
- International development partners should uphold international standards and provide their possible financial support to media and civil society directly and not through public bodies

Regulatory system for broadcasting

- The MOU between RMC and RURA should specify in detail the process of licensing new media including very precise, objective and public requirements to content, editorial staff, financial sustainability and technical equipment.
- The MOU should specify RMC’s procedures to evaluate license applications with regards to content, editorial staff and funding sustainability. The RMC subsequently submits the evaluation to RURA, whose final approval depends on the current frequency plan and the applicant’s proposal from a technical perspective.

Defamation laws and other legal restrictions on journalists

- Chapter V on Press Offences and defamation cases against journalists in the Penal Code should be removed. Press offences should be brought before the RMC, taking into account also the ruling of the African Court on Human and Peoples’ Rights in case 004/2013.

Censorship

- The blocking of online media and websites is against international standards and should be lifted, unless in cases where websites in a very narrow sense constitute a threat to national security.

Recommendations Category 2

Media Concentration

- The RMC and RURA should specify their regulation of cross-ownership of media as stipulated in their MOU.
- Guidelines on ownership, transparency and media concentration should be developed to prevent possible future monopolies and ensure that ownership is completely transparent.

A diverse mix of public, private and community media

- The funding modality of RBA should be reviewed to ensure that its independent public service programming will be sustainable and to reduce its dependence on commercial revenue.
- A body composed by civil society representatives and experts should be established to monitor and ensure that RBA lives up to and develops its public service mandate.
- Broadcasting regulations should be reviewed to ensure a level economic playing field between terrestrial, satellite free to air and subscription TV, securing also that “must carry” obligations for RBA are upheld.
- Requirements to private commercial media should be defined to ensure that they will have a diverse content, reach the entire country and be economically sustainable.

Licensing and spectrum allocation

- The MOU between RMC and RURA should clearly define the roles between RMC and RURA in handling license applications as described in the recommendations under regulatory system for broadcasting, category 1.
- Frequency allocation and provision of licenses should be determined on objective criteria, such as quotas for news and current affairs, reports from the provinces, and other criteria for programme quality in serving the public as described in the recommendations under regulatory system for broadcasting, category 1.

Taxation and business regulation

- It is suggested to introduce economic measures to encourage private, commercial media to establish local branches outside Kigali to provide the local population with a platform for freedom of expression.

- Distribution fees for commercial media on the terrestrial or digital network or state revenues on the cabled internet could be channelled to community media to sustain their economy.

Advertising

- A code on advertisement should be developed, and transparent mechanisms be established to ensure the procedures for fair, transparent and non-discriminatory allocation of advertisements from state authorities and private companies.
- General audience surveys should be carried out to provide the foundation for a transparent advertisement policy from public and private entities.

Recommendations Category 3

Media reflects diversity of society

- Media should further develop organizational structures, ensuring that voices are heard and information from the provinces reach the national audience and that national news and other broadcasting reaches the provinces
- Diversity in content should be pursued, based on verified knowledge about the interests and demands of the audience and subsequently based on viable business plans.

Public service broadcasting media

- The Regulations following the Law establishing Rwanda Broadcasting Agency and determining its mission, organization and functioning should be revised to ensure that the Board of Directors is elected in a transparent manner and independently of the President and Government
- The Director Generals and the Directors of RBA should be appointed through a transparent, merit based process and independently of the President and Government.
- An audience advisory panel should be established for RBA which should provide public feedback on RBA's programming and serve as inspiration to the management.
- It is suggested that RBA establishes additional district radios where no other community radios exist. These district radios performing a core public service activity would have a funding model independent of local authorities.

Media self-regulation

- The PMO describing the activities of RURA should be revised to explicitly mention RMC and confirm the division of work between the two entities in accordance with the MOU and the recommendations of category 1.
- It is recommended to continue and expand the capacity building within the media sector on the code of ethics and on the role of RMC.

Requirements for fairness and impartiality

- There are no recommendations for a broadcasting code since this does not exist. The code of ethics developed by RMC functions well.

Levels of trust and confidence in the media

- It is suggested that private and public media alike consider establishing audience advisory bodies, providing feedback and advice on the programming of the media.
- It is recommended that balanced and professional reporting and the hearing of both sides is generally used to ensure optimal levels of trust and confidence.

Safety of journalists

- A comprehensive communication strategy, which involves also the President and the Minister of Local Government, should make it clear to local political and security authorities that all complaints on media and journalists are regulated through the RMC only.

Recommendations Category 4

Availability of academic courses in media practice

- A joint accrediting mechanism for the trainings by various providers should be developed to allow journalists to document their knowledge. It is suggested that providers of training and capacity building collect and share information concerning training courses, on-the-job coaching, and other capacity building efforts for editors and journalists
- A thorough and detailed survey of training needs should be carried out to the benefit of all training providers.
- Capacity building in business and management skills should be carried out for all private and public media, and entrepreneurial models within the media sector be developed.

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- Development and exchange of curricula should be encouraged.
- The proposal for an independent model of a Basket Fund for Media Support should be reviewed as a means to eliminate self-censorship, build professional capacity and develop a sustainable, responsible media sector.

Availability of professional media training

- It is suggested to revise the current harmonization of student fees for academic courses in order to encourage professionalism among journalists already active in the media sector.
- It should be considered to develop curricula dealing with human rights, democracy and to add practical training at academic institutions.

Presence of trade unions and professional organisations

- The ARJ and the RMC should advocate for the establishment of a trade union for media workers in order to obtain social security and standardized salaries, which will encourage higher professional standards in the media.

Presence of civil society organisations

- Civil society should establish a human rights based freedom of expression-organization focusing on media freedom, access to information and freedom of expression.

Recommendations Category 5

Availability and use of technical resources by the media

- New business models should be developed to encourage the use of online media, stimulate mergers of print media, and establish joint correspondent structures on a national level to ensure media sustainability.

Press, broadcasting and ICT penetration

- The prioritizing of ICT strategy should continue. It is suggested that ICT access for marginalized population groups and the rural population should be prioritised

Introduction

The laws forming the media landscape of Rwanda have changed fundamentally since 2011 when a new media reform package was prepared and implemented. The media reforms included a significantly changed Law on Media, 2013, the law on Media High Council (MHC) and introduced a Law on Access to Information, a Law on the transformation of the state broadcaster ORINFOR to the public service broadcaster Rwanda Broadcasting Agency (RBA), and a Law on the Rwanda Utilities Regulatory Authority (RURA).

President Paul Kagame and his government had successfully managed Rwanda's economic recovery supported by significant development aid since he came to power in 2000. However, criminal cases against journalists and conflicts with the media in 2009 and 2010, brought criticism from the international community. Social media mushroomed as a result of government investment in information and communication technology so Rwanda would become an African hub for online economy and businesses¹. In order to attract investments and implement a knowledge-based economy the government would have to allow free access to information and less restricted media and communication.

A genuine discussion within and around the Government finally led to the conclusions that a significant liberalisation of the media was needed. In his keynote speech to the 5th East African Business Council Media Summit in 2012 the President of Rwanda, Paul Kagame, stated that:

"We all know that the media plays a critical role in shaping national, regional and global politics, economics and diplomacy. (...) It is therefore essential that we accelerate implementation of the Common Market and other protocols, and more importantly, ensure East African citizens understand and fully participate in the process.

In this endeavour, the media will be an invaluable partner in communicating our agenda, advancing our interests and being among the key narrators of our story. In addition, by holding both our governments and citizens to account, a responsible media will promote our core values, good governance and democracy on which a successful integration can best be built.

In order to do this effectively, we should develop a critical, competitive and profitable home-grown media that will foster debate of relevant issues and influence the way the rest of the world sees and understands us. (...) governments and the media need not be adversaries as is sometimes the case. Nor should it be the norm. They can be partners without either compromising the independence and effectiveness of the other."

The government developed a list with media reform priorities and conducted consultations with civil society and media representatives on how to implement them. In the proposal was a reform of Rwanda's excessively punitive laws on libel and defamation as well as regulation on media ownership. The Ministry of Information should be demolished and the MHC instead of regulating the media should focus on capacity building of the media sector. A system of self-regulation and voluntary ethical codes should be put in place instead of the state controlling the content. Ministers and officials should be held to account through a law on access to information, and the state information agency broadcasting radio and TV – ORINFOR should be transformed into a public

¹ Since the first National ICT Strategy and Plan in 2001, the government of Rwanda has revised it at regular intervals. The NICI IV covers the period 2016-2020.



service broadcasters with editorial independence. In June 2011 a new media policy encompassing these points was agreed²

The publication of this report, May 2015 is roughly 3 years after the media reform process began. This report assesses and analyses the current state of media freedom while also analysing the status and impact of the media reform.

The background

All presentations about Rwanda and Rwanda's media start with the 1994 Genocide against the Tutsi, which killed over 1,000,000 Tutsis and moderate Hutus according to the Office of the United Nations High Commissioner for Refugees (UNHCR).

From the 1959 revolution until independence in 1962, elite Hutus transformed Rwanda from a kingdom into a republic. Many Tutsis were killed after being accused of collaboration with the colonial regime and alliance with the church. After the Hutus took power, 150,000 Tutsis fled to the neighbouring countries.

As a result of these upheavals, the Tutsis in Rwanda lost all important positions and were generally discriminated against. In 1973, General Juvénal Habyarimana became President through a military coup and installed a dictatorial one-party regime. His *Mouvement Révolutionnaire National pour le Développement* (MRND) founded in 1975 generated an all-pervasive personality cult with himself hailed as the sacred ruler³. By the time of the 1978 Constitution⁴, the President controlled all political areas and senior appointments.

National and international dissatisfaction led to public demonstrations and intellectuals calling for a multi-party democratic system in the late 1980s. A consequence of the outspoken protests from Hutu and Tutsi opposition alike was the establishment of 60 new magazines and newspapers between 1988 and 1990. According to Jean-Pierre Chrétien⁵, these newspapers were generally moderate in the beginning and some of them actively promoted a democratic development with a pluralistic political party landscape. Others developed into mouthpieces for extremist Hutu political forces such as *Kangura*.

This bumpy democratic process did not include Radio Rwanda, which refused to air news from opposition parties. However, demonstrations in 1991 forced the government to provide a limited slot for the opposition parties on Radio Rwanda and a new constitution also allowed multi-party elections and freedom of expression. A Press Law, which guaranteed every person the right to establish and operate a radio or television station, was also passed. However, journalists who criticized the government risked being charged and sentenced (Article 47 of the 1991 Press Law) from two to ten years imprisonment⁶

² CARYL, Christian et al. *Let There Be Speech – Reforming the media in Rwanda*, Transitions Forum, Case Study, November 2014

³ BONDE, BENT NØRBY. *Media and Communication in Conflict Prevention and Peace Building – Exploring Strategies for International and UN-led Conflict Transformation*, Roskilde University, August 2005.

⁴ GATWA, THARCISSE *The churches and ethnic ideology in the Rwandan crises, 1900-1994*, p.5, Edinburgh 1998 – Bonde 2005

⁵ CHRÉTIEN, JEAN-PIERRE. *Rwanda, les médias du génocide*. Paris : Édition Karthala, 1995. – Bonde 2005

⁶ ARTICLE 19, *Broadcasting Genocide: Censorship, Propaganda and State-sponsored Violence in Rwanda*, p. 55 Bonde 2005

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In early 1992, Radio Rwanda broadcast attacks on Tutsis and members of the political opposition for the first time. Following an outcry among members of the opposition and pressure from international partners, the director of ORINFOR (*Office Rwandais de l'Information*) was dismissed. A transitional coalition government was formed the same month, and the political in-fighting between the MRND and earlier opposition parties over the next two years was reflected within the staff of Radio Rwanda, whose programmes seemed less biased than before. Even though government and opposition journalists kept each other in check, the radio still occasionally broadcast inflammatory reporting against the Tutsis. As part of the transition process a new law abolished the restrictions to establish radio and TV-stations.

In 1993 the *Radio Télévision Libre des Mille Collines* (RTLM), started by forces within MRND began inciting hatred against the Tutsi population in Rwanda, claiming that they represented a threat to the Hutus. In spite of warnings from the Minister of Information the radio continued to incite genocide and the President remained supportive while referring to freedom of speech. Immediately before and during the genocide RTLM openly encouraged murdering Tutsis and Hutu opposition members. Tutsi journalists and managers were also excluded from Radio Rwanda or killed by radical Hutus.

The lessons learned from the media's role during this period have without doubt been formative for the government's media legal regime that followed after Rwandan Patriotic Front (RPF) army took control in 1994. Respecting freedom of the media was and still requires delicately balancing the knowledge that the genocide was in part caused and definitely facilitated by the media. The International Criminal Tribunal for Rwanda in Arusha later held the RTLMC leadership responsible for genocide, incitement to genocide and crimes against humanity.

By 1994 all media were in ruins, journalists had been killed or had fled, and the editorial line was changed for the remaining very few media such as ORINFOR and Radio Rwanda. Heavy-handed control of the media diminished the risk for media inciting to violence or genocide, and the press and media laws of 1996, 2002 and 2009 all severely punished or imprisoned offenders for defamation, incitement to genocide, and public offences. The risks for media actors were three years ago cited as one of the main reasons for not investing in media. The self-regulatory system finally substituted criminal liability as the key tool to regulate content as part of the media reforms in a new media law in 2013.

Methodology

This report contains five chapters corresponding to the 5 main categories of the UNESCO Media Development Indicators. It includes analysis of legislation, regulation and statutes as well as international reports on the media in Rwanda. The analysis is also based on (xx around 100) interviews with a wide range of stakeholders, including media practitioners, trade unions, professional organisations, policy makers, government agencies as Rwanda Governance Board, civil society organisations (CSOs) representing the public and ordinary citizens. These interviews cover national, local and community media, print, radio, television and online media and have been carried out on focus group as well as individual level. The analysis involves observations from media organisations and a questionnaire based survey distributed and collected by the media management of all the types of media outlets listed above. The survey has been answered by a total of 116 journalists, which is not statistically representative, but which is indicative of the experience and

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opinions among journalists. Other sources of information are interviews with development partners and international NGOs. To verify the attitudes and perceptions from the public towards the media a focus group interview with 7 umbrella representatives from a CSO platform representing 750 local organisations has been carried out as well as a focus group interview with 17 young people in Huye district. Focus groups allow for the collection of rich in-depth information but cannot be seen as being globally representative.

In order to provide a valid assessment of the state of media freedom in Rwanda, reliable and triangulated data corresponding to the 50 UNESCO media development indicators have been collected. Similarly, ensuring the participation and confidence of national stakeholders with due consideration of the constraints of cost, time and resources have been required. The assessment focuses specifically on the development over the preceding year 2014 and the first four months of 2015. However, several indicators lend themselves to a comparison of the present with the situation at the beginning of the reform process.

The assessment process has been led by the Rwanda Media Commission (RMC) and has included one open workshop validating the methodology, one workshop validating the first draft report and a presentation on World Press Freedom Day, followed by one week to respond to the final report. The Media Progress-team conducting the assessment has been led by Dr. Bent Nørby Bonde, PhD in Media and Peacebuilding, having worked with media policy and support in more than 35 countries in transition. Senior expert from Rwanda, Jean-Pierre Uwimana, is a PhD candidate and Director of Great Lakes Media Centre at University of Rwanda, having worked extensively in the region. Expert from Sierra Leone is Francis Sowa, MA/M.Phil and lecturer at Fourah Bay College, University of Sierra Leone and a member of the country's Independent Media Commission. Due to the Ebola epidemic in his country he had to work from home. Glenn O'Neil, Msc, PhD candidate and media communication evaluator provided quality control for the project.

ACKNOWLEDGEMENTS

CATEGORY 1

A system of regulation conducive to freedom of freedom of expression, pluralism, and diversity of the media

KEY INDICATORS

A. Legal and policy framework

- 1.1 Freedom of expression is guaranteed in law and respected in practice
- 1.2 The right to information is guaranteed in law and respected in practice
- 1.3 Editorial independence is guaranteed in law and respected in practice
- 1.4 Journalists' right to protect their sources is guaranteed in law and respected in practice
- 1.5 The public and civil society organisations (CSOs) participate in shaping public policy towards the media

B. Regulatory system for broadcasting

- 1.6 Independence of the regulatory system is guaranteed by law and respected in practice
- 1.7 Regulatory system works to ensure media pluralism and freedom of expression and information

C. Defamation laws and other legal restrictions on journalists

- 1.8 The state does not place unwarranted legal restrictions on the media
- 1.9 Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals
- 1.10 Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law

D. Censorship

- 1.11 The media is not subject to prior censorship as a matter of both law and practice
- 1.12 The state does not seek to block or filter Internet content deemed sensitive or detrimental

Category 1: A system of regulation conducive to freedom of expression, pluralism and diversity of the media

A. Legal and policy framework

Indicator 1.1.

Freedom of expression is guaranteed in law and respected in practice

The Government of Rwanda has ratified a number of decrees, laws and treaties that guarantee freedom of expression such as⁷:

- In February 2013, Rwanda ratified the final acts of the plenipotentiary conference of the International Telecommunication Union adopted at Guadalajara, Mexico on October 22nd 2010
- International Covenant of 16 December 1966 on Civil and Political Rights (ICCPR), as ratified by the Decree-Law no 08/75 of 12/02/1975 especially, in Articles 19 and 20
- The African Charter on Human and Peoples' Rights of 27 June 1981, as ratified by the Law no 10/1983 of 17/5/1983, especially in Article 9
- Article 19 of the UN Universal Declaration of Human Rights (UDHR) of 1948
- European Convention on Human Rights (ECHR); and
- American Convention on Human Rights (ACHR).

The 2003 Constitution recognizes in its article 34 the freedom of the press and freedom of information, guaranteed by the state:

“Freedom of the press and freedom of information are recognized and guaranteed by the State. Freedom of speech and freedom of information shall not prejudice public order and good morals, the right of every citizen to honour, good reputation and the privacy of personal and family life. It is also guaranteed so long as it does not prejudice the protection of the youth and minors. The conditions for exercising such freedoms are determined by law. There is hereby established an independent institution known as the “High Council of the Press ». The law shall determine its functions, organization and operation..⁸

The rather vague restrictions on freedom of speech with regards to public order, good morals, the right of every citizen to honour, good reputation, and privacy largely correspond with the restrictions of freedom of expression contained in international documents like the UDHR, ICCPR, ECHR, ACHR, but the country has other laws that pose a challenge to freedom of expression.

Article 33 of the Constitution grants freedom of thought, opinion, conscience etc., but states that “Propagation of ethnic, regional, racial or discrimination or any other form of division is

⁷ RWANDA GOVERNANCE BOARD. *Rwanda Media Barometer 2014*.

⁸ Constitution of the Republic of Rwanda (*Official Gazette n° Special of 4 June 2003*).

punishable by law.” In practice, this restriction, known as the law on “divisionism”, is quite widely applied, including to journalists.⁹

Although Rwanda committed itself to “fighting the ideology of genocide and all its manifestations” in the 2003 Constitution article 28 “genocide ideology” was not defined or proscribed by Rwandan law until October 2008, which was revised in 2013. The revised definition reads:

“Genocide ideology shall be any deliberate act committed in public whether orally, written or video means or by any other means which may show that a person is characterized by ethnic, religious, nationality or racial-based with the aim to:

1° advocate for the commission of genocide;

2° support the genocide.

*Any person who commits an act provided for by the preceding paragraph commits the crime of genocide ideology”.*¹⁰

Advocacy, support, incitement, and justification of genocide, concealment or destruction of evidence of genocide, or violence against a genocide survivor are punished according to the Organic Law Instituting the Penal Code¹¹, article 135 concerning the punishment of the crime of genocide ideology and other related offences:

“Any person who commits the crime of genocide ideology and other related offences shall be liable to a term of imprisonment of more than five (5) years to nine (9) years and a fine of one hundred thousand (100,000) to one million (1,000, 000) Rwandan francs.

A law shall provide for the details related to genocide ideology and other related offences.”

Article 116 of the same law concerning punishment of the crime of negationism and minimization of the genocide against the Tutsi

“Any person who publicly shows, by his/her words, writings, images, or by any other means, that he/she negates the genocide against the Tutsi, rudely minimizes it or attempts to justify or approve its grounds, or any person who hides or destroys its evidence shall be liable to a term of imprisonment of more than five (5) years to nine (9) years.”

Article 117 of the same law concerning theft of remains of the victims of the genocide against the Tutsi

“Any person who steals the remains of the victims of the genocide against the Tutsi or evidences which are in a memorial site for the genocide against the Tutsi shall be liable to a term of imprisonment of ten (10) years to fifteen (15) years and a fine of five hundred thousand (500,000) to two million (2,000,000) Rwandan francs”.

⁹ CARYL, CHRISTIAN ET AL. *Let There Be Speech – Reforming the media in Rwanda*, Transitions Forum, Case Study, November 2014.

¹⁰ Law on the Crime of Genocide Ideology and Other Related Offences (Law N° 84/2013 OF 11/09/2013, *Official Gazette n°43bis of 28/10/2013*), Article 3

¹¹ Organic Law instituting the Penal Code (Law N° 01/2012/OL of 02/05/2012-*Official Gazette n° Special of 14 June 2012*)

The corner stone of the media reform process is the new Law Regulating Media (Law N°02/2013 of 08/02/2013, *Official Gazette n° 10 of 11 March 2013*) and its change of the statutory regulation to self-regulation. Article 4 says that:

“The daily functioning of media and the conduct of journalists shall be regulated by the Media Self Regulatory Body.”

Despite ambiguities in some of its provisions, this law has meant a great step forward for media freedom in Rwanda. For example, for the Universal Periodic Review (UPR), ARTICLE 19 lists in its *“Individual submission to the UPR of Rwanda, 2015”* the evidence of progress and the laws recognition of the media profession to set its own professional standards as well as to regulate the conduct of journalists through the Media Self Regulatory Body. It continues:

- Recognition of legal rights for journalists including the right to collect information; a limited right to confidentiality of journalistic sources; and the right to call on any resourceful person to provide information;
- Lifting of some restrictions incompatible with the right to freedom of expression that were previously placed on journalists, including prohibitions on “the use of unlawful methods to obtain or to disseminate information”, “neglecting essential information”, and distorting ideas contained in an information or a text”;
- Removal of a requirement that journalists should have particular academic qualifications, opening the profession to a greater number of people; though still limited, and giving freelancers the same rights as regular journalists;
- Recognition of the rights to reply, rectification and correction, thus providing more proportionate remedies to individuals harmed by the media;
- Liberalised system of sanctions for the media, including the repeal of “suspension” and “closure of a publication” as penalties, both of which are disproportionate restrictions on the right to freedom of expression.¹²

Subsequent to the media law, the RMC was formed in March 2013, with the appointment of an Interim Committee. A substantive Board of Commissioners was elected in September 2013. RMC highlights besides the self-regulatory system that the Law on Media and the subsequent institutions have followed a policy of diversity in media with public, private and community media spreading. Another important step forward is the Law Regulating Access to Information, which only requires journalists to be better to use it.

The new Law Regulating Media, 2013, stresses in Article 8 on Freedom to receive and broadcast information that:

“Freedom of the media and freedom to receive information are recognised and respected by the State. Such freedom shall be applicable in accordance with the Law. Every journalist has the right to freedom of opinion and expression; this right includes the right to seek, receive, give and broadcast information and ideas through any media.”

There are, however, significant limitations. Article 6 mentions that:

¹² ARTICLE 19. Individual Submission to the UPR of Rwanda, 2015



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“The right to know or to publish documents from Legislative, Executive or Judicial Powers may be limited where necessary in respect of: confidentiality in the national security and national integrity; and confidentiality of judicial proceedings, parliamentary sessions and Cabinet deliberations in camera.”

These restrictions are particularly noticeable when stressing that confidentiality may be necessary in judicial proceedings and parliamentary sessions. This quite restrictive approach continues in Article 9 further mentions other limits to freedom of opinions and information that like in Article 8 can be interpreted in different ways. While censorship of information is explicitly prohibited:

“...the freedom of opinions and information shall not jeopardize the general public order and good morals, individual’s right to honour and reputation in the public eye and to the right to inviolability of a person’s private life”.

The Law Regulating Media in Article 3 provides for the ‘Right to exercise the profession of journalism.’ It states that

“A Rwandan journalist, whether exercising the profession of journalism in a registered media company or a freelance, or a representative of a foreign media organ in Rwanda, shall be given accreditation by the Media Self-Regulatory Body. A foreign or Rwandan journalist working for a foreign media organ shall be given accreditation by a competent public organ.”

The Media Law’s conditions for recognition and accreditation of journalists has been discussed widely among media in Rwanda. The evident lack of professionalism among many individuals exercising journalism in Rwanda has led many persons involved in the media sector to demand that journalists should also have educational qualifications. This demand may be supported by evidence from media globally which demonstrate that media contributing to the escalation of violence have not conformed to professional journalistic standards but rather displayed unprofessional standards of unbalanced and biased reporting. Even though the demand to register all actors exercising journalism does not conform to international recommendations, this measure is widely supported across the media sector in Rwanda. In our survey, only 6 % find that it should not be necessary to register, while 23 % find the criteria wrong and 30 % that the process is too bureaucratic. 31 % did not respond. The research team acknowledges the concerns raised but supports the current solution, because the registration is with a self-regulatory body and not the state, and gives RMC a practical possibility to raise the standards of the limited number of registered journalists.

The media NGO, ARTICLE 19, criticizes in its submission to the UPR 2015¹³ that the law in Article 5 sets out several obligations for journalists, including to inform and educate the

¹³ ARTICLE 19. Individual Submission to the UPR of Rwanda 2015

population and promote leisure activities, to defend freedom of information, and to analyse and comment on information. While these are framed as legal duties and thus presumably carry liability, the law is not explicit as to how these duties will be enforced and by whom. The imposition of such duties, especially when combined with this lack of clarity, provides authorities with the power to harass journalists or otherwise undermine their independence.

The obligations mentioned in the submission from Article 19 are all laudable, but could be interpreted as setting up limitations and consequences for journalists who produce content that does not necessarily fall within these obligations.

Table 1: What are the challenges of the process of accreditation for journalists?

Criteria	Number	Percentage
It should not be necessary	7	6.1
The criteria are wrong	27	23.2
The process is too bureaucratic	35	30.1
Other	11	9.5
Not answered	36	31.1
Total	116	100

A significant step for media freedom was the abolishment of the Ministry of Information, which previously held control of media through the MHC and hosted ORINFOR. With the abolishment of the ORINFOR, Rwandan Television and Radio was transformed into RBA by a specific law.

The RMC, the ARJ and the Human Rights Commission confirm that fewer defamation cases against journalists are brought to court since 2013 and most complaints are dealt with through the self-regulatory body RMC. The system of sanctions for the media has been liberalised in the law, but in Article 4 of the Memorandum of Understanding (MOU) between RMC and RURA “suspension” and “closure of a publication” figure as penalties, both of which though can be seen as disproportionate restrictions on the right to freedom of expression¹⁴. In one case RMC actually recommended to RURA that it suspend one of the online media – Papparazzi.

¹⁴ For more information see [ARTICLE 19. Rwanda: Media law does not go far enough 18 Mar 2013](#)

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Owners, editors and journalists state in several interviews that they have freedom of expression for their media.

A media owner says:

“The 5 last years the situation has changed a lot and we have freedom of expression. There is an important improvement. You can publish what you want and RMC helps us with our contents.”

An editor-in-chief said:

“There is no political debate at parliament or political level. There is no political debate in the army, in the public administration, or among the people. The media are not isolated in this context but part of the development of democracy”

Another editor-in-chief says

“Some journalists are afraid because of the history of the country. Some journalists were implicated in the genocide against Tutsis and the current journalists want to avoid being accused like their former colleagues.”

A host says:

“I organise my shows and other programmes without any harassment. I enjoy my freedom. But I realise that in general people are afraid of talking and giving information. I don't know why.”

Another media manager says:

“Somehow, journalists fear publishing information about authorities and institutions who or which don't understand the law related to access to information or who are not cooperative. I can say also that some journalists don't know their rights of freedom of expression. It is important to emphasize on the will of the President of the Republic who requested several times in his meetings to journalists to report not only on good news, but also bad news.”

A senior editor puts it this way:

“Media was very politicised in 1991. They are still politicised, including print media. It is impossible to find an opposition newspaper. The radios are commercial. Private radios can criticise the local authorities but not the government, the president or the army. I think it is problematic only to deal with the genocide in the current superficial approach.”

In our focus group interview with Rwanda Civil Society Platform (RCSP), the civil society representatives find that:

“We believe we are moving with high speed towards media freedom – particularly with regards to legislation. From a layman's perspective I have seen media growing. Before much of the news focused on the cities.. Involvement of citizens is happening more. Especially on private radio we hear debates on controversial topics e.g. on third term. Most radios have introduced programs like Good Morning Rwanda with controversial discussions. Before the MHC could do the review of

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newspapers and radio, but now with internet and social media more people have access to media. Things are more open now and you cannot control all”.

Only a few have experienced any harassment in recent years but they are also all aware of the boundaries within which their newsrooms must work. This is very much a practice of self-censorship based on Rwanda’s previous history with government-critical media being punished or as with RTLMC inciting genocide. And the cases of harassment that took place several years ago or have taken place at lower and local levels from authorities or security forces not capable of dealing with independent media are allegedly very few. It can therefore be argued that this hang-over effect from the previous experience is having a chilling effect of critical journalism. Some experienced editors interviewed explain that journalists are not very good at doing research, but those who have used the Law on Access to Information have met hostility from those persons who don’t like to be held accountable. It is also acknowledged among the media themselves that some people are forced to publish sensational articles just to have their daily bread.

While progress on media freedoms seemed to be the case until October 2014 with key institutions established under the media reforms taking root, such as the formation of RMC, the situation today appears in risk of changing, according to several development partners and members of RMC. This comes in the wake of the October 1 broadcast of the BBC-documentary *Rwanda’s Untold Story*. Virtually all international and national stakeholders interviewed by the research team rate this documentary as “unprofessionally one-sided”, “weak in documentation” and simply “crap”, or as particularly Rwandan authorities said, “promoting genocide-denial”. Subsequently, in a controversial process, which ignored RMC’s responsibility for content regulation and the provisions of the MOU between RMC and RURA, the government ordered RURA to ban the programme as well as suspend all radio and TV-channels related to BBC, a very extreme decision, which was widely criticised. This action was seen as undermining the mandate of RMC.

Not only did this generate a controversy between the newly established RMC and the government about a programme that hardly anybody wanted to defend, but it also gave more evidence to those already sceptical of the risks by giving media more freedom. A diplomatic mission puts it like this:

“The BBC case triggered discussion about RMC and this discussion seemed to restrict freedom. A ministry called the RMC-chair to ask him to block BBC in general, but did not allow the time for a proper processing of the case. Following this episode there was pressure to take regulation of content from RMC and to RURA through a Prime Minister’s Order whose early draft has been heavily criticised by the embassies. If this measure is implemented it would be back to square one for the last three years media reform process.”

Although criminal defamation still remains part of the Penal Code, there are fewer recorded cases of journalists falling foul to this law. According to the RMC, only one case against journalists has been brought to court over the past year – namely MURAMIRA Regis Vs. BURASA J. Gualbert (RUSHYASHYA Newspaper). The Court sentenced the editor to 6 months imprisonment suspended for one year and a fine of 1,000,000 RWF and 3,200,000 RWF of damages to be paid to the plaintiff. The defendant has already lodged an appeal. The case is described as a defamation case against a colleague.

Indicator 1.2.

The right to information is guaranteed in law and respected in practice

Law Relating to Access to Information (Law N° 04/2013 OF 08/02/2013, *Official Gazette n° 10 of 11 March, 2013*) is a very ambitious law addressing the needs of information for journalists as well as the public and companies. The law and the ministerial orders following it are very progressive with regards to the scope of covered organisations, proactive disclosure of information, procedures for requests for information, and the short deadlines for response as defined by ministerial order. Besides the Access to Information Law, the Media Law, especially in its Articles 12 and 14, guarantees journalists the right of access to sources of information and the right to inquire into all aspects of public life.

The Law Relating to Access to Information is founded on Article 34 of the Constitution of Rwanda and Article 12 of the Law Regulating Media 2013 that both provide for freedom of obtaining information.

The key provisions in the law are:

Article 3: Access to information

“Every person has the right of access to information in possession of a public organ and some private bodies.”

Article 7: Disclosure of vital information to the public

“Every public and private organ to which this Law applies shall proactively disclose the vital information to the public. A Ministerial Order shall determine in details the information to be disclosed.”

Article 9: Request for Information:

“Information shall be requested for in any of the official languages – verbally, in writing, by telephone, internet or any other means of communication.”

The access to information law is, however, limited in a number of cases, generally reflecting international practise.

Article 4: Confidential information

“Information should not be published when it may:

- *Destabilize national security*

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- *Impede the enforcement of law or justice*
- *Involve interference in the privacy of an individual when it is not of public interest*
- *Violate the legitimate protection of trade secrets or other intellectual property rights*
- *Obstruct actual or contemplated legal proceedings against the management of a public organ”*

Article 11: Examining an application for information

“The information officer, to whom the information is requested, shall take decision according to priorities. When the request of information is not accepted, explanations based on the Law shall be provided.”

A Ministerial Order has determined the time limit for the provision of information or explanations of not providing it. The ministerial order states that *“an information officer shall make a decision on an application as soon as possible, but in any event, within three working days of the receipt of the application”*. The information officer is allowed to request the extension of this period if the request is complex or relates to a large volume of information, provided within 24 hours of the receipt of the request. Where a journalist seeks information for the purposes of news gathering, the information shall be provided within two days of receipt of the request. In case of a rejection, the public information officer is mandated to send the applicant a written order detailing the reasons for the rejection of the request including the relevant provisions for which the rejection is based.¹⁵

The Access to Information Law was described by some international human rights organisations as a *“positive step”* by the Rwandan government¹⁶. The law represents substantial progress, demonstrating the intention to integrate transparency and enhance public participation in governance. The legislation largely complies with international best practice in the scope of its application to the public and private sector, the establishment of principle of proactive disclosure, the strong emphasis it places on the public interest, and the limited grounds it requires for exemptions.

While many journalists, media, RMC, diplomatic missions and INGOs rightly praise the new law, the practical implementation will cause challenges. There is a limited public awareness of the legislation, and there is a poor management of records within many public authorities and some applicants for information have experienced problems either because of not getting the full information or because some sources find that non-controversial information should be covered by the exceptions in the law. It is clear also that the short time to deliver information might become a challenge if more people use the law.¹⁷

¹⁵ REPUBLIC OF RWANDA Cabinet decision of 09/10/2013

¹⁶ ARTICLE 19. Individual Submission to the UPR of Rwanda, 2015

¹⁷ This law will be discussed in more detail in 1.2

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International NGOs and experts working in this field confirm that the ambitious law will make its implementation a challenge for public authorities and private companies, but much is being done to prepare the implementation. A list of 540 information officers assigned to respond to requests for information from public institutions has been published.

In a partnership between a local NGO promoting access to Information and a private consultant the private website Sobanukirwa has been launched to facilitate easy access to information from any of these authorities.

An awareness campaign is being carried out across the country in which agencies as RGB, MHC, the Ombudsman and RMC as well as CSOs inform local media, authorities and the public about their rights to access information.

However, the Commonwealth Human Rights Initiative acknowledges that the law contains a number of broad exemptions, restricts access to material "of public interest" and falls short of the standards laid down in the African Commission on Human and Peoples' Rights Model FOI Law. Yet the Initiative stresses that the law contains clear provisions for proactive disclosure and should be seen as a signal of the government's intention to entrench transparency and enhance public participation in governance.¹⁸ Also the Freedom House Report 2014 applauds the new Media and Access to Information laws for expanding journalists' rights and freedom of the press.¹⁹

Our survey of journalists show the following information concerning their use of the Law on Access to Information for journalistic research (more than once every 6 months)

Table 2: Do you use the law on freedom to information to get information for journalistic research (more than once every 6 months)

Criteria	Number	Percentage
Yes	65	56
No	49	42.3
Not answered	2	1.7
Total	116	100

This survey finds that the majority of respondents (56 %) answer yes whereas a significant minority (42 %) does not. Yet media sources themselves acknowledge that the law could be

¹⁸ Commonwealth Human Rights Initiative. Comments on Rwanda's Access to Information Law

¹⁹ -Freedom House. Freedom of the Press Report 2014

used much more if the journalists plan their work ahead and if more time was allocated to the research of serious journalistic articles.

It should be mentioned that one journalist has had his applications for information rejected in 5 cases. In our survey more than 43 % have experienced that their requests for information have been rejected:

Table 3: Has your request for information sometimes been rejected

Criteria	Number	Percentage
Yes	50	43.1
No	25	21.6
Not answered	41	35.3
Total	116	100

The Ombudsman is responsible for monitoring the enforcement of the law and should receive any complaints related to rejection of access to information. The research team has asked the Ombudsman the following questions but not received an answer before the end of the study:

1. “Does your office have a general idea of the number of requests for information public authorities (at presidential, government, state, provincial and local levels) have received after this law was implemented?”
2. How many complaints has your office received – from media and journalists, from the general public, or from others?”
3. How many complaints did your office find justified from media and journalists, from the general public, or from others?”
4. How many of the complaints that you found justified resulted in the delivery of the desired information from the relevant public authority?”
5. In cases where you found the request for the information justified but where it was not provided, what were your measures to ensure that the information was provided?”
6. Do you have any measures to use against public officers who do not live up the law and to your assessment of the case?”

Indicator 1.3

Editorial independence is guaranteed in law and respected in practice

As discussed in 1.1 the Law on Media 2013 provides freedom of the media, and the Law on RBA (Law N° 42/2013 of 16/06/2013) explicitly stresses the agency’s editorial independence. Please see indicator 3.5 for a discussion concerning the issue of the selection of the RBA’s board and management.

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Media, international NGOs and diplomatic missions express satisfaction with the inclusive approach that was used during the media reform process. One of the embassies acknowledges that it has been a comprehensive process, and that it is a significant step forward although not perfect. Another diplomatic mission mentions that:

“We do preach freedom of expression but we should also mention that we have our limits in Europe. Hate speech is not allowed. Rwanda is in the right to set certain limits on media freedom but it should be very clear and particularly regarding divisionism. Clear rules on freedom is important for journalists to have a chance to use their freedom.”

It will be discussed later in the report how the media have managed to move the limits in order to better serve the public. Nevertheless, international diplomatic missions, but also journalists in Rwanda worry that the situation may change for the worst in the coming period until elections in 2017. At this period of time the government seems to want more control of media. Interviewees reported that the radio stations Flash and Isango Star were told to follow the line or have one of their programmes blocked. Following this, one show was indeed taken off air. The other one was allowed to continue on the conditions that the journalists would intervene if people in live programmes countered the government line.

A diplomatic mission said:

“It should be kept in mind that four years ago a system of self-regulation of media was generally considered to be impossible to implement. Today it works well and the number of new private media has mushroomed as a result of the media reform process.”

The MHC explains that:

“From March 2013 we had a new mandate. We conducted a five year plan for media capacity building and from this document we have designed the action plan guiding us in implementing activities. We collaborate with national, regional, international institutions.

We participate in the forums and meetings to contribute to their implementation of policies as through the national dialogue for media development on annual basis. Last year we talked about the impact from media reforms. All were brought together to discuss how media can be professional and responsible. RMC is doing well as self-regulatory body and has reformed its structure. RMC is in the process of institution capacity building and is trusted by the media houses.”

In our survey with 116 journalists 25 % of the respondents considered pressure from government the largest threat to editorial independence, while another 25 % found pressure from businesses to be the largest problem. 25 % found that benefits from politicians and businesses to media and editors constituted the largest challenge to editorial independence.

Table 4: What can be the 3 main challenges to the editorial independence in your newsroom

Criteria	Number	Percentage
Pressure from politicians	68	24.5

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Pressure from business people	68	24.5
Benefits from politicians	40	14.4
Benefits from Business people	26	9.4
To your Media	42	15.1
To the Editors	21	7.5
To the Journalists	10	3.6
Other	3	1
Total	278	100

The survey of journalists also asked media practitioners what exerted most influence on editorial independence in the journalistic practice in Rwanda generally. They saw that the influence comes especially from RMC (20%), the legislation (19.5% of responses), better education (17.5%), Court cases against journalists (16.6%), RURA (13.6%). Some mentioned that this influence is due to individual failures.

Table 5: What can influence the editorial independence in the journalistic practice - mention two factors

Criteria	Number	Percentage
Legislation	40	19.5
Court cases against journalists	34	16.6
RMC	41	20
Association of Rwandan Journalists	19	9.3
RURA	28	13.6
Better education	36	17.5
Others	7	3.5
Total answers	205	100

Indicator 1.4

Journalists' right to protect their sources is guaranteed in law and respected in practice

The Law Regulating Media 2013 (Law N°02/2013 OF 08/02/2013, *Official Gazette n° 10 of 11 March 2013*) contains provisions dealing with protection of sources.

Article 13 on "Respect of a journalist confidentiality" says that:

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“Professional journalist confidentiality shall be guaranteed in respect of his/her sources of information, notes, audio or audio-visual recordings or film shooting as well as any information collected and stored electronically.

However, the court may order a journalist to reveal his/her sources of information whenever it is considered necessary for purposes of carrying out investigations or criminal proceedings.”

On the one side the provision guarantees the protection of sources, but on the other side it forces the journalist to reveal his/her sources if a court finds it necessary for its investigation. This is indeed a weakening of the protection which might result in fewer people providing information to the media.

Related to the protection of sources is the issue of ‘seizure’ provided for in article 10. According to this article:

*“The material of a journalist shall not be seized.
If there is an offence in media, seizure shall be exercised on documents and audio-visual recordings which are questionable. Seizure shall only be exercised on urgent court decision without prejudice to continuation of the proceedings. In order to enforce the judicial decision against a media company, seizure shall be exercised in accordance with legal provisions governing seizure.”*

As in the article on protection of confidentiality, this article on the one hand stipulates that material shall not be seized but is not clear concerning “documents and audio-visual recordings which are questionable” and which could be seized.

The survey of journalists indicated that almost 1 out of 4 respondents do not always protect their sources. The pressure to disclose sources is claimed to primarily be exerted by government bodies but also by others including by the editor.

Table 6: Do you always protect your sources of information? Have you been pressured to disclose your sources, and who did it?

Criteria	Number	Percentage
Sources of information always protected	85	73,2
Sources of information not always protected	25	21,6
Not answered	6	5,1
Total	116	100
Of those stating that sources are not always protected – external pressure was exercised	23	92
Of those pressured – by the editor	3	13

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Of those pressured – by the owner	1	4,3
Of those pressured – by the Government bodies	9	39,1
Others	6	26
Not answered	4	17,4
Total answers	23	100

One example of the issue with disclosure of journalist sources happened during the 21st commemoration of genocide against the Tutsi this year. A listener called the radio and said:

“If I meet a Tutsi I will kill him because Tutsis killed also my parents. So, as journalist I was obliged to give his phone number to the Police.”

It is however a question whether this statement was intended literally and international standards for disclosure are indeed very strict. The 2002 Declaration of Principles on Freedom of Expression in Africa echoes the main points of the Council of Europe (CoE) Recommendations:

A journalist should only be ordered to disclose the identity of a source if there is an overriding requirement in the public interest, and the circumstances are of a vital nature. The CoE Recommendation states that this could be the case only if disclosure was necessary to protect human life, to prevent major crime or for the defence of a person accused of having committed a major crime.²⁰

Indicator 1.5

The public and civil society organisations (CSOs) participate in shaping public policy towards the media

There has indeed been a genuine inclusion of the public, CSOs and other stakeholders in the media reform process. A number of dialogues with stakeholders have contributed to setting the priorities for reform and developing the components including the legislation.

Before the stakeholder meetings, the Cabinet with the Minister of Local Government responsible for media typically defined the overall priorities. Subsequently international and national consultants carried out a stakeholder-based analysis, drafted the relevant documents and the Ministry carried out validation workshops with both experts and key stakeholders. The draft documents would then be validated by the Ministry and finally by the Cabinet.

This consensus procedure, which was also used in connection with the development of a

²⁰ ARTICLE 19 Protection of Sources

draft media policy document 2014 – 2020²¹, ensures most possible information and ownership to the process and the product, which is a healthy and modern approach. It should nevertheless be noted that the government body always carried the ultimate power to validate the drafts.

Every December the MHC organizes a National Media Dialogue for the media sector as a whole. This forum provides an opportunity to voice and discuss general issues within the media sector and have various groups elaborate on specific issues as well.

The Ministry of Local Government was given the responsibility to launch the media reforms, possibly because this ministry is responsible for development in the provinces and has needed independent media to help implement them, possibly because media before 2003 had been under the responsibility of this ministry. Currently, however, a number of diplomatic missions are concerned that the RGB, which describes itself as coordinating between Ministries, RURA and MHC should risk undermining the management and authority of RMC through the PMO that is developed to regulate the work of RURA.

A diplomatic mission expresses its concern in the following way:

“The problem with the draft PMO is that its objective is to regulate the work of the RURA and the RMC and does it without even mentioning RMC or self-regulation. The PMO leaves a lot of questions and answers without clarity. The donors do not have an agenda of undermining the government’s laws, but after the BBC case the RGB seems to want a hold on everything in the media sector.”

There is concern that the PMO should seek to reduce the responsibility for content from RMC, and from international stakeholders that RMC’s authority and management should risk being undermined in this process, or that the RGB will influence whom to receive donor funding in the media sector. However, among senior journalists who have been engaged in the whole media reform process you also find appreciation of the work RGB has done in the stakeholder dialogue leading to a draft, not yet validated²² *Draft Rwanda National Media Policy 2014-20* as well as in building awareness on the new Law on Access to Information.

B. Regulatory system for broadcasting

Indicator 1.6

²¹ MINISTRY OF LOCAL GOVERNMENT. *Rwanda National Media Policy 2014-20, Draft - Consolidating a free, self-regulating and responsible media in Rwanda*, Kigali, October 2014 (still not validated by the Ministry of Local Government)

²² MINISTRY OF LOCAL GOVERNMENT. *Rwanda National Media Policy 2014-20, Draft - Consolidating a free, self-regulating and responsible media in Rwanda*, Kigali, October 2014

Independence of the regulatory system is guaranteed by law and respected in practice

The guarantee of the independence of the regulatory system and its protection in practice are founded by the Law Regulating Media (Law N°02/2013 OF 08/02/2013, *Official Gazette n° 10 of 11 March 2013*).

Article 16 of the law describes the requirements for launching a media organ:

“Before setting up a new media organ, its owner or any other competent person shall apply in writing to the competent public organ. If it is a public media organ, the Chairperson of the Board of Directors of the new media organ, which needs to be set up, shall file the written application with such an organ. The competent public organ shall put in place instructions to determine the requirements for setting up the media organ.”

Article 4 focuses on how to regulate media and specifies the different regulators. Its provisions say:

“The daily functioning of media and the conduct of journalists shall be regulated by the Media Self-Regulatory Body. However, the national utilities statutory regulator shall also carry out the regulation of audio, audio- visual media and internet.”

In essence, the Article states that the national utilities regulator, RURA, is responsible for regulation of broadcasting. However, the law is silent on whether RURA’s regulation is limited to the registration and issuance of licences or extends to elements of content. The article nevertheless further mentions that the self-regulatory body and RURA should have a joint working agreement and shall determine their plan of action. The MOU between RURA and RMC will be discussed later in the report.

The RMC is one of the two principal competent organs tasked with media regulation whether print or broadcast. It started operations in September 2013 as the result of the government’s desire at the time to end state regulation of the media. The 2013 media law authorized the body to issue press accreditations and regulate media content on the basis of a code of ethics developed by the journalists.

The Media Law 2013 in Article 2 defines a ‘Media Self-Regulatory Body’ as:

“...an organ set up by journalists themselves whose responsibility is to ensure compliance with the principles governing media and to defend the general interest.”

The competencies of the RURA are defined in Law establishing Rwanda Utilities Regulatory Authority (RURA) (Law N°09/2013 of 01/03/2013):

“Members of the Regulatory Board shall be appointed by a Presidential Order for a term of four (4)years renewable only once, except for the Director General.”

The same Order shall appoint the Chairperson of the Board. The Regulatory Board members in their first meeting elect from amongst themselves a Vice-Chairperson.”

Article 32 notes that: *“The Director General of RURA shall be appointed by a Presidential Order”*

The law on the RURA does not distinguish between service providers whether they supply water, power or media. Media is however of a very different nature, and not coming as a service from the state to the consumers. Very noticeable however, is Article 5 on “Specific mission of RURA in regard to the media” which says: *“Specific missions of RURA with regard to the media shall be governed by a Prime Minister’s Order.”*

The RURA is not an independent regulatory body according to international standards, when its management is appointed by presidential order and its specific missions with regard to the media are defined by the Prime Minister.

As provided for in the Law on Media 2013 a MOU has been drawn up between the RMC and the RURA. This MOU states that the RMC shall regulate media content, and that RURA shall jointly work with RMC to handle audio, audio-visual and internet media matters related to content. The RURA assists and provides technical support to the RMC where applicable, while the RMC allocates licences to new media organs. The division of work is not as explicit on other issues.

The MHC, a public institution established by the Constitution of the Republic of Rwanda of 2003 in its article no. 34, governed by Law on Media High Council (Law n° 03/2013 of 8/2/2013), now deals primarily with media capacity building issues. As a consequence of the media reforms its former tasks of dealing with the regulation of media content have been transferred to the RMC. It should be noted that Article 4 makes reference to the ‘Supervising Authority of MHC’ in this way: *“A Prime Minister’s Order shall determine the supervising authority of MHC.”*

If Article 34 in the Constitution were to be adjusted this should take the self-regulatory model into account.

Indicator 1.7

Regulatory system works to ensure media pluralism and freedom of expression and information

The public regulator, RURA is responsible for the technical granting of broadcast licenses and registration of print media, whereas the self-regulatory body RMC is responsible for regulating the conduct and daily functioning of the media with regards to content.

RMC was established by Rwandan journalists in a General Assembly of 27/8/2013. On its website the RMC cites its triple mandate:

1. Promoting, nurturing and protecting ethical journalistic practices
2. Defending media freedom and;
3. Speaking on behalf of the media fraternity as a whole especially as far as promotion and protection of ethical principles as well as freedom are concerned.

The RMC also arbitrates media disputes and educates the public and journalists about the media and its role in society. Its vision is a society where media freedom is respected,

upheld, protected and maintained and where journalists and media practitioners are professional and responsible.

In addition to advocacy RMC is responsible for accrediting all journalists in Rwanda. It also receives and handles all complaints regarding content. As of April 2015, RMC had received:

- 21 cases from media/journalists
- 44 cases from the public
- 5 cases from government institutions and official.
- 2 cases are appeals.

Until now, no complainant has decided to go to court after RMC's decision. RMC seeks to settle complaints amicably.

C. Defamation laws and other legal restrictions on journalists

Indicator 1.8

The state does not place unwarranted legal restrictions on the media

The media laws in Rwanda still contain unwarranted legal restrictions.

Statutes in the penal code forbid defamation of the head of state or other public officials, which can carry up to 5 years in prison and fines of up to 10,000 Rwandan francs (\$16). These statutes are generally seen as unclear and sweeping in breadth. In August 2013, Parliament passed a law²³ giving power to the state's security organs to listen to and read private communications, both online and offline, in order to protect "public security." The law requires that the 2008 Law Relating to the Interception of Communications is amended and that all communications service providers have the technical capability to enable interception upon request.²⁴ This is described in 1.12.

All types of libel/defamation are considered a criminal offence. However, currently there are reform initiatives to remove criminal libel and press offence in favour of instituting a new category of civil offence.

Chapter V of the Organic Law Instituting The Penal Code, 2012 (Law N° 01/2012/OL of 02/05/2012- *Official Gazette n° Special of 14 June 2012*) deals with Press offences in the Penal Code and specifies very severe punishment of journalists.

Article 699 defines press offence in the following way:

"A press offence means any illegal act committed by a print, audio or audio-visual media or media using Information, Communication Technology or internet."

²³ Law Regulating The Interception Of Communications (Law N°60/2013 OF 22/08/2013)

²⁴ FREEDOM HOUSE. *Freedom of the Press Report 2014*.

Article 700 details these penalties for not complying with the requirements of starting a media:

“Any person or organisation that starts a newspaper illegally shall be liable to a fine of one hundred thousand (100,000) to five hundred thousand (500,000) Rwandan francs. The competent Court shall order the suspension of the newspaper until official authorization is granted. Any person or organisation that illegally starts an audio or audio-visual press enterprise shall be liable to a fine of five hundred thousand (500,000) to one million (1.000.000) Rwandan francs. The competent Court shall order the suspension of such press enterprise until official authorization is granted. In case of recidivism of offences under Paragraphs One and 3, the Court may withdraw permanently the authorization to establish a press newspaper or a press enterprise.”

Article 701 details the penalty for refusing to publish a correction, a reply or a rectification in a newspaper

“Any journalist who refuses to publish a correction, a reply or a rectification in a newspaper shall be liable to a fine of one hundred thousand (100,000) to three hundred thousand (300,000) Rwandan francs.”

Article 702: “Penalty for refusing to publish a correction, a reply or a rectification in an audio or audio-visual media”:

“Any journalist who refuses to publish a correction, a reply or a rectification in an audio or audio visual media shall be liable to a fine of three hundred thousand (300,000) to six hundred thousand (600,000) Rwandan francs.”

Article 703: “Penalty for a person who incites another to commit a press offence”:

“Any person who incites another to commit a press offence shall be considered as an accomplice if such an incitement succeeds or is followed by an attempt and shall be liable to the penalty provided for such an offence.”

Article 704: “Penalties for a press offence committed with the intent to undermine public order and territorial integrity”:

“Any person who commits a press offence with the intent to undermine public order and territorial integrity shall be liable to a term of imprisonment of more than five (5) years to ten (10) years and a fine of one million (1,000,000) to five million (5,000,000) Rwandan francs.”

A limitation in the liability for journalists is mentioned in Article 705: “Exemption from criminal liability for a journalist”:

“Subject to the provisions of Article 281 of this Organic Law, a journalist who publishes an article on the activities in relation to the privacy of an authority when such activities adversely affect public interest shall be exempted from criminal liability.”

Journalists may still be brought to court for libel which remains a criminal offence instead of being summoned by the RMC. It does not happen often, but this situation is an unnecessary obstacle to media freedom. Even then, some of the provisions of the Penal Code, such as the sanction regime regarding refusal to publish a reply or correction, contradict the sanctions system developed by RMC to deal with the same issues. It can therefore be said that while the shift to self-regulation has brought forth a new approach to dealing with media offences, there are residual provisions in the penal code that contradict this approach. The Penal Code still reflects the punitive approach typical of statutory regulation as well and in its consequences towards media and journalist who commit press offences the law has other standards than the RMC.

Indicator 1.9

Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals

It is clearly not the narrowest restrictions necessary to protect the reputation of individuals that is used in the Libel Law. The Organic Law instituting the Penal Code (N° 01/2012/OL of 02/05/2012- *Official Gazette n° Special of 14 June 2012*) contains provisions on defamation as in Article 288 and 290:

Article 288 deals with defamation in public. It provides that:

“Any person who, maliciously and publicly, commits a specific act against another person which is likely to damage the honour or dignity, or bring him/her to public contempt shall be liable to a term of imprisonment of six (6) months to one (1) year and a fine of one million (1,000,000) to five million (5,000,000) Rwandan francs or one of these penalties.”

Article 290 refers to ‘Defaming and insulting a person in a private area’:

“Any person who, in any way whatsoever, defames or insults another person in a private area shall be liable to a term of imprisonment of seven (7) days to two (2) months and a fine of one hundred thousand (100,000) to two million (2,000,000) Rwandan francs or one of these penalties.”

The NGO, ARTICLE 19, notes that UN and regional independent mechanisms on freedom of expression as well as The UN Human Rights Committee and the African Commission on Human and People’s Rights have called on States to decriminalise defamation and that individuals’ reputations can be protected more effectively, with proper safeguards against abuse, through the civil law²⁵ Similarly, Freedom House considers the defamation laws as generally seen as unclear and sweeping in breadth²⁶. As already mentioned in indicator 1.8, the police, army, and intelligence services have been empowered to listen to and read private communications, both online and offline, in order to protect “public security.” All

²⁵ For details see [ARTICLE 19. Individual Submission to the UPR of Rwanda, 2015](#).

²⁶ [Freedom House. Freedom of the Press Report 2014](#)

communications service providers are also required to have the technical capability to enable interception upon request.²⁷ Laws with such sweeping breadth are considered as placing unnecessary inhibitions to the growth of independent journalism.

The survey of journalists show that 82 % generally agree with the decisions from RMC and those who have written comments find that cases should be dealt with by RMC instead of being brought to court.

Table 7: comparison between the new system of self-regulation and the old system

Criteria	Number	Percentage
Generally agree with the decisions from RMC	95	81,9
Not generally agree with the decisions from RMC	8	6,9
Not answered	13	11,2
Total	116	100
RMC is too close the media	19	16,3
RMC is too close the journalists	62	53,4
RMC is too close the government	11	9,5
RMC is too close the public	9	7,8
Not answered	15	12,9
Total	116	100

Indicator 1.10

Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law

National Security offences are vaguely defined, and do not specify the type of information considered a threat to national security.

Article 447 and Article 449 state that any revelation of State Secrets intended to be “against the interests of Rwanda” are categorised as treason and punished with between 10 and 25 years’ imprisonment. “Spreading false information with an intent to create a hostile international opinion against the Rwandan State” (Article 451) results in life imprisonment for offences during wartime and between seven and ten years during peacetime.

²⁷ Ibid

National security is frequently the basis on which the authorities can limit the freedom of media.

Burasa Jean Gualbert, Managing Editor of Rushyashya Newspaper was convicted on defamation charges. The journalist has been given a 6 month suspended sentence and fined 3.2 million Rwanda Francs by the Nyarugenge primary court. This was a first case brought to court after the introduction of media self-regulation in 2013²⁸.

According to the RMC, the defamation and the penal code are still issues of discussion. Instead of advocating for exemption of journalists from a general rule, the criminal penal code should be changed to a civil libel law.

D. Censorship

Indicator 1.11

The media is not subject to prior censorship as a matter of both law and practice

The Law Regulating Media (Law N°02/2013 of 08/02/2013, *Official Gazette N° 10 Of 11 March 2013*) includes Article 8 which provides limits to freedom of opinions and information. The article also states that: “*Censorship of information is prohibited*”, and in its traditional sense, there is no authority censoring content before publication.

Indicator 1.12

The state does not seek to block or filter Internet content deemed sensitive or detrimental

In August 2013, the Rwandan government passed amendments to a 2008 law relating to the interception of communications. The amended law allows national security services to apply for an interception warrant valid for three months to monitor citizens’ voice and data communications on grounds of national security. Warrants are issued by a national prosecutor appointed by the justice minister (Article 9). Article 4 of the interception law “strictly” prohibits the interception of communications of the president.

Article 6: “Persons authorized to apply for an interception warrant” states that
“Only Government authorities of the relevant security organs as provided for by the Constitution of the Republic of Rwanda shall be authorized to apply for an interception warrant.”

However, Article 9 states that

“Due to urgent public security interests, the competent National Prosecutor may, upon the request of the authority provided for under Article 6 of this Law, issue an interception warrant verbally, but the written warrant shall be completed in a period not exceeding twenty-four (24) hours. If that period expires without a written warrant, the interception shall be presumed to be illegal.”

²⁸ ARTICLE 19. Individual Submission to the UPR of Rwanda, 2015.

The 2013 law provides for wider and more effective state control of the public's internet communication, but is an improvement of the 2008 law in the sense that a warrant is now required before interception can take place. This was not the case in the old law, but is internationally a standard requirement.

Some websites are not available from Rwanda, but are accessible from Europe. Among them are three BBC websites - www.bbcswahili.com, www.bbcafrica.com and bbcafrigue.com, and therwandan.com, which apparently is a website in opposition to the current government.

Recommendations Category 1

Legal and policy framework

- In order to secure sustainable peace, development, democracy and freedom of speech RMC and the Ministry of Local Government should candidly discuss and agree on a strategy to gradually remove the boundaries for reporting on sensitive issues such as:
 - The policies and plans at government level
 - The democratic model for Rwanda, including the consensus model versus opposition/government models
- The limitations in Article 6 in the Law Regulating the Media should be reduced to a minimum in the interest of the public.
- Article 5 of the Law Regulating the Media concerning the role of journalists. The “obligations” of the journalists to inform and educate the population, to defend freedom of information and to analyse and comment on information should be changed from “obligations” to “main tasks”.
- To optimise an independent journalistic practice the RMC, the government and other authorities should implement together an awareness and capacity building campaign promoting the shared benefits of media independence.
- Forced disclosure of sources as in Article 13 and the seizure of documents as in Article 10 of the Law Regulating the Media should be defined as restrictively as possible.
- The Ombudsman should be authorised to handle complaints about the Law Regulating Access to Information and power to sanction those not complying with the law.
- International development partners should uphold international standards and provide their possible financial support to media and civil society directly and not through public bodies.

Regulatory system for broadcasting

- The MOU between RMC and RURA should specify in detail the process of licensing new

media including very precise, objective and public requirements to content, editorial staff, financial sustainability and technical equipment.

- The MOU should specify RMC's procedures to evaluate license applications with regards to content, editorial staff and funding sustainability. The RMC subsequently submits the evaluation to RURA, whose final approval depends on the current frequency plan and the applicant's proposal from a technical perspective.

Defamation laws and other legal restrictions on journalists

- Chapter V on Press Offences and defamation cases against journalists in the Penal Code should be removed. Press offences should be brought before the RMC, taking into account also the ruling of the African Court on Human and Peoples' Rights in case 004/2013.

Censorship

- The blocking of online media and websites is against international standards and should be lifted, unless in cases where websites in a very narrow sense constitute a threat to national security.

CATEGORY 2

Plurality and diversity of media, a level economic playing field and transparency of ownership

KEY INDICATORS

A. Media Concentration

- 2.1 State takes positive measures to promote pluralist media
- 2.2 State ensures compliance with measures to promote pluralist media

B. A diverse mix of public, private and community media

- 2.3 State actively promotes a diverse mix of public, private and community media
- 2.4 Independent and transparent regulatory system
- 2.5 State and CSOs actively promote development of community media

C. Licensing and spectrum allocation

- 2.6 State plan for spectrum allocation ensures optimal use for the public interest
- 2.7 State plan for spectrum allocation promotes diversity of ownership and content
- 2.8 Independent and transparent regulatory system

D. Taxation and business regulation

- 2.9 State uses taxation and business regulation to actively encourage media development in a non- discriminatory manner

E. Advertising

- 2.10 State does not discriminate through advertising policy
- 2.11 Effective regulation governing advertising in the media

Category 2 Plurality and diversity of media, a level economic playing field and transparency of ownership

A. Media Concentration

Indicator 2.1

State takes positive measures to promote pluralist media

The number of media outlets in Rwanda has grown significantly over the past three years. RURA's list of registered media outlets counts:

I. RADIO STATIONS OPERATING IN RWANDA

1. Commercial radio stations

1. Flash FM
2. City Radio
3. Contact FM
4. Isango Star
5. KFM
6. KT Radio
7. Radio 10
8. Radio One
9. Radio Huguka

2. Religious radio stations

1. Radio Maria Rwanda
2. Amazing Grace Radio
3. Authentic Radio
4. Inkoramutima Radio (CPR)
5. Sana Radio
6. Voice of Hope Radio
7. Voice of Africa Radio
8. Umucyo Radio

3. Educational radio stations

1. Radio Salus
2. Mount Kenya University

4. Community radio stations

1. Isangano Community Radio
2. Ishingiro Community Radio
3. Izuba Community Radio

5. Rwanda Broadcasting Agency (a public broadcaster)

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1. Radio Rwanda
2. Community Radio Huye
3. Community Radio Rusizi
4. Community Radio Musanze
5. Community Radio Rubavu
6. Community Radio Nyagatare
7. Magic FM

N.B: International radio stations (BBC, VOA and Deutsche Welle) are not included.

II. TELEVISION STATIONS OPERATING IN RWANDA

Television station (operational)

1.	Rwanda Television (RTV)
2.	Lemigo TV
3.	TV 10
4.	TV1
5.	Family TV
6.	Yego TV
7.	Goodrich TV

Television station licensed but not yet operational

8	Super TV
9	Contact TV
10	DMP TV
11	Light House TV
12	KTV
13	Capital TV
14	Max TV
15	Isango Star TV
16	Flash TV
17	SPARK TV
18	TV PLUS
19	MAK MEDIA TV

III. LIST OF ACTIVE NEWSPAPERS IN RWANDA

1	AMANI
2	AMAHORO
3	BUSINESS DAILY
4	EAST AFRICAN BUSINESS WEEK
5	GASABO
6	GRANDS LACS HEBDO/RWANDA NEWS AGENCY

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7	HOBE
8	HUGUKA
9	IBIYAGA BIGARI
10	IMANZI
11	IMPAMO
12	IMVAHO NSHYA
13	INGENZI
14	ISHEMA
15	ISIMBI
16	IZUBA RIRASHE
17	KINYAMATEKA/URUBUGA RW'ABAGORE
18	LA NOUVELLE RELEVE
19	LE REVEIL
20	OASIS GAZETTE
21	RUGARI
22	RUSHYASHYA
23	RWANDA DISPATCH
24	RWANDA FOCUS
25	THE NEW TIMES
26	UMURINZI
27	UMUSANZU
28	UMUSEKE
29	UMUSINGI
30	UMWEZI
31	IWACU AFRICA
32	GOBOKA
33	UBUMWE
34	HOPE MAGAZINE
35	THE CHRONICLES
36	HOBE RWANDA
37	CELEB'S MAGAZINE
38	IHEMA NEWSPAPER
39	IJWI RYA BOSE
40	ISHYA N'IHIRWE
41	PAX PRESS
42	UMURYANGO
43	WATOTO SMILE
44	MONT JALI
45	THE DIVA MAGAZINE
46	UMUHUZA NEWSPAPERS
47	PANORAMA NEWSPAPER
48	RWANDA TODAY NEWSPAPER
49	ANGELS UBUTO N'UBUKURU NEWSPAPER

50	IGISABO NEWSPAPER
51	URUNGANO MAGAZINE
52	RWANDA FOR YOU MAGAZINE
53	GORILLA24 AD MAGAZINE

IV. LIST OF ACTIVE ONLINE MEDIA

News websites (online newspapers) operational

1	www.inyarwanda.com
2	www.umuryango.rw
3	www.igihe.com
4	www.kumugaragaro.com
5	www.kigalitoday.com
6	www.newtimes.co.rw
7	www.umuseke.rw
8	www.imirasire.com
9	www.ubukungu.rw
10	www.nonaha.com
11	www.agasaro.com
12	www.rushyashya.net
13	www.kigalihits.net
14	www.rwandapaparazzi.rw
15	www.ibyamamare.com
16	www.ibyishimo.com
17	www.greatlakesvoice.com
18	www.rnanews.com
19	www.umwezi.net
20	www.focus.rw
21	www.izuba-rirashe.com
22	www.ubugingo.com
23	www.kigalikonnnect.com

Online Radio

1	RBA
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2	Isango star
3	Contact fm
4	Kigalitoday
5	Radio 10
6	Salus
7	Flash fm
8	Radio Maria
9	Radio Izuba

Licensed but not operational

10	Umuryango Radio
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Online TV

1	RBA
2	Kigali TV
3	Igihe TV
4	Authentic TV

Licensed but not operational

5	Umuryango TV
6	Inyarwanda TV

²⁹N.B: The list for online media is not exhaustive

As examples of measures to promote pluralist media, community media are exempt from paying VAT and so are newspapers. Print media benefit from a grant programme, managed by the Rwanda Governance Board because they are considered as particularly economically vulnerable³⁰ However, the criteria for obtaining a grant seems not to be very well known by journalists. Print media is currently suffering economically in a very small market. With the transition French to English as official language, several publications were brought into trouble. To print in the local printing house – a public/private partnership – is said to be very expensive and many publications remain being printed in Uganda.

Among the private media not all agree that the state promotes pluralist media.

TV no 1:

²⁹ RURA. Media landscape in Rwanda as of April, 2015

³⁰ Rwanda Governance Board, 14.4.2015

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The state is doing well to promote pluralist media.

TV 2:

Yes, the State takes measures to promote pluralist media. But, the Government and the RURA seem to favour the RBA. Now all news radios and TV stations are asked to hire the installations of RBA to put their transmitters. The RBA has also the exclusivity for some programmes (last world cup for instance) and this causes conflicts between this broadcaster and other media.

Radio 1:

The State promotes pluralist media. We have many radios, TVs and newspapers.

Radio 2:

I don't think that the State promotes pluralist media.

Radio 3:

The State does. Media pluralism is promoted.

Print media 1:

There is promotion of pluralism of media. The State supports associations of journalists. It organised the establishment of the RMC.

The number of new media confronts Rwanda with the typical problem of development and transitional countries that the increasing number of private commercial media are unable to generate sufficient income from advertising, sales and subscriptions on the meagre media market. This dilemma will be discussed in more detail later in the report.

Indicator 2.2.

State ensures compliance with measures to promote pluralist media

The Law on Media 2013 covers both commercial and non-commercial media in audio-visual, print and online formats.

No regulations prevent ownership concentration, promote plurality of the media or address specifically the issue of cross-ownership of various types of media such as radio, TV, and print owned by one media company. Similarly, no monopoly laws are applied to the media sector. In our survey of journalists, half of the respondents were not familiar with examples of media concentration, whereas a third were and mentioned the following media houses as examples of media concentration:

- Radio 1 & TV1;
- TV10 & Radio 10;
- New Times Publications;
- RBA;
- Kigali Today Limited.

However, only half of the journalists considered ownership of media to be transparent in Rwanda in the survey of journalists conducted in connection with this mission.

TV 2:

There is diversity of ownership and content. I haven't heard about discrimination by the RURA concerning this issue. Some people own more than one media organ.

Radio 2:

There is no discrimination. You can have both TV and radio stations. This is the case of TV 1 and Radio; TV 10 and Radio 10; etc.

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The RMC is of the opinion that the RURA tries to prevent media concentration, which might pave the way for economically sustainable media. In their joint Memorandum of Understanding, it is agreed to work together on regulation of cross ownership to media.

In a MOU between the RURA and the RMC the two organisations have agreed to collaborate on the regulation of cross-ownership of media, but there is no legislation, or guidelines as such, on transparent ownership or prohibiting media monopoly.

While monopolies may not be desirable too many media outlets without sufficient funding tempt journalists to attract audiences by balancing on the edge of good professional and ethical standards. In our survey among journalists 36 % find that ownership of media is not transparent in Rwanda.

Table 8: Is ownership of media transparent in Rwanda?

Criteria	Number	Percentage
Yes	58	50
No	42	36.2
Not answered	16	13.8
Total	116	100

To promote pluralist ownership of media in Rwanda more than half find that community media should be supported economically, 27 % find that international investors should be attracted and only 11 % suggest a law restricting ownership concentration.

Table 9: How can pluralist ownership of media in Rwanda be promoted?

Criteria	Number	Percentage
Support international investors	32	27.6
Support community media economically	62	53.4
Make law on restriction of ownership-concentration	13	11.2
Other response	1	0.9
Not answered	8	6.9
Total	116	100

Media organisations' representatives characterize civil society as prime supporters of media pluralism and so do the CSOs themselves.

B. A diverse mix of public, private and community media

Indicator 2.3

State actively promotes a diverse mix of public, private and community media

The laws regulating media as well as the RBA all stress that no discrimination may take place concerning the allocation of licenses and the financial conditions of media.

As indicated above Rwanda has a diverse mix of public, commercial and non-commercial media, and in the allocation of frequencies, there are no special quotas for community media. Neither is there a policy that describes their respective responsibilities, regulatory framework, or privileges, and the community media must both meet the criteria in the Law regulating NGOs as well as in the Law regulating the Media.

Government support for the RBA includes the provision of a new building and technical facilities in addition to the transfer of the remaining assets of the now defunct state agency ORINFOR. The government also pays 50 % of the budget for salaries at RBA and a limited development budget for technical equipment. In 2014 the RBA had a budget of 6 billion RWF, of which 4.2 billion RWF was revenue from advertisements and sponsors.

The requirement to become self-sustainable without contributions from the state means that the RBA must fulfill its missions with a mix of programmes adequate to its public service obligations as well as programmes, which are suitable for generation of sponsorship and other commercial revenue.

It is currently being discussed between RBA and the government if programmes with particular public service characteristics should be supported with additional funding from the state. The government requests that the RBA to depend entirely on commercial revenue after a period of five years. This demand has implications for the sustainability of true public service programming. It means that once the RBA is fully run through commercial advertising, public service programs that do not meet the demands of the market logic will not be sustainable to broadcast.

As in most other countries there is an inbuilt conflict between private commercial media living from commercial revenues and public service broadcasters which have access to two sources of income: licenses fees or budget support from the state in addition to revenues through the sale of advertisement slots and programme sponsorship. This is also the case in Rwanda.

Radio 3:

“The diversity of ownership and content is still problem. Those who have money establish their own media. This sector is like others sectors in business. Some have two media bodies (Radio and TV) at the same time and the content are almost the same. The RBA has 7 radios including its community radios. Pluralism and diversity are also about the content perspective. Many different radios broadcast the same topics (programmes) all the day. This is the case of sport, music, etc. The editorial lines are almost the same.”

The private commercial media are critical to what they consider favourable economic conditions for the RBA. However, the sustainability of private commercial media is precarious because of the increasing number of broadcasters, particularly in Kigali in a market, which still is very small. As a mitigation to this risk however, the MHC has focused its capacity building mandate on building the economic sustainability of media enterprises, as evidenced in their Strategic Plan³¹.

The Kigali-based radio-stations transmitting outside Kigali must pay a fee, determined by RURA, to use the towers used by the RBA for its terrestrial radio-broadcasting.

Indicator 2.4

Independent and transparent regulatory system

The regulatory system in Rwanda has changed significantly as a result of the Media Reform Process. The MHC is no longer charged with the registration, monitoring and sanctioning of media in the country but instead with capacity building and media sector development.

Its previous regulatory functions are now shared between the self-regulatory body RMC established by media and journalists, and the public regulatory body, the RURA, which administers frequencies and licensing of media as well as regulating utilities and utility providers.

As stated in the Law on Media 2013 the collaboration between the two bodies is determined by a Memorandum of Understanding. Article 4 of the memorandum defines the responsibilities of RMC as follows:

- *“To establish a code of ethics of journalists to be adhered to by all journalists and update it from time to time;*
- *To regulate media content by enforcing the code of ethics within the framework of self-regulation;*
- *To set up procedural rules of handling complaints related to code of ethics of journalists and impose sanctions if necessary;*
- *To register and issue a certificate of registration for new media organs;*
- *To accredit all Rwandan and foreign journalists working for Rwandan media organs;*
- *To propose to the Authority to suspend or revoke the license previously granted to a media organ in case of violation of any Law and regulations relating to media in Rwanda.”*

The responsibilities of the RURA are as follows:

- *“To jointly work with the RMC to handle audio, audio-visual and internet media matters related to content;*
- *To assist and provide technical support to the RMC where applicable;*
- *To issue permits for starting new print media organs;*
- *To suspend or revoke, upon the proposal made by the RMC, the license of any print media organ.”*

³¹ Media High Council Strategic Plan 2014-2018, 2013

As mentioned under indicator 1.1 currently a PMO is being negotiated on how to define the responsibilities more precisely than in this MOU. Article 5 specifies that “*Specific missions of RURA with regard to the media shall be governed by a Prime Minister’s Order.*”

A first version of the PMO intended to transfer parts of the responsibility for regulation of content – whether in the licensing process or in the responses to cases of violations of any laws and regulations – from the RMC to the RURA. As the Law on Media 2013 constitutes the legal framework for the RURA as well as for the RMC and their collaboration there is reasons to believe that the PMO will not divert from the principles on which the MOU was negotiated.

As mentioned before the reason for this appears to be the controversy between the RMC and the government indirectly sparked by the BBC documentary *The Untold Story*. Many actors suggest that some government parties use the documentary to illustrate the risks of media freedoms and that this may eventually jeopardize the entire media reform process. Others rightly claim that even if the documentary is considered biased and flawed by professional standards and possibly violating Rwandan laws on genocide denial the normal procedures concerning the regulation of content should have been followed. Those who have expressed their opinion about the BBC documentary whether diplomatic missions or local media stakeholders find that the suspension of all BBC broadcasting to and in Rwanda is a very hard and disproportional reaction.

An experienced editor in the media sector characterised the development of media in Rwanda by dividing it into three phases. In the first phase media were subjected to government regulation whereas in the second phase a combination of government and media sector regulation was typical. In the present third phase media performs self-regulation. However, if the Prime Minister interferes in this the media development process may reverse.

The RURA is established through Law establishing Rwanda Utilities Regulatory Authority (RURA) (LAW N°39/2001 OF 13/09/2001). The RURA is not independent as is the recommended international standard. The minister responsible for this organization recommends to the government the names of seven persons to the Regulatory Board, who are subsequently appointed by the Prime Minister. Article 13 emphasises that the Regulatory Board shall at all times act in an independent, open, transparent and objective manner, and shall not show any form of discrimination when carrying out its activities. However, because of some of its characteristics such as its staff not being civil servants, it can be argued that the RURA is independent to some extent although not to the recommended international standard.

Indicator 2.5

State and CSOs actively promote development of community media

Media organisations representatives characterise civil society as prime supporters of media pluralism and so do the CSOs themselves.

There are two different kinds of community media in Rwanda. The first type of community radios have been established by local associations. The second one is community radios established by religious societies. However, the term is also used inappropriately in connection with the RBA's five radio outlets based in the provinces. Outside Rwanda these five radio outlets would be called regional radios or local radios in countries like the United Kingdom, or upcountry radio stations in a country like Uganda.

The majority of these community radios have been established to support community dialogue, reconciliation and similar laudable purposes but in general operate on a shoestring budget. International donors typically funded the establishment of the radio and when this funding dries out, the management is compelled to identify other sources of revenue. These radios tend to be located in areas with very limited possibilities for commercial revenues so this may be extremely difficult. Their one economic advantage is that community radios are exempt from paying VAT. On average the staff consists of five regular employees and a number of volunteers. As a consequence of the low number of professional journalists there is a risk that the broadcasts do not comply with high ethical standards. However, the community radios are subjected to the same media legislation and regulation by the RMC as all other types of media.

C. Licensing and spectrum allocation

Indicator 2.6

State plan for spectrum allocation ensures optimal use for the public interest

The national frequency plan for Rwanda meets the ITU rules and is published on the website of RURA in the [National Frequency Allocation Table](#).

RURA explains that the spectrum plan was drawn up after consultations with civil society and relevant stakeholders.

Currently there is no available space for FM radios in Kigali. For some distant sites there are radios, which share a frequency. When a new FM frequency is available, it is allocated to applicants based on a comparison of the criteria below and also compliance with regulations for existing broadcasters looking for additional frequencies.

- Content with real impact to the socio-economic well-being of the citizens of Rwanda
- Innovative elements in broadcasting content
- Broadcasters' capacity to produce his own content
- Technical means to prevent interference with other stations

Please find more details on RURA's website (22.4.15) [Procedures to award FM frequencies](#)

Among media owners some find that the allocation of licenses is rather transparent, while others find that the media regulators have not yet defined the precise requirements for setting up new media outlets. Not all private broadcasters are satisfied:

TV 1:

“The issue of license is not clear. At the RURA, we don’t pay much to get it, but there is need to clarify the requirements.”

-

Radio 1:

“The RURA reduced the fees for licenses for new radios stations. The problem is that there are no more frequencies in Kigali. For TV stations, the amount to be paid is not much. It is a symbolic amount.”

Radio 2:

“The RURA complicates the process of getting frequencies. Now, it is said that there are no more frequencies in Kigali. They are asking news radios to go to provinces for their activities.”

One broadcaster contends that the procedures are not clear and should be more precise. The broadcaster argues that there is a non-declared discrimination from RURA. The broadcaster applied through tender for a frequency in Karongi long time ago. It fulfilled all requirements and expected to win. However, the frequency was given to another radio, which did not use it, and after 2 years RURA recuperated it and brought it to the market again through tender.

License fees are paid according to transmitter power. The maximum transmitter power for Community radios is 500W.

- The initial fee for each station is 50,000 FRW
- The annual fee is 960,000 FRW for stations with a transmitter power of <500W
- The annual fee is 1,200,000 FRW for stations with a transmitter power of >500W

RBA and PANAFRICA, a joint venture between Star Times and Broadcasting Investment Group – (BIG), broadcasts are distributed via terrestrial digital platform, while satellite television is distributed through free-to-air and pay channels.

Indicator 2.7

State plan for spectrum allocation promotes diversity of ownership and content

The right to establish a media company is recognized to any person or legal entity in accordance with the provisions of the Law on Media 2013³². However, nobody can establish a media outlet without a license:

“Before setting up a new media organ, its owner or any other competent person shall apply in writing to the competent public organ. (...) The competent public organ shall put in place instructions to determine the requirements for setting up the media organ.”³³

Audio-visual media must be registered with the RURA, and radio or TV-broadcasting without

³²Law Regulating Media (Law N°02/2013 OF 08/02/2013, Official Gazette n° 10 of 11 March 2013) Art.11

³³Ibid, Article 16

permission is severely fined.³⁴ This is also the case for print media, although the fine is significantly smaller if a print publication is published without permission. The same rules apply to online media.

Although the demand to register all publications as well as the imposition of heavy fines for offenders clashes with international standards, these measures are actually supported by the journalists in Rwanda. In our survey two thirds of the journalists supported the registration of media outlets which only 7 % opposed. Many of those in favour considered the criteria justified, even though two thirds of the respondents appear not to be familiar with the criteria.³⁵

Indicator 2.8

Independent and transparent regulatory system

This issue has been addressed in the section concerning Indicator 2.4 above.

D. Taxation and business regulation

Indicator 2.9

State uses taxation and business regulation to actively encourage media development in a non-discriminatory manner

Media and all other businesses are taxed. The Government has mentioned the possibility to reduce tax for newspapers, but this yet to be implemented. Instead a grant scheme for print media has been established within RGB, because these media struggle more than other media. However, the conditions for receiving grants do not seem to be transparent.

As mentioned above community as non-profit organisations the community broadcasters are exempt from paying value added tax (VAT).

E. Advertising

Indicator 2.10

State does not discriminate through advertising policy

Even though the public broadcaster RBA receives funds from the state, there are no restrictions of its advertisements. This type of restrictions would also clash with the government's present position that the RBA must be financially self-sustainable through commercial revenues in five years.

The draft memorandum Rwanda National Media Policy: 2014-2020 proposes that

“There shall be a public institution to regulate advertising and film companies and ensure that they follow the law and do not compromise

³⁴ Organic Law instituting the Penal Code (Law N° 01/2012/OL of 02/05/2012- Official Gazette n° Special of 14 June 2012) Article 700

³⁵ See Annex 1, tables 21 and 22

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the culture of the country. It is the same institution that shall license such entities and accredit foreign companies in the same field interested in working in the country. In the meantime, the Media High Council or RGB shall perform this role until such a body is put in place.”³⁶

At present a number of media and particularly print media do not benefit from state advertisements. It is difficult to determine whether this is discriminatory or whether this reflects a rational decision by the relevant public institutions that the target audiences may be reached better by using some media rather than others. Until now no professional survey of media consumption based on relevant demographic criteria and other information has been carried out in Rwanda. Consequently, no evidence exists which could provide the foundation for a formal advertisement policy.

Table 10: Which type of media primarily benefit from advertisements by public authorities, institutions and government?

Criteria	Number	Percentage
Public rather than private media	72	62
Media that are positive to the government rather than critical ones	28	24.2
Not answered	16	13.8
Total	116	100

However, interviewees within the media sector indicated that they thought that the public advertisement money is distributed to media supportive of the government and withheld from those critical of it. As already mentioned, however, no evidence makes it possible to exclude that the choice of the media in question was based on rational considerations. The majority of respondents in the survey find that advertisement spending from public authorities, institutions and government primarily benefits public rather than private media (62%). 28 % of the respondents in the survey also think that public advertisement money is channeled to media that are supportive to the government rather than to the critical ones. Occasionally there will be a public tender for government advertisement, but the majority of the money for advertising goes to the RBA and the government newspaper New Times, according to interviewees. These media do in fact reach most potential consumers, but not necessarily the specific target groups for the information campaign in question.

Indicator 2.11

Effective regulation governing advertising in the media

³⁶ MINISTRY OF LOCAL GOVERNMENT. *Rwanda National Media Policy 2014-20, Draft - Consolidating a free, self-regulating and responsible media in Rwanda*, Kigali, October 2014

There is no code of conduct or regulation, and no monitoring of the distribution of advertisement funds and ensures that state funding for advertising are distributed in a fair, transparent and non-discriminatory manner.

Recommendations Category 2

Media Concentration

- The RMC and RURA should specify their regulation of cross-ownership of media as stipulated in their MOU.
- Guidelines on ownership, transparency and media concentration should be developed to prevent possible future monopolies and ensure that ownership is completely transparent.

A diverse mix of public, private and community media

- The funding modality of RBA should be reviewed to ensure that its independent public service programming will be sustainable and to reduce its dependence on commercial revenue.
- A body composed by civil society representatives and experts should be established to monitor and ensure that RBA lives up to and develops its public service mandate.
- Broadcasting regulations should be reviewed to ensure a level economic playing field between terrestrial, satellite free to air and subscription TV, securing also that “must carry” obligations for RBA are upheld.
- Requirements to private commercial media should be defined to ensure that they will have a diverse content, reach the entire country and be economically sustainable.

Licensing and spectrum allocation

- The MOU between RMC and RURA should clearly define the roles between RMC and RURA in handling license applications as described in the recommendations under regulatory system for broadcasting, category 1.
- Frequency allocation and provision of licenses should be determined on objective criteria, such as quotas for news and current affairs, reports from the provinces, and other criteria for programme quality in serving the public as described in the recommendations under regulatory system for broadcasting, category 1.

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- It is suggested to introduce economic measures to encourage private, commercial media to establish local branches outside Kigali to provide the local population with a platform for freedom of expression.
- Distribution fees for commercial media on the terrestrial or digital network or state revenues on the cabled internet could be channelled to community media to sustain their economy.

Advertising

- A code on advertisement should be developed, and transparent mechanisms be established to ensure the procedures for fair, transparent and non-discriminatory allocation of advertisements from state authorities and private companies.
- General audience surveys should be carried out to provide the foundation for a transparent advertisement policy from public and private entities.

CATEGORY 3

Media as a platform for democratic discourse

KEY INDICATORS

A. Media reflects diversity of society

- 3.1 The media – public, private and community-based – serve the needs of all groups in society
- 3.2 Media organisations reflect social diversity through their employment practices

B. Public service broadcasting model

- 3.3 The goals of public service broadcasting are legally defined and guaranteed
- 3.4 The operations of public service broadcasters do not experience discrimination in any field
- 3.5 Independent and transparent system of governance
- 3.6 Public service broadcasters (PSBs) engage with the public and CSOs

C. Media self-regulation

- 3.7 Print and broadcast media have effective mechanisms of self-regulation
- 3.8 The media displays culture of self-regulation

D. Requirements for fairness and impartiality

- 3.9 Effective broadcasting code setting out requirements for fairness and impartiality
- 3.10 Effective enforcement of broadcasting code

E. Levels of public trust and confidence in the media

- 3.11 The public displays high levels of trust and confidence in the media
- 3.12 Media organisations are responsive to public perceptions of their work

F. Safety of journalists

- 3.13 Journalists, associated media personnel and media organisations can practice their profession in safety
- 3.14 Media practice is not harmed by a climate of insecurity

Category 3 Media as a platform for democratic discourse

A. Media reflects diversity of society

Indicator 3.1

The media – public, private and community-based – serve the needs of all groups in society

It is always difficult to define people's needs. Similarly, it is difficult to estimate whether the media serve the needs of all groups in society. Generally, Rwanda has achieved what many other developing countries envy: a media, which focuses on issues related to people's everyday life instead of being the vehicle for political power games and in-fights (which it was in the past as described above). Several sources emphasize that individual programmes broadcast on private commercial radios or on RBAs community radios contribute to holding the politicians and authorities in power accountable for the implementation of their policies and plans and for the provision of public services.

Interviewees from political, media and international organisations mention that policies and plans are not presented for discussion by all groups of society and find that they cannot be questioned. They also suggest that the government would benefit from the valuable inputs and sense of ownership that they could obtain through a public debate about policy priorities and plans.

Phone-in programmes and talk shows on commercial radios are said to contain very critical questions from the listeners on quite sensitive issues. This is confirmed through interviews and focus groups.

The community radios under RBA see their mission as serving the local public. They are manned by a director/editor-in-chief, a handful of permanently employed journalists, a number of volunteers, and a network of local ambassadors that voluntarily provide the broadcaster with news and issues that local communities want to bring up. One station visited in Butare explained how their journalistic programmes had resulted in changes for the community. When these programmes focused on the issue of delayed wages employees would receive their payment after the radio had reported on this problem primarily related to private companies. In one case a series of radio news reports on this issue resulted in changing centralized payment for projects by the Ministry of Finance to district level in order to ensure timely payment. A case of child labour in local mines was broadcast on the RBA community radio and it was subsequently stopped. Other programmes broadcast on community radio would focus on local management and implementation of construction projects, roads, water and power supply and social services. These broadcasts rarely pleased district and local authorities, but they did improve the conditions in the community.

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A focus group of young students in Butare primarily listened to a university community radio on issues relating to their academic studies and to Radio Rwanda to be informed about national news. Almost all listened to BBC and a few others to RFI to have an international perspective on events in Rwanda and globally.

The focus group participants trusted all three types of media whether the university or the RBA community radio or the national RBA as well as the BBC and other international radios. They found, however that among Rwandan media only private media like Radio 1 and TV 1 would be likely to broadcast programmes on all issues subjects, no matter how sensitive they might be.

The prioritizing of the living conditions for the population is said to go three years back and seems to be an outcome of the media reform process. Another interesting example of this is that the national RBA radio seeks to increase its national popularity by moving its studio facilities to the provinces for specific periods of time.

When interviewed the RBA management proudly noted that a possible revision of the Constitution to allow the President to run for a third term in the 2017 elections was openly debated on national radio. Persons freely advocated against and in favour of such a revision in a radio programme. The RBA management did not subsequently receive any complaints from politicians about this either.

The general attitude among those persons interviewed in Kigali is, however, that public radio and public TV in particular priorities the stories that the Government wants to tell and not the issues which the public pays most attention to. Making it possible for ordinary citizens to have their concerns heard and presented to the responsible persons is certainly a step forward. However, the predominant discourse is still that of the Government.

A radio show – Good Morning Rwanda – whose debates and critical interviews were very popular, have been taken off air by the media owners. Media sources suggest that the decision to do so appears to be due to political pressure.

Currently, the health services of Rwanda are an issue for discussion and a parliamentary commission has been launched to scrutinize the matter. Corruption can be criticized openly, whereas political criticism of the President, Ministers and the security forces would test the limits for democratic dialogue in Rwanda.

Despite the newly gained space for democratic discourse the journalist and media owners still exercise a significant degree of self-censorship. This partly reflects the traditional hesitation to criticize authorities and partly the experience that pushing the limits too far has consequences. Other factors, which impede the development of serious journalism, are the lack of training in journalism available and the editors-in-chief's unwillingness to allocate sufficient resources for this type of serious investigative journalism.

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It should be noted that media in Kinyarwanda language are generally more outspoken than media in English or French. Similarly, radios tend to be less cautious than television and commercial media less than public radio when sensitive issues are discussed.

CSO focus group with RCSP said:

“RBA also goes and asks the youth to say what they want. They can speak about unemployment etc. There are also other programmes where they have citizens meet the authority.”

Nevertheless, the widespread self-censorship in Rwandan media motivate people for listening to foreign media such as BBC, DW, RFI and VoA as well as to watch International television channels. With the current suspension of BBC and the contract for DW seemingly running out this possibility is being limited by the time of writing this report.

The Genocide remains an extremely sensitive issue. The Government has developed and refined its reconciliation and unity strategy which includes the prohibition of genocide denial, blocking discussions of the event. Some senior journalists question whether the suppression of the discussion of the genocide is the correct approach to secure lasting peace in Rwanda. It is actually a very delicate issue to deal with for journalists and requires balanced reporting, as for example in the Government friendly newspaper New Times (11.4.2015), which on its front page stated that also moderate Hutu journalists had defended their Tutsi colleagues and had been killed. In the same issue a mixed marriage facing problems from each their community was presented as a symbol of how the future should be. It is difficult to do this right. Our CSO focus group with RCSP said:

“What is debated in media is reconciliation. Nobody wants to hear about ethnicity and would turn off the radio.’ Radios can still talk about reconciliation and genocide ideology can still be debated. PLDP did a research about removing ethnic identity from their identity card. People fear what any debate about ethnicity can lead to as it did in the past and nobody wants to discuss it all. There are dramas that can raise such things but pointing towards reconciliation.”

CSOs consider media a very important partner in their advocacy for their cause. They suggest that media should similarly see them as sources of important information and knowledge. The focus group with a number of CSO representatives indicates that this was indeed the case. Media do seem eager to carry articles with a CSO perspective and focusing on the issues they deal with. This situation testifies to the profound change of Rwandan media since the Law regulating the Media in 2002 and the subsequent liberalization and the mushrooming of media outlets. Before the reforms media would frequently be paid for coverage but this practice has virtually disappeared because many media outlets now compete to identify and cover stories. Now the CSOs or others are only required to pay to have their programmes broadcast if the programmes have been produced by the CSOs themselves. Members of RMC however feel that the Rwandan Platform for Civil Society has been very hesitant in supporting the RMC in critical moments as with the BBC case.

One senator said when interviewed.

“The media reform has brought about a large number of private commercial media – mainly radios – which are struggling to make a

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profitable business. While many of them have a miserable programming broadcasting music or football news all the time, other radios allow the audience to call in and complain about public services that do not function or other similar issues. This obviously raises the question as to how the RBA shall maneuver in this competition. The RBA still has a long way to go to become a genuine public media instead of the intermediary between the government and the public.”

However, the main criteria for the media’s selection of stories reveal a rather more complex line of reasoning. In our survey with journalists 30 % of the respondents find that the story’s importance for ordinary citizens is the most important criteria for covering it, whereas 25 % consider the story’s attraction for the audience to be the most important one. A cause for concern is the 15 % who mention economic benefits for the media outlet as an important criteria, another 12 % who mention the story’s importance for the government, and the 10 % who consider the level of the politicians participating in the story a decisive factor.

Table 11: What are the main criteria of selection of information in your news room

Criteria	Number	Percentage
Level of politicians in a report	32	10.3
Importance for the government	38	12.2
Importance for ordinary citizens	92	29.5
Attraction for audience	78	25
Economic benefits for your media	47	15
Economic benefits for you	4	1.3
You are told what to report by business interests	7	2.3
Political interests	3	0.9
Other	11	3.5
Total answers	312	100

Indicator 3.2

Media organisations reflect social diversity through their employment practices

According to the MHC only 180 out of more than 500 journalists are women, and only 29 out of 209 accredited journalists with the RMC are women. It is also estimated that women only occupy approx. 5 % of the media management positions.

Female journalists claim to be discriminated against because of their right to maternity leave. Whereas a new measure to increase maternity leave may change this situation, women are not paid the same wages as men for the same work. As a consequence few articles deal with issues of concern to women. Also, more male experts than female experts are visible in the media. The government is criticised for not taking enough political and social initiatives to change this but the number of women in media shows signs of gradual increase.

B. Public service broadcasting media

Indicator 3.3

The goals of public service broadcasting are legally defined and guaranteed

The public service remit of RBA is defined in the legislation concerning the RBA, as is also its editorial independence.

The RBA's overall objective is presented in article 2 of the legislation of RBA which "... shall be to provide a wide range of information and broadcasts as well as entertainment programs aimed at promoting the Rwandan society and meeting people's needs."

The LAW ON RWANDA BROADCASTING AGENCY (RBA) N° 42/2013 of 16/06/2013 establishing the RBA defines its main missions in article four as follows:

1. *to provide the Rwandan population and other members of its audience with national and international news that is not biased and accurate;*
2. *to provide the Rwandan population and other members of its audience with educational programs;*
3. *to provide the Rwandan population and other members of its audience with recreational and entertaining programs;*
4. *to deliver to residents of Rwanda the benefit of new information and communication technologies;*
5. *to act as a catalyst for national development;*
6. *to ensure good management of its resources and activities and to ensure their exploitation;*
7. *to establish relations and collaboration with other regional and international partners as appropriate;*
8. *to ensure equitable distribution of infrastructure for audio and video broadcasting by interested licensed operators;*
9. *to bring Rwanda into the global information arena.*

These objectives are certainly appropriate for a national public service broadcaster. They clearly indicate the ambition by government and parliament is to make the RBA a significant actor in the development of Rwanda by acting as a catalyst to ensure accountability and providing the citizens with the information able to make informed choices.

However, some of RBA managers seem to understand the role of public service broadcasting to be a bridge between the government and the public rather than serving the public. Another manager explained that the RBA is only two years into the project of changing from state to public broadcaster and has not yet acquired independence. He emphasised that the politicians and the board need time to learn their new roles, but found that they were moving in that direction.

UNESCO defines Public Service broadcasting as:

*"....broadcasting made, financed and controlled by the public, for the public. It is neither commercial nor state-owned, free from political interference and pressure from commercial forces. Through PSB, citizens are informed, educated and also entertained. When guaranteed with pluralism, programming diversity, editorial independence, appropriate funding, accountability and transparency, public service broadcasting can serve as a cornerstone of democracy."*³⁷

When this ambition, the RBA in its role of the public service broadcaster, will be to serve the public and be accountable to them and also hold the Government and other authorities accountable for their actions and allow the public to question their policies. In this way, the RBA will be a platform for dialogue and democratic accountability.

A government-party senator, who considers the media reform process to be successful in paving the way for new private media outlets and not least in its self-regulatory principles carried out by RMC estimated that it would take another ten years for the RBA to implement the change from government to public broadcaster. In his opinion the RBA should not see itself as the arm and bridge from the government to the people but carve a new role for itself serving the public. He found the editors' self-censorship a problem and believed that in this complex transformation phase the board should be the guarantee for independence.

Without exception all respondents judge the coverage of the President, Government and the state by particularly Rwanda Television to be exaggerated. When taking into account that this media outlet has experienced staff, better financial security than private broadcasters and a large audience, the RBA has the required resources to cover news in a way that corresponds with its new role as public service broadcaster. There is currently no commission in place ensuring that the public service mandate is followed and no advisory audience council expressing its opinion about RBA's programmes. This is normal practice to have.

Indicator 3.4

The operations of public service broadcasters do not experience discrimination in any field

No discrimination against the Rwanda Broadcasting Agency has been identified.

Indicator 3.5

³⁷ UNESCO. Public Service Broadcasting, 21. April 2015

Independent and transparent system of governance

The wording in LAW ON RWANDA BROADCASTING AGENCY (RBA) N° 42/2013 of 16/06/2013 concerning the selection of management is not quite clear. Article 8 reads:

“The Board of Directors of RBA shall be the supreme governing organ of RBA. It shall comprise seven (7) members with skills, knowledge and integrity. At least thirty percent (30%) of the members of the Board of Directors shall be females. “

“Members of the Board of Directors including the Chairperson and the Deputy Chairperson shall be appointed by a Presidential Order upon approval by the Cabinet after transparent and public selection.”

Even though the article specifies that the candidates for the board are selected transparently and publicly it does not indicate how this is to be carried out. One suggested approach is to advertise publically for board members. A selection committee appointed by the minister would then choose between the applicants. The new board would subsequently propose 2 to 3 candidates for the position as Director General who would then be appointed by the president. Because the procedures were not in place at the time, the first transitional board was made by presidential appointment.

Article 9 continues on the Independence of the Board of Directors:

“Members of the Board of Directors shall demonstrate independence and shall neither seek nor accept instructions from any authority unless otherwise provided for by law.

Members of the Board of Directors shall always act in the public interest and not use the powers conferred upon them for personal gains.

The General Directorate of RBA shall comprise of the Director General and the Deputy Director General of RBA who shall be appointed and dismissed by a Presidential Order. The President of the Republic shall nominate them after consultation with the Board of Directors of RBA.”

While the Law on RBA in all other articles stresses its independence and work for the public interest, the appointment procedures of its board as well as its Director General and Deputy Director General³⁸ clash with international standards for public service providers as editorially independent.

A public service broadcaster usually distinguishes clearly between the management responsible for production and broadcasting of programmes and the Board of Directors responsible for upholding the independence of the RBA and for the overall strategies, including hiring or dismissing the Director General. This is also the case in RBA. The Board of Directors of the RBA is defined to have the following responsibilities:

1. *to uphold the independence of RBA;*
2. *to establish the strategic vision and action plan of RBA;*
3. *to ensure that RBA operates in the general interest of the population;*
4. *to promote the editorial line of RBA, the code of professional ethics and press laws;*

³⁸ Law on Rwanda Broadcasting Agency (RBA) (Law N° 42/2013 of 16/06/2013)Article 14

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5. *to approve RBA annual activity plan;*
6. *to approve RBA activity and financial reports for the preceding financial year;*
7. *to approve RBA annual budget;*
8. *to approve the internal rules and regulations of RBA;*
9. *to monitor the management of RBA property;*
10. *to approve the statutes governing RBA staff, their salaries and the organization and functioning of RBA departments;*
11. *to review the performance of RBA to ensure conformity with the action plan and the budget;*
12. *to monitor the performance of the Directorate General of RBA.*

International observers with limited personal access to radio in Kinyarwanda have expressed their disappointment with the degree of independence of RBA, which they judge by its television programmes and the reports on Rwandan media.

Indicator 3.6

Public service broadcasters (PSBs) engage with the public and CSOs

In Kigali, the CSOs seem to collaborate more with the many new private commercial and community media than with the RBA.

The increased media freedom, which started with the Media Reform Process is much appreciated. At this point the public service broadcaster seems to fall behind other media when it comes to being trusted and as a collaboration partner at national level. This does not mean that the CSO's news stories are not covered by the RBA, but rather that the CSOs typically partner with private broadcasters which then also are paid to air programmes produced by the CSOs themselves.

As described in 3.1 the situation seems to be different outside Kigali, and the management of RBA seems eager to change the current state of affairs.

C. Media self-regulation

Indicator 3.7

Print and broadcast media have effective mechanisms of self-regulation

A cornerstone in the media reforms implemented by the Government of Rwanda is the self-regulation of journalistic content. This regulation has been transferred from the public institution the MHC to the RMC which is elected by journalists, but has representatives from civil society, legal profession, and academia, in Rwanda.

Self-regulation is praised by all interviewees. In the survey carried out among 116 journalists, 82 % of them generally agreed with the decisions of the RMC, while less than 7 % disagreed. As a positive indicator of its political independence, 53 % found it closer to the media than to the Government. Only 7 % found it too close to the Government.

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The basis for the work of RMC is the Code of Ethics developed by the journalists and media themselves which defines the obligations and rights of journalists in Rwanda. Article 5 in the Rwanda Journalists and Media Practitioners' Code of Ethics on Rectification, right of reply and right to retort reads like this:

“Broadcasted or published false news and inaccurate information shall spontaneously be rectified. Individuals and organizations are entitled to the right of reply and the right to retort in the conditions provided for by the law.

Publications or broadcasts should make amends for publishing information or comment that is found to be inaccurate by printing or broadcasting, promptly and with appropriate prominence, a retraction, correction or explanation.”

In its Article 20 on Peer jurisdictions it stresses that:

“...journalists that have voluntarily accepted to confirm to this code shall also accept the jurisdiction of RMC as an independent organ comprising of their peers. If RMC finds that the media has infringed the code of conduct it has the power to oblige the media house to issue and publish an immediate correction and apology. Under extreme and deliberate breach of the code, RMC has the power to impose fines or even exclude the media house from the media board.”

The RMC has occasionally admonished a journalist breaching the code of ethics which has resulted in more ethically correct journalism.

The Law Regulating Media stresses in its Article 3 that

“A Rwandan journalist, whether exercising the profession of journalism in a registered media company or a freelance, or a representative of a foreign media organ in Rwanda, shall be given accreditation by the Media Self-Regulatory Body.

At present, the RMC has 209 accredited journalists. This number is expected to increase significantly when the RBA's journalists will register.

The requirement that journalists are accredited or registered does not align with international standards. Nevertheless, the RMC defends this law, because this requirement makes it possible to ensure that the individual journalist complies with the Code of Ethics.

Neither the Law Regulating Media, the draft PMO on regulation of media or Article 5 of the Law regulating RURA mention the RMC, which is a fundamental weakness. Even though the Media Self-Regulatory Body is implied this omission could theoretically allow actors with vested interests to establish a rival institution. This omission, however, is easy to correct, through a proper legal status that recognizes RMC as the Media Self-Regulatory Body envisaged in the Media Law.

Most people interviewed agree that the RMC struggles to prove its independence and does very well given the current situation in the country. Since the RMC was established, very

few journalists have been brought to court and the complaints have been brought to a satisfying solution.

The self-regulatory body has been a priority for the media and journalists and for the media reform process as a whole. It is also crucial for the international development partners who support the development of the media sector in Rwanda. The establishment of the self-regulatory body is certainly a great accomplishment by the Government of Rwanda and the media sector itself.

Indicator 3.8

The media displays culture of self-regulation

The Code of Ethics was adapted by journalists themselves, and most media houses do not have their own codes. Only Radio Sarus, and KFM according to RMC appear to have codes of their own.

The RBA has its Editorial and Production Guidelines, published in 2014. These guidelines define the institutional values of the RBA and describe the institution's core editorial principles. In addition, the document contains specific guidelines on specific subject areas. These guidelines are intended as a document to be revised regularly to incorporate new experience and developments. The culture of self-regulation is spreading across the media, but as indicated in the interviews with private media it is still a learning process.

TV no 1:

"Things are going well. Self-regulation is becoming one of the values of media, but some find it difficult. The sensitization of media law and the code of ethics should continue."

TV 2:

"The RMC has to continue training journalists in ethics."

Radio 2:

"We have a culture of self-regulation. Whatever you say or publish, you are aware of it. Journalists have to be also accountable."

D. Requirements for fairness and impartiality

Indicator 3.9

Effective broadcasting code setting out requirements for fairness and impartiality

Before the media reform process a Broadcasting Code had in fact been drafted. The implementation of self-regulation, however, made this code unnecessary so it was not finalized. More so, self-regulation is seen as a satisfactory alternative to such a code.

Indicator 3.10

Effective enforcement of broadcasting code

There is no broadcasting code to enforce.

E. Levels of trust and confidence in the media

Indicator 3.11

The public displays high levels of trust and confidence in the media

Rwanda Civil Society Platform, whose membership includes practically all 750 national and local CSOs, praise the improved freedom of the media during the last three years, and particularly the many new private and community media.

As discussed above the CSOs trust most media as partners for collaboration. Yet the organisations tend to consider private media as more trustworthy because their programming is perceived to be more independent of the government. This is deviating from the Rwanda Media Barometer's measure of trust relationship between media programs and their customers, which in 2012 found that 3 out of 4 were satisfied with the media reports they received, and slightly more with those from the public media³⁹.

RCSP Focus Group Interview:

“Radio 1 tends to deal with local community issues. I wonder how they can always cover such horrible cases, but it is the community using them to bring attention to bad services, failures and other things that can be improved. Shows that people have trust to media in this way. People still mistrust media being as in the genocide, but the media are now being used to educate and advocate people.”

Print media appear not to be perceived as trustworthy by the general public. Some tend to serve as the mouthpieces of government whereas others have too few resources to allow for solid research of their articles.

The few media, which carried out investigative and independent journalism like Chronicle have been closed allegedly due to economic reasons.

In a focus group in the Huye province practically all expressed their trust and confidence in a private community radio, national private media, as well as in RBA community radio and the RBA nationally. Nevertheless, the participants did mention that people criticizing the policy of the government did not appear on public media. Almost all participants also listened to BBC and other international media. Individual participants later discretely remarked that only in individual and anonymous interview rather than a group interview would have yielded more candid answers.

Indicator 3.12

Media organisations are responsive to public perceptions of their work

³⁹ RWANDA GOVERNANCE BOARD *Rwanda Media Barometer*, 2012

Neither private nor public media seem to have set up formal mechanisms for taking into account the public perceptions of their work. No listener groups or programme advisory boards with CSOs and other public representatives have been established.

However, most media claim through phone-in programmes, social media and other ways to have given ample space to public criticism and ideas for the programmes.

Particularly at local level this seems to have worked well and have been taken into consideration in the programming.

F. Safety of journalists

Indicator 3.13

Journalists, associated media personnel and media organisations can practice their profession in safety

This specific indicator is indeed difficult to gauge precisely.

The salaries for journalists are generally low, and there is no solid system established to secure social security for journalist losing their jobs. Both factors make journalists very vulnerable to bend in for economic and political pressure.

There are, however, examples where active journalists are offered funding and possibilities to go abroad or to start in another sector in a way that should not be refused. These offers are not presented to the journalist by government or public authorities, but through other people in the sector and are perceived as payment to be quiet.

But in our survey of journalists an editor commented that some of her journalists had been arrested because of errors on air in a story that opposed the government position. Others surveyed referred to colleagues that have been harassed and punished for stories they published. One journalist was jailed because his stories criticised the work of the police in his district. One respondent mentioned that one of her colleagues had been threatened with being kidnapped when he had published a report.

One interviewee mentioned that:

“A senior officer in a well-known organisation raped a child and I cannot go deep into this case because I fear. Also those people knowing details in this story are afraid. Even with sources we can’t go with such stories. They can kill you and do something bad to you. I know, it can happen.”

Indicator 3.14

Media practice is not harmed by a climate of insecurity

Throughout the research there has been many indications that journalists feel insecure. Many interviewees have stressed the need for anonymity, and a significant number have said that the largest problem for media was self-censorship. The possibility to carry out

free and critical reporting today obviously did not remove the insecurity that has characterised the trade for so long. This is confirmed through our survey of journalist.

Table 12: Do some journalists censor themselves out of fear of punishment and harassment or loss of economic privileges?

Criteria	Number	Percentage
Yes	77	66.4
No	12	10.3
Not answered	27	23.3
Total	116	100

Commenting on self-censorship, 66.4% respondents agreed that some journalists censor themselves out of fear of punishment and harassment or loss of economic privileges. 10.3% disagreed while 23.3 did not give their point of view.

Table 13: Most important reason for self-censorship

Criteria	Number	Percentage
Risk of punishment or harassment	51	44
Risk of losing economic privileges	30	25.8
Not answered	35	30.2
Total	116	100

44 % of the respondents consider the risk of punishment or harassment to be the most important reason for self-censorship is. 25.8 % think that the main reason is the risk of losing economic privileges. 30.2 % did not answer the question.

Such a high degree of self-censorship and climate of insecurity obviously harms the media practice and it will definitely take long to change this situation. Building mutual trust and confidence requires the collaboration of journalists and media as well as government, national and local authorities, and other stakeholders. This task demands special efforts in Rwanda.

The private media interviewed all state that there is no physical insecurity. However, one of them emphasises economic insecurity:

“We do not experience any physical insecurity, but economic insecurity. Our market is not shared. The State is the richest institution and as

private media, we don't have access to the Government's adverts. They are given to the RBA mostly without being tendered."

To make it absolutely clear that there are no other hidden methods of punishment and to fully benefit from the media reforms there is a need for the government to strongly and publicly support and stress that all cases in which it finds media breaching the code of ethics, the self-regulatory body RMC will be responsible for all complaints. There is also a need to make all other stakeholders across the country aware that this body is established to handle complaints about journalists and their work. The government is in a good position to do this.

Recommendations Category 3

Media reflects diversity of society

- Media should further develop organizational structures, ensuring that voices are heard and information from the provinces reach the national audience and that national news and other broadcasting reaches the provinces
- Diversity in content should be pursued, based on verified knowledge about the interests and demands of the audience and subsequently based on viable business plans.

Public service broadcasting media

- The Regulations following the Law establishing Rwanda Broadcasting Agency and determining its mission, organization and functioning should be revised to ensure that the Board of Directors is elected in a transparent manner and independently of the President and Government.
- The Director Generals and the Directors of RBA should be appointed through a transparent, merit based process and independently of the President and Government.
- An audience advisory panel should be established for RBA which should provide public feedback on RBA's programming and serve as inspiration to the management.
- It is suggested that RBA establishes additional district radios where no other community radios exist. These district radios performing a core public service activity would have a funding model independent of local authorities.

Media self-regulation

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- The PMO describing the activities of RURA should be revised to explicitly mention RMC and confirm the division of work between the two entities in accordance with the MOU and the recommendations of category 1.
- It is recommended to continue and expand the capacity building within the media sector on the code of ethics and on the role of RMC.

Requirements for fairness and impartiality

- There are no recommendations for a broadcasting code since this does not exist. The code of ethics developed by RMC functions well.

Levels of trust and confidence in the media

- It is suggested that private and public media alike consider establishing audience advisory bodies, providing feedback and advice on the programming of the media
- It is recommended that balanced and professional reporting and the hearing of both sides is generally used to ensure optimal levels of trust and confidence.

Safety of journalists

- A comprehensive communication strategy, which involves also the President and the Minister of Local Government, should make it clear to local political and security authorities that all complaints on media and journalists are regulated through the RMC only.

CATEGORY 4

Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

KEY INDICATORS

A. Availability of professional media training

- 4.1 Media professionals can access training appropriate to their needs
- 4.2 Media managers, including business managers, can access training appropriate to their needs
- 4.3 Training equips media professionals to understand democracy and development

B. Availability of academic courses in media practice

- 4.4 Academic courses accessible to wide range of students
- 4.5 Academic courses equip students with skills and knowledge related to democratic development

C. Presence of trade unions and professional organisations

- 4.6 Media workers have the right to join independent trade unions and exercise this right
- 4.7 Trade unions and professional associations provide advocacy on behalf of the profession

D. Presence of civil society organisations

- 4.8 CSOs monitor the media systematically
- 4.9 CSOs provide direct advocacy on issues of freedom of expression
- 4.10 CSOs help communities access information and get their voices heard

Category 4 Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

A. Availability of professional media training

Indicator 4.1

Media professionals can access training appropriate to their needs

The challenges for a professional media sector are significant in Rwanda. In a needs analysis conducted for the Media High Council in 2013⁴⁰ the gaps in the media sector in Rwanda, as identified the year before in a Feasibility Study for a Basket Fund for Media Support⁴¹ were confirmed:

- Limited readership/viewership/audience
- Low level of professionalism and skills/competencies
- Limitations to sustainability and Viability of Media organisations/businesses
- Limited knowledge of media reach and its potential
- Underdeveloped professional / trade network infrastructure

Following a change in the mandate for MHC⁴² by the new Media Law from 2013, MHC is now a public, semi-independent institution responsible for media capacity building

Despite the training programmes conducted for a large number of media professionals through international NGOs, donors, educational institutions and the MHC, the needs analysis pointed to the need for structured provision of training and certification of different topics of training that could lead to diplomas and provide improved career progression opportunities.⁴³ The report mentions that it will be necessary to create a central databases of information to establish an accreditation system for courses obtained.⁴⁴

The Secretary Executive of Media High Council is certain that the institution's new role contributes to improving the situation:

"So far, we advocated for media capacity building in partnership with stakeholders to mobilise resources for this activity and have implemented parts of our training. We participate in the forums and meetings to contribute to their implementation of policies, and we collaborate with national, regional, international institutions"⁴⁵.

Interview Communication, media, journalism university educations and training institutions:

⁴⁰ [Media High Council Strategic Plan 2014-2018, 2013](#)

⁴¹ Rwanda Media High Council *Feasibility Study – Basket Fund for Media support*, October 2012.

⁴² Law on Media High Council (Law N° 03/2013 of 8/2/2013)

⁴³ [Media High Council Strategic Plan 2014-2018, 2013, p. 10.](#)

⁴⁴ Ibid, p. 20

⁴⁵ Peacemaker Mbungiramihiho, Executive Secretary of MHC, Kigali, 24/3/2015



The issue of appropriate training must be worked on and looked at carefully. The only way to identify the needs, is through surveys and research. We definitely still need those surveys to document the needs for appropriate training for our professionals. Furthermore, trainings must be coordinated to avoid duplication. The organisers don't take into consideration the needs of professionals. Trainings are organised according to the funders' perception of the needs and the trainees are invited to participate without being asked what their needs are. Some of journalists can do the same training more than twice.

Indicator 4.2

Media managers, including business managers, can access training appropriate to their needs

The Media High Council Strategic Plan 2014-2018, 2013 notes:

"... a significant lack of Media Business Management capacity and sustainability that is holding back the growth of this sector and rendering it less attractive to the best professional media practitioners and others who would like to diversify into this area.⁴⁶ There is a need to build capacity with regards to sales/marketing, finance, general management, procurement and human resources functions..⁴⁷

RBA Directors

"We try to train people but there is still a need for this. Training is often done through partnerships and we prefer in-house training and are partnering with Swedish radio. RBA's staff is trained more than in than other institutions. Our salaries are higher and are more selective in-house training, international trainings and also MHC or ministries can offer training. We always send people when they are trained."

A staff from one of the university and training institutions confirms:

"There is a pressing need for media managers training. Many of them have started their media without any business plan, others do not know how to make their media economically sustainable. There has to be a framework for training of media managers."

This opinion is shared by several print, audiovisual and online media.

Indicator 4.3.

Training equips media professionals to understand democracy and development

The Media High Council Strategic Plan 2014-2018, 2013 emphasises in the conclusion that not only capacity building is needed in Rwanda:

"In the final analysis, it is the freedom of the press and the creation of an effective media self regulation system to foster its viability and sustenance that will matter most."⁴⁸

⁴⁶ Media High Council Strategic Plan 2014-2018, 2013 p. 57

⁴⁷ Ibid, p.24

⁴⁸ Media High Council Strategic Plan 2014-2018, 2013 p.55



Listed in the plan are the following measures to consolidate media freedom and media self-regulation:

- Enhance skills development in communication for Development Journalism, Investigative Journalism, Business/Economics and Financial Journalism.
- Empower media practitioners/journalists to promote universal human values of peace, tolerance, democracy, human rights, social progress and national cohesion of each citizen.
- Facilitate the creation of Cooperatives for small and growing media organisations.
- Support small and young consolidated media organisations with subsidies to sustain their growth and enhance responsible journalism.
- Establish a grant making mechanism through which journalists and media institutions are funded to conduct Public/Social Interest Journalism.

Embassy 2:

We have seen that the MHC does very good training –

MHC:

We have the national dialogue for media development on annual basis. Last year we talked about the impact of the media reforms. All were brought together to discuss how media can be professional and responsible.

We have signed MOUs with key stakeholders – like One UN – concerning a five year program with 200.000 USD annually and with UNESCO, and UNICEF as international partners. The MOUs focus on building capacity and specialised training. We have also built partnership with regional partners like PANOS.

We have planned to harmonize education and trainings. We have asked development partners to consult MHC before they implement trainings. These trainings will be integrated in our action plan for next year.

The MHC has no training targeting democracy and human rights specifically. We have had forums on elections and media reforms.

Interview Communication, media, journalism university educations and training institutions:

“An environment of political debate is a precondition for democracy. Media professionals and politicians have not yet paved the way for democratic debate. Development cannot be boiled down to a well-functioning infrastructure and GDP growth. Democracy is the backbone of development as well. I look forward to seeing our media and our politicians start debating”

B. Availability of academic courses in media practice

Indicator 4.4

Academic courses accessible to wide range of students

Academic courses are accessible, but they are generally perceived as being theoretical rather than practical. This is because some journalism training institutions do not have enough equipment and enough lecturers to complement theoretical courses with practical ones. For example, the School of journalism and Communication and the Great Lakes Media Center

(GLMC) of University of Rwanda both have nine lecturers, three of whom have PhDs, one has a Masters and five a PG Diploma. These staff teach more than 250 students. The Acting Dean of SJC, agrees that *“Courses should address the practical needs of the industry”*.⁴⁹

Tuition fees also constitute a handicap for students. Since the academic year 2014-2015, the University of Rwanda has harmonised the fees for all faculties. Each student now has to pay RWF 600,000 per year. GLMC students (working journalists) previously paid 300,000 RWF of which 180,000 RWF was reimbursed by the Government. After the implementation of the fees' harmonisation student enrolment at GLMC has dropped to zero.

Journalism university educations and training institutions

In addition to ad hoc initiatives by government and private institutions (NGOs), 4 universities offer academic courses in journalism and communication: the University of Rwanda, the Catholic Institute of Kabgayi, Mount Kenya University and Jomo Kenyatta University. This latter has offered masters programme since last year.

The University of Rwanda houses the School of Journalism and Communication (SJC) and the Great Lakes Media Centre (GLMC). The SJC established in 1996 trains journalists and communicators for a period of 4 years (bachelor degree). A hundred new students are registered each year and 500 have graduated. The Great Lakes Media Centre shares premises, lecturers and equipment with the School of Journalism and Communication. The GLMC trains professional journalists recommended by their respective institutions for a two-year program (Diploma level). Courses are scheduled evenings from Monday to Friday and Saturdays. Besides academic training based on the needs in the media sector (covering leisure activities, sports, media rights and ethics, etc.). The GLMC has trained 115 journalists for Diploma level. More than 300 journalists have participated in various training courses.

Both the SJC and the GLMC have modern equipment and studios for practical courses in radio and TV production. They also have a computer lab equipped with editing software for print, audiovisual, video cameras, cameras, recorders etc. When the School of Journalism and Communication moved from Huye to Kigali in 2011-2012, students could no longer regularly practice their production skills at the educational Radio Salus, which stayed in Huye. This will change as of the academic year 2015-2016, when Radio Salus also moves to Kigali. Radio Salus is after this move foreseen to focus entirely on the training of journalist students and have less importance for the local community with the many radios already existing in Kigali.

The Catholic Institute of Kabgayi (Institut Catholique de Kabgayi) is a private institution belonging to the Catholic Church established in 2002 and has several faculties including the Faculty of Journalism and Communication, which has two branches: journalism and public relations. Here the classes are both day and night. Faculty receives each year hundreds of

⁴⁹ Joseph Njuguna, Acting Dean SJC, Kigali, 22/4/2015

new candidates. The programme is bachelor degree level and more than 200 students have graduated in journalism. Training costs amount to RWF 370,000 per student per year for the first two years of the day and section 400.000 RWF for the evening section. For the third and fourth years, these expenses increased to 400,000 RWF for students of day and RWF 430,000 for those in the evening. As for the students who attend classes on weekends only, the amount of 450,000 RWF per student per year.

The Faculty has modest equipment allowing students to do their practical courses. The students have the opportunity to be trained as volunteers at Radio Maria Rwanda, their neighbour.

Mount Kenya University branch (a Kenyan university based in Nairobi) is installed in Kigali since about 3 years. It has a variety of programs including journalism and communication. In this area, the University offers a diploma program in journalism and mass media (Diploma in Journalism and Mass Media Communications) and a bachelor degree in Media and Communication (Bachelor of Arts in Media and Communication 'Media Studies'). The first class from Mount Kenya University, Campus Kigali has recently graduated.

Among the institutions responsible for the training of journalists, figure the Media High Council whose mission has been reduced to just the capacity building of journalists. With no training infrastructure, HCM is in partnership with the institutions responsible for training as GLMC that highlight implementation of programs funded by the MHC according to the set of specifications developed for this purpose. In other words, this is done on the basis of one-off contracts.

Training institutions in journalism and related fields have the strength to have animated teachers of goodwill and certain institutions have basic modern facilities for teaching. They have also many candidates (trainees) to train. The number of qualified teachers in journalism should be increased, because they are the same individuals who replace each other in the classrooms of all these universities.

Some other challenges: Financial resources; downstream education system, students are hardly equipped to a quality higher education; restricted market of qualified teachers; job market still tight laureates; financial resources to make available to students of equipment technologically up to date and quantity progressing at the rate of increase in staff, etc.

Seminars and other ad hoc training also belong to different initiatives (MHC, GLMC, IWPR, SFCG, etc.) without clear coordination.

Indicator 4.5

Academic courses equip students with skills and knowledge related to democratic development

The academic courses in most of the above institutions cover the media laws, the policies and the disciplinary knowledge but the students need to apply this in a practical

environment. The curriculum needs to be reviewed and include courses concerning democratic development. Normally in schools and universities, a curricula review is carried out every 5 years. This is an excellent opportunity to implement new courses that reflect the current situation.

The curricula of the short courses organised by MHC are dedicated to media techniques rather than democratic development.

"We don't have a curriculum about democracy, human rights etc. This curriculum should help us to conduct workshops to discuss the media laws and how it applies to the work".⁵⁰

C. Presence of trade unions and professional organisations

Indicator 4.6

Media workers have the right to join independent trade unions and exercise this right

The journalists have the right to join independent trade unions and exercise this right. However, the Association of Rwandan Journalists (ARJ) defends the publicity rights of the journalists, but does not have the possibility to offer social security during unemployment or health and other insurance.

This is all dependent on the individual work place.

Indicator 4.7

Trade unions and professional associations provide advocacy on behalf of the profession

The educational institutions and the civil society organisations all confirm that since the establishment of the RMC, advocacy for media freedom is growing day by day.

"This self-regulatory body has been put in place by journalists themselves and they feel comfortable with it. Before, the Government institutions, including the police used to minimise the work of journalists, and had no respect for them."

D. Presence of civil society organisations

Indicator 4.8

CSOs monitor the media systematically

Media monitoring is poorly done because there is no competent personnel and no equipment. Before the Law regulating the Media 2013 it used to be carried out by the state agency MHC, but this was not done systematically and only the main events like elections were systematically monitored. Now the RMC is in charge of this activity and needs equipment and staff resources to do it.

⁵⁰ Peacemaker Mbungiramihigo, idem.

Indicator 4.9

CSOs provide direct advocacy on issues of freedom of expression

Freedom of the press has been debated openly since the RMC started and broke any barriers of silence. Also Maison de la Presse, which is a member of Rwanda Civil society Platform does advocacy for freedom of the media.

Indicator 4.10

CSOs help communities access information and get their voices heard.

INTERVIEWS WITH COMMUNICATION, MEDIA, JOURNALISM UNIVERSITY EDUCATIONS AND TRAINING INSTITUTIONS :

“The RMC together with the Office of the Ombudsman are the custodians of the law on access to information. It is a sign of progress that some people have brought examples of violation of their access to information to the office of the ombudsman. At least people have understood that they can claim their rights.

Recently, a new organisation “Sobanukirwa” has published its website www.sobanukirwa.rw aiming to help people access any information. On this website you can submit your request for access to information.”

Recommendations Category 4

Availability of academic courses in media practice

- A joint accrediting mechanism for the trainings by various providers should be developed to allow journalists to document their knowledge. It is suggested that providers of training and capacity building collect and share information concerning training courses, on-the-job coaching, and other capacity building efforts for editors and journalists
- A thorough and detailed survey of training needs should be carried out to the benefit of all training providers.
- Capacity building in business and management skills should be carried out for all private and public media, and entrepreneurial models within the media sector be developed.
- Development and exchange of curricula should be encouraged.
- The proposal for an independent model of a Basket Fund for Media Support should be reviewed as a means to eliminate self-censorship, build professional capacity and develop a sustainable, responsible media sector.

Availability of professional media training

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- It is suggested to revise the current harmonization of student fees for academic courses in order to encourage professionalism among journalists already active in the media sector.
- It should be considered to develop curricula dealing with human rights, democracy and to add practical training at academic institutions.

Presence of trade unions and professional organisations

- The ARJ and the RMC should advocate for the establishment of a trade union for media workers in order to obtain social security and standardized salaries, which will encourage higher professional standards in the media.

Presence of civil society organisations

- Civil society should establish a human rights based freedom of expression-organization focusing on media freedom, access to information and freedom of expression.

CATEGORY 5

Infrastructural capacity is sufficient to support independent and pluralistic media

KEY INDICATORS

A. Availability and use of technical resources by the media

5.1 Media organisations have access to modern technical facilities for news gathering, production and distribution

B. Press, broadcasting and ICT penetration

5.2 Marginalised groups have access to forms of communication they can use

5.3 The country has a coherent ICT policy which aims to meet the information needs of marginalised communities

Category 5 Infrastructural capacity is sufficient to support independent and pluralistic media

A. Availability and use of technical resources by the media

Indicator 5.1

Media organisations have access to modern technical facilities for news gathering, production and distribution

Media equipment has been exempt from import duties and generally relatively modern equipment is available. The private community media seem to have less of this. Journalists are being trained to use it.

RBA was furnished with modern equipment and a new studio when ORINFOR was closed down and the RBA was established. However, the RBA district community radios seem to be modestly equipped in comparison with the national channels.

The programmes of the private commercial broadcasters, the RBA as well as some of the community radios are distributed on several platforms.

RBA television is distributed on digital terrestrial network which is also the case in a Star Times joint venture. In both cases the consumers pay neither subscription nor license fees, but those private TV-stations wanting to be distributed through these networks pay significant costs.

The alternative to digital terrestrial broadcasting of television is broadcasting by satellite as Free to Air or as pay and subscription TV. There might be a lack of clear provisions regulating the relationship between these different technological platforms, such as “must carry” channels for subscription TV or content restrictions for free to air channels if licensed out of Rwanda.

Radio is still broadcast on FM. In a country with 1000 hills or more the transmitters are easy to place, but the signal may not reach all valleys. Only medium wave is received practically everywhere.

Private broadcasters are obliged to place their antennas on RBA’s distribution towers and a fee is in principle set by RURA.

A fibre network is now accessible across most of the country so towns have access to a relatively good and fast internet connection. It is also a platform that quickly expands its users in Kigali. A recent survey of internet consumption in Kigali showed that 59 % had used Internet the last 7 days in the population group above 15 years old, while 89 % in the same

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age group had listened to radio, 74 % had watched TV and only 22 % had read a print publication or newspaper the last 7 days⁵¹.

This is well illustrated by this survey of people above 15 in Kigali who have used internet during the last 4 weeks and ask what they have used it for⁵²:

Chatting with friends / social networking	63%
Emails	57%
News/ current affairs	48%
Reading online newspapers	45%
Research	43%
Entertainment/games/music	27%
Video entertainment/Streaming	24%
General surfing	23%
Reading books	19%
Job search	15%
Hobbies	14%
For work/ business	9%
Academic purposes/school work	8%
Listening to the radio	4%
Shopping/product information	3%
Banking	3%
Tracking the stock market	2%
Blogging	2%

⁵¹ IPSOS MEDIATECT. Past 7 Days Activities: Total Survey Area. Snapshot Sample for Media Progress, 21 April 2015

⁵² Ibid

Watching TV	1%
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All significant public and private media besides radio and TV broadcasters use social media as Twitter and Facebook to reach and be reached by their audiences.

B. Press, broadcasting and ICT penetration

Indicator 5.2

Marginalised groups have access to forms of communication they can use

Article 19 of the Law Regulating Media 2013 reads:

“Every person has the right to receive, disseminate or send information through internet. He/she is entitled to the right of creating a website through which he/she disseminates the information to many people.

Social media like Twitter, Facebook and others are quickly gaining ground especially in major cities and towns, contributing to a diversity of information and making it possible for large new parts of the population to communicate. It should be taken into account that still only 65 % of women and 72% of men above 15 years are literate⁵³.

In rural communities and for the marginalised groups radio still remains the key access to express themselves as well as to receive necessary information. The RBA radio reaches almost everybody, and Radio 1 a very significant part. There is however not carried out research on this since the Rwanda Media Barometer in 2012.

Indicator 5.3

The country has a coherent ICT policy which aims to meet the information needs of marginalised communities

Rwanda has an ambitious ICT strategy, known as the National Information and Communication Infrastructure Plan (NICI)⁵⁴. The NICI plan, which started in 2001, aims at fast tracking Rwanda’s transformation to a knowledge-based society. Its objectives are to:

- Transform Rwanda into an IT-literate nation
- Promote and encourage the deployment and utilization of ICTs within the society
- Improve the civil and public service efficiency
- Develop the information and communications infrastructure of Rwanda
- Make Rwanda a regional ICT hub
- Transform the educational system using ICTs with the aim of improving accessibility, quality and relevance to the developmental needs of Rwanda

⁵³ National Institute of Statistics of Rwanda, 2012

⁵⁴ Since the first National ICT Strategy and Plan in 2001, the government of Rwanda has revised it at regular intervals. The NICI IV covers the period 2016-2020.

The State of Media Freedom in Rwanda

- Empower Rwandans by developing a human resource base that adapts to changing demands of the economy
- Develop the legal, institutional and regulatory framework and structures required to support the deployment and utilization of ICT

This strategy does not aim to reach the marginalized communities as such but rather to build Rwanda's business sector and economic strength.

A fibre cable network has been laid across the country. This makes it possible for companies and for networks of start-up companies to have access to fast speed facilities.

Pricing for mobile phones are relatively low, and data transmission is accessible via mobile telephone. Taking into account the purchase power, internet access still remains expensive in Rwanda compared with European countries. However, the online media are hastily growing and seem also to push the boundaries for media freedom.

Recommendations Category 5

Availability and use of technical resources by the media

- New business models should be developed to encourage the use of online media, stimulate mergers of print media, and establish joint correspondent structures on a national level to ensure media sustainability.

Press, broadcasting and ICT penetration

- The prioritizing of ICT strategy should continue. It is suggested that ICT access for marginalized population groups and the rural population should be prioritised

RWANDA MEDIA COMMISSION

TERMS OF REFERENCE

TO PRODUCE THE STATE OF MEDIA FREEDOM IN RWANDA REPORT

Introduction

The mandate of the Rwanda Media Commission stems from a series of media reforms intended to streamline the media sector with developments in the social, economic, and political sectors in Rwanda. The key reforms include the Law Regulating Media (No/ 02/2012), the Law determining the new responsibilities, organization, and functioning of the Media High Council (MHC), the Rwanda Broadcasting Agency Law that transforms the former state broadcaster into a public broadcaster, and the Law Relating to Access to Information (No/04/2013).

The key feature of these reforms is that the Government of Rwanda removed the responsibility of media regulation from the Media High Council, a statutory body and delegated them to the media practitioners themselves. Under the new law, media will self-regulate over content and interaction with the public. As such, RMC emerged as the institution mandated to institutionalize a self-regulatory mechanism as the key method of defining the relationship between media institutions, practitioners, government, and the broader representations of the public. In particular, RMC undertook a three-fold mandate to: nurture, promote and protect ethical journalistic practices; defend media freedom and media consumers; speak on behalf of the media community on matters related to ethical standards and media freedom. This mandate is clearly articulated in the blueprint for media self-regulation in Rwanda.

1. Justification for the State of Media in Rwanda Report

As part of its mandate to promote professional and ethical media practices as well as defending media freedom in Rwanda, RMC would like to hire the services of an international consulting firm/company to research, write and produce the “State of Media Freedom in Rwanda” report. The international consultant shall lead a team of at least one local consultant under mutual terms of reference for this purpose.

2. Objectives of the Consultancy

The overall objective of this consultancy is to provide an evidence-based assessment of media freedom in Rwanda, using appropriate methods of evidence gathering, in order to produce a report that will provide a standard reference on media freedom in Rwanda.

Specifically, the consultant will:

- Develop a methodology of research that will ensure credible data;
- Ensure wide consultations regarding the content of the report.

3. Scope of work

This report should adopt a broad understanding of media freedom that includes the individual, institutional, and legal/policy contexts that shape media freedom. As such, the scope of the report should include, but should not be limited to, the following key areas:

- a) A background chapter that covers the legal, policy and regulatory contexts that characterize the media landscape in Rwanda, and how these contexts have evolved over time (with special focus on the 2013 media reforms);
- b) A cross-sectional account of the media landscape in Rwanda, explaining the key features and trends of the print, broadcast, online, and (if any) alternative media such as news blogs, as well as media associations;
- c) Accounts of concerns over affronts on media freedoms in 2014, and the period close to the launching of the report in May 2015;
- d) An assessment of the level of professionalism and the current initiatives towards improving professionalism in the media (profile of both internal and external support to media development in Rwanda, and the key players);
- e) An assessment of how the increasing use of new technologies, such as the rapid expansion of mobile phone density and emerging online news media – are expanding or limiting media freedom in Rwanda;
- f) Any other aspect that the consultant deems relevant for this report.

5. Expected Deliverables

The consulting firm/company will be accountable for the following outputs:

- i. An inception report detailing an appropriate methodology and time frames;
- ii. A draft State of Media Freedom report subject to review;
- iii. A final State of Media Freedom Report with the appropriate modifications as defined through the review process.

6. Methodology

- a) The Service Provider must describe how the consulting firm/company will address/deliver the demands of the RFP; providing a detailed description of the essential performance characteristics, reporting conditions and quality assurance mechanisms that will be put in place, while demonstrating that the proposed methodology will be appropriate to the local conditions and context of the work;
- b) Facilitate the active engagement of all stakeholders' development process and especially the journalists;
- c) Include review of secondary information available;
- d) Adopt a combination of participatory tools and methodologies (e.g. desk research, self-assessment, SWOT, stakeholder analysis, interview with key stakeholders) and group facilitation techniques to promote participation and buy-in;
- e) Coordinate and work closely with the RMC and UNDP throughout the entire planning process and development stages of the report.

7. Duty station

The duty station of the work is in Kigali, Rwanda. However the consultancy firm may be required to travel outside of Kigali.

8. Time Frame

The assignment shall cover a period of 45 days working starting from the award of the contract, with the launch date fixed on 3rd May 2015.

Activity	Deliverable	Time allocated
Design, methodology and detailed work plan	Inception report/tools and methodology	5 days
Inception Meeting, Initial briefing		

Data collection, analysis and desk review	Draft report	25 days
One day workshop to validate the documents		
Finalization of report	Final report	15 days
Total number of working days		45 days

9. Management Arrangements

1. UNDP will contract the consulting firm after selection with Rwanda Media Commission. The consultant will be supervised by the Executive Secretary in close consultation with the Chair RMC. The RMC appointed focal person and the DDAG Programme Specialist will be the point of contact for the assignment.
2. The UNDP Media Advisor to RMC and the DDAG Programme Specialist will work jointly with the staff, Board and stakeholders of RMC to provide quality assurance, control and guidance to the assignment to ensure that it meets the UNDP criteria.

10. Payment of Services rendered

The firm shall be paid the consultancy fees upon the completion of the following milestones:

- I. 20% upon submission of detailed work plan/ inception report;
- II. 40% upon submission of the main draft report;
- III. 40% after approval and submission of the final state of the media report.

11. Qualification of the company/ firm

Qualified international consulting firm company is expected to:

- a) Be a reputable company/firm with a minimum of seven years of proven track record in winning consultancies in the media development sector, especially in authoring well researched reports on issues such as media freedom;
- b) Proven experience of working in the East African region, knowledge and a good understanding of the political, social and economic dynamics/complexities of the region;
- c) Be a company/firm comprising of a minimum of 3-5 members. At least one member must be a woman and another a national of Rwanda;
- d) Ability to deliver on time;
- e) The team shall be headed by a Team Leader. The Team leader of the consultancy is to possess the following qualifications:
 - A Masters Degrees in Journalism, Media and development, research, law, political science or other related fields;
 - The Team Leader should be an International Consultant with proven international experience in media development. He/she should be able to constitute a team with at least one local consultant. The Team Leader will be accountable to RMC through the Executive Secretary in close consultations with the RMC Chair for all processes and deliverables;
 - 7 years of experience in working on similar projects;

- Demonstrate knowledge of the dynamics and complexities of media self-regulation, media freedom or non-governmental organizations, or other international organizations with a focus on media;
- Advanced skills and experience in research, monitoring and evaluation and documentation of best practices and lessons learnt;
- At least one member who masters and understands the Rwandan media landscape;
- Fluency in English, knowledge of French shall be added advantage.

12. Requests for Proposals

UNDP on behalf of the One UN and RMC, the Implementing Partner, is inviting Proposals for implementation of all outputs and activities as specified in this Terms of Reference. The proposal must be submitted in two separate envelopes – one containing the technical proposal and the other containing the financial proposal that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs.

13. Selection Criteria

Submissions will be evaluated in consideration of the Evaluation Criteria as stated below:

The offer will be evaluated by **using the Best value for money approach** (combined scoring method). Technical proposal will be evaluated on 70%; whereas the financial one will be evaluated on 30%.

Below is the breakdown of technical proposal on 100% which will be brought to 70%:

Criteria	Weight	Max. Point
<i>Technical</i>		
Overall Methodology	60 %	60
Expertise of Organization and Staff (Competence / Reliability) <ul style="list-style-type: none"> • General organisational capability which is likely to affect implementation (size of the firm, strength of management and administrative support) • The company/firm may comprise a minimum of 3-5 members; • Be an company/firm in alignment with the gender standards of Rwanda and UNDP; • The Consultants’ team shall be headed by a Team Leader; • Be a reputable company/firm with seven years of proven track record in media development sector, especially in authoring well researched reports on issues such as media freedom ; • Prior experience with consulting with the UN 	20 %	20
Qualification of Key Personnel <ul style="list-style-type: none"> • At least one member with a Master’s Degree in Journalism, Media and development, research, law, political science or other related fields, 	20%	20

<ul style="list-style-type: none"> • At least one member with 7 years of experience in working in similar projects, • knowledge of the dynamics and complexities of media self-regulation, media freedom or non-governmental organizations, or other international organizations with a focus on media, • Advanced skills and experience in research monitoring and evaluation, documentation of best practices and lessons learnt, • At least one member must understand the Rwandan media landscape, • Fluency in English, knowledge of French shall be added advantage. 		
<i>TOTAL</i>	<i>100%</i>	<i>100</i>

Indicator 1.1. Freedom of expression guaranteed

CATEGORY 1: A SYSTEM OF REGULATION CONDUCTIVE TO FREEDOM OF EXPRESSION, PLURALISM AND DIVERSITY OF THE MEDIA

No.	Indicators	Means of verification
1.1.	Freedom of Expression Guaranteed	Constitution, laws, international reports on FoE, media, legal cases and systems

Verified data

Constitution of the Republic of Rwanda – (*Official Gazette n° Special of 4 June 2003*)

Reforms in the Media Law ARTICLE 19 considers that the Media Law fails to meet international freedom of expression standards. Examples given are a narrow definition of a journalist, defining those legal duties required of journalists only.¹

The Penal Code 2012 (N° 01/2012/OL of 02/05/2012) contains many vague, illegitimate and disproportionate provisions restricting freedom of expression. Article 289 threatens imprisonment of between two and six months and/or a fine of up to 3,000,000 RWF (approx. \$4,180USD) for insult of another person. In Article 539, insulting an official or the police “by words, gestures, threats, writings or drawings” could lead to imprisonment between one to two years and/or a fine of up to 500,000 RWF (approx. \$700USD).²

Law on the Crime of Genocide Ideology and Other Related Offences (Law N° 84/2013 OF 11/09/2013, *Official Gazette n°43bis of 28/10/2013*)

INTERVIEWS:

RMC:

One case of defamation, that against a journalist (MURAMIRA Regis Vs. BURASA J. Gualbert (RUSHYASHYA Newspaper)). The Court sentenced him to 6 months imprisonment suspended for one year and a fine of 1,000,000 RWF and 3.200.000 RWF of damages to be paid to the plaintiff. The defendant already lodged an appeal.

Rwandan journalists are not mature and professional enough

RBA Directors

RBA is a public broadcaster and as such we have to be the bridge between government and people and we have to report events from both sides to ensure government accountability. Normally we would report from government, from conferences and meetings. Now when we cover a conference on welfare we supplement this by also doing field coverage, to demonstrate the differences. Our main target is the welfare of the people. We do not receive calls from the government because we are under the Ministry for Local Government and not the Ministry of Information.

Maison de la Presse

The legislation has changed but not the practice. The media reforms were primarily a PR exercise. The media law transfers the regulation of the press to the RMC, but according to the law about the RURA the Prime Minister has the right to interfere in media. However, the legislation on the RURA law should not supersede the media law. Media development in Rwanda has been characterised by three phases:

- First phase: the media was regulated by government
- Second phase: government and media sector regulated media together
- Third phase is self-regulation.

¹ For details see, Article 19 19. Individual Submission to the UPR of Rwanda, 2015

² Ibid

Indicator 1.1. Freedom of expression guaranteed

Prime Minister interference would constitute a return to the second phase. Our government is not interested in journalism. It wants communication, not journalism. It creates its own narrative and if you do not follow it you are alone and in danger. Nobody would even try to go against this narrative. Two programmes, that did so, were closed – Good Morning Rwanda and Hunger for Power. A website was closed and the manager fled, but is now back in business after having made a deal with the government. Today people do not get prison sentences but economic sanctions. We should be able to criticise if such as the procedures in court cases related to genocide are not followed but we are not allowed to.

CSO focus group

We believe we are moving with high speed toward media freedom – particularly with regards to legislation. From a layman's perspective I have seen media growing. Before much of the news focused on the cities. Involvement of citizens is happening more. Especially on private radio we hear debates on controversial topics e.g. on third term. Most radios have introduced programs like Good Morning Rwanda with controversial discussions. Before the MHC could do the review of newspapers and radio, but now with internet and social media more people have access to media. Things are more open now and you cannot control all".

Senior editor-in-chief

It is very significant to see how the laws have been revised over the years. It is a very delicate domain. Neither the government, the parliament, the people, or the media know exactly how to react. All ask themselves – what shall be in the law and what will be the consequences. The requirements for establishing especially private media is an important issue. We have also debated the requirements to become an accredited journalist. The law demanding journalistic education is very critical. Every time a law is drafted the media will discuss it and criticise it because of political, journalistic and economic consequences.

Embassy 3

Media laws, regulations and the establishment of the RMC represent progress. Practice is the real problem. It is difficult to see if lack of professionalism, self-censorship, resources, or state control cause the weak and unprofessional reporting. For us the key is not to impose our standards of freedoms but to see that things improve in Rwanda. The BBC documentary makes it very difficult for us when promoting media freedom.

The benchmark for media freedom in Rwanda should be a proper content analysis.

All challenges of the design of the president's reconciliation strategy are impossible but criticism of its implementation may be possible.

Embassy 4

The entire discussion about the RMC and BBC seemed to restrict freedom. We said two years ago that we thought there was ambiguity about RURA and were calmed by government. The BBC case triggered discussion about RMC and this discussion seemed to restrict freedom. A ministry called the RMC-chair to ask him to block BBC in general, but did not allow the time for a proper processing of the case. Following this episode there was pressure to take regulation of content from RMC and to RURA through a Prime Minister's Order whose early draft has been heavily criticised by the embassies. If this measure is implemented it would be back to square one for the last three years media reform process.

The government seems in favour of accepting a self-regulatory body – read the RMC – if they get rid of the chair. If this measure is implemented it would be back to square one for the last three years media reform process.

Female journalist organisations

Now I can say we are happy with the media reform and media freedom. We can ask for an interview with the communication officer and they answer immediately.

Embassy 5

Some steps forward, some backwards since 3 years ago. The BBC documentary was a disaster and raised red flags with the government, which tried to take back control.

Very disappointed about the RGB, which seems to take over responsibility for the media from the minister and without having this as part of their mandate. The old minister has left and the RGB seems not to be in favour of freer

Indicator 1.1. Freedom of expression guaranteed

media. Donors are rumoured to have stopped using IWPR and consultants that have helped with media reforms since the beginning. UNDP funds the RG and has two TA consultants inside the RGB so it could exert influence through this.

We are losing momentum right now, but there are also positive things. We don't get full picture of content and diversity. Media are freer in local language than in English. The government wants to present a positive picture globally.

JOURNALIST SURVEY

Table 1: What are the challenges of the process of accreditation for journalists?

Criteria	Number	Percentage
It should not be necessary	7	6.1
The criteria are wrong	27	23.2
The process is too bureaucratic	35	30.1
Other	11	9.5
Not answered	36	31.1
Total	116	100

INTERVIEWS WITH PRIVATE MEDIA:

TV no 1:

Freedom of expression is guaranteed. Until now we have not felt any pressure, we perform self-regulation, we take care of it internally in our newsroom. We had one case of one of our journalists who took pictures in the Court without authorisation. He was retained for 2 hours before being released. It was a mistake of this journalist. That means we need to emphasize ethics more in our newsroom.

TV 2:

We have freedom of expression. Journalists have to collect and broadcast the news without any influence. Some journalists are afraid because of the history of the country. Some journalists were implicated in the genocide against Tutsis and the current journalists want to avoid being accused like their former colleagues. Another issue, most of our journalists are willing to publish or broadcast the sensational just to attract the public even if the information is wrong.

There is no harassment of journalists, but some authorities don't give information to the selected media. They are not accountable and fair when approached by media. Some who do not want to be held accountable do not like TV 1 which does more investigation: Some sports journalists may sometimes not be invited to press conferences and other sport meetings if their presentation was not appreciated.

Radio 1:

We have freedom of expression. We have never been harassed in the 11 years that we have operated. We always take care of our content. We discuss regularly all content in our newsroom before the broadcast.. Our journalists regularly study the code of ethics regulating the media.

Radio 2:

For me my freedom of expression is guaranteed. I organise my shows and other programmes without any harassment. I enjoy my freedom. But I realise that people in general are afraid of speaking and giving information. I don't know why. I know one recent episode of harassment of journalists. Last year, one of online media was hacked and the password changed. They put on line a strange article which the owner was not aware of. I have noticed also that some Managing Directors harass their presenters because of some interests. I know a case where an MD cut the signal while a presenter was on air.

Radio 3:

Indicator 1.1. Freedom of expression guaranteed

Freedom of expression is guaranteed. The RMC in charge of self-regulation and journalists are allowed to give their ideas. All editorial profiles are acceptable when you establish a new media. The media law is clear on this. Somehow, journalists fear publishing information about authorities and institutions who or which don't understand the law related to access to information or who are not cooperative. I can say also that some journalists don't know their rights of freedom of expression. It is important to emphasize that the President of the Republic has requested several times in his meetings to journalists to report not only good news, but also bad news.

It is also important to confirm that some journalists don't master the code of ethics or they are faced with poverty. They publish unprofessional articles to gain their bread. Sometimes the title doesn't reflect the content of the article. Others are somehow manipulated.

Print media 1:

I realised that media freedom in Rwanda is guaranteed. The main problem is that Rwandan journalists are not able to investigate. Their capacity in this area is too low. The holders of information don't easily give it. So sometimes investigative journalism of investigation is necessary. I did myself investigate many cases and published my papers without any negative consequences.

Online 1:

The last 5 years, the situation has changed a lot and we have freedom of expression. There is an important improvement. You can publish what you want and the RMC helps us to regulate our contents.

No.	Indicators	Means of verification
1.2.	Right to Information guaranteed	Law on rights to info – int. stand. International reports Public policies Evidence Statistics for requests and fulfilment Statistics for appeal cases

Verified data

Article 34 of the Constitution of Rwanda provides for freedom of information.

KEY PROVISIONS IN THE LAW REGULATING MEDIA 2013

Article 12 provides for 'Right to collect information'

"Notwithstanding the provisions of Article 6 of this Law, a journalist shall have free access to all sources of information and the right to freely inquire on all events of public life, and to publish them in respect of the provisions of this Law and other Laws."

Another article of the same access to information law 2013, however, limits the freedom of information or publishing of documents from Legislative, Executive or Judicial Powers where necessary in respect of: confidentiality in the national security and national integrity; and confidentiality of judicial proceedings, parliamentary sessions and Cabinet deliberations in camera.

Article 14 provides further guarantees for journalists' right of access to sources.

KEY PROVISIONS IN THE LAW RELATING TO ACCESS TO INFORMATION 2013

LAW N° 04/2013 OF 08/02/2013 Relating to Access to Information- *Official Gazette n° 10 of 11 March 2013* makes the following provisions:

Article 3: Access to information

"Every person has the right of access to information in possession of a public organ and some private bodies."

Indicator 1.2. Right to Information guaranteed

Article 4: Confidential information

“Information should not be published when it may:

- Destabilize national security
- Impede the enforcement of law or justice
- Involve interference in the privacy of an individual when it is not of public interest
- Violate the legitimate protection of trade secrets or other intellectual property rights
- Obstruct actual or contemplated legal proceedings against the management of a public organ”

Article 7: Disclosure of vital information to the public

“Every public and private organ to which this Law applies shall proactively disclose the vital information to the public. A Ministerial Order shall determine in details the information to be disclosed.”

Article 9: Request for Information:

“Information shall be requested for in any of the official languages – verbally, in writing, by telephone, internet or any other means of communication.”

Article 11: Examining an application for information

“The information officer, to whom the information is requested, shall take decision according to priorities. When the request of information is not accepted, explanations based on the Law shall be provided.

A Ministerial Order shall determine the time limit for the provision of information or explanations of not providing it. The ministerial order provides a deadline for disclosure of requests. It states that an information officer shall make a decision on an application as soon as possible, but in any event, within three working days of the receipt of the application. The information officer is allowed to request the extension of this period if the request is complex or relates to a large volume of information. However, if the information sought concerns the liberty of the person the information shall be provided within 24 hours of the receipt of the request, and where information is sought by a journalist for the purposes of news gathering, the information shall be provided within two days of receipt of the request. In case of rejection, the public information officer is mandated to send the applicant a written order detailing the reasons for the rejection of the request, including the relevant provisions for which the rejection is based.”

ARTICLE 19 welcomed a comprehensive new access to information law, which came into effect in Rwanda on 11 March 2013 which it found largely complied with international best practice in the scope of its application to the public and private sector, the establishment of principle of proactive disclosure, the strong emphasis it places on the public interest, and the limited grounds it requires for exemptions.

However, it voiced concern with regards to the numerous barriers to the effective implementation of the Access to Information Law in practice given the public’s unawareness of the legislation coupled with a traditional culture of secrecy in government and the fear of punishment for disclosure³.

Despite these concerns issues, the restriction of access to material "of public interest" and the fact that the legislation falls short of the standards laid down in the African Commission on Human and Peoples' Rights Model FOI Law, ARTICLE 19 considers it to contain clear provisions for proactive disclosure and should be seen as a signal of the government's intention to entrench transparency and enhance public participation in governance. (COMMONWEALTH HUMAN RIGHTS INITIATIVE. Comments on Rwanda's Access to Information Law. Accessed 21 April, 2015)

FREEDOM HOUSE notes in its publication Freedom of the Press, 2014 that Rwanda’s access to information were applauded for expanding journalists’ rights and freedom of the press.⁴

OTHER INFORMATION

³ For details see, ARTICLE 19. Individual Submission to the UPR of Rwanda, 2015
FREEDOM HOUSE. Freedom of the Press Report 2014

Indicator 1.2. Right to Information guaranteed

From: bnb@media-progress.net [mailto:bnb@media-progress.net]
Sent: 16 April 2015 09:11
To: 'omb1@ombudsman.gov.rw'
Cc: 'nnadege@ombudsman.gov.rw'
Subject: LAW N° 04/2013 OF 08/02/2013 Relating to Access to Information - Request for statistics

To **CHIEF OMBUDSMAN: CYANZAYIRE Aloysie**

Dear Ms. Cyanzayire,

I am currently leading a team assessing the state of the media in Rwanda for Rwanda Media Commission, funded by UNDP and carried out following the methodology of UNESCO's Media Development Indicators.

In the monitoring of the enforcement of the law Relating to Access to Information, carried out by the Office of the Ombudsman I have understood that you receive the complaints from users of the ATI Law who have not received the information they requested.

1. I would very much like to know the following:
2. Does your office have any overview of how many requests for information public authorities (at president, government, state, provincial and local levels) have received after this law was implemented?
3. How many complaints have your office received – from media and journalists, and from the general public, or from others?
4. How many complaints found your office justified from media and journalists, and from the general public, or from others?
 - a. How many of the complaints that you found justified resulted in the delivery of the desired information from the relevant public authority?
5. In cases where you found the request for the information justified but where it was not provided, what were your measures to ensure that the information was provided?
6. Do you have any measures to use against public officers who do not live up the law and to your assessment of the case?

I thank you very much for your assistance and look forward to your reply.

Best regards

Bent Nørby Bonde



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Communicating for a Better World

INTERVIEWS:

RMC:

I did a survey on this and many journalists don't understand the access to information law. We are missing many stories by not using it.

IWPR:

The access to information law is so broad and can potentially apply to all private organisations and many, many institutions. It is very generous in setting a time limit for reply .. There are not millions using it and should this happen

Indicator 1.2. Right to Information guaranteed

it might be overwhelmed. No requirement to proactively publish before requested on websites etc. Technically it is not always easy. The systems in ministries are not always in place to do it in three days. You can also make your request in by phone, mail, etc. Most institutions have the will to follow the law, and have a press officer, while others refer to the director.

There is a political will to provide access to information, an institutional will also, but there will be logistical problems if it is used more. The challenge is to get the journalists to use it through preparation and research.

Transparency International

The law is there and sanctions for those who don't provide it. We assume but cannot be sure to get all information that is not confidential. What is classified is often the interesting thing for media.

Sobankirwa

Joined forces in November and developed a website used earlier in 30-35 countries. No organisations obey the law mainly out of ignorance. There is no tradition for publishing things. They have met with media houses, the ombudsman, the RMC, ministries etc. and they were positive to it. IWPR does a regional campaign on access to information.

Plenty of reports not published because management disagrees with a few issues. Transparency could be considerably improved in practise but the law is good. The model access to information law for Africa was copied within very short time. A time limit for replies of 3 days is incredibly quick, and has same provisions on national security.

The ministry of health has drawn up a specific form for requests which can be made anonymously. The email is automatically generated. The law on access to information applies to all ministries and a variety of private companies. 540 information officers are now employed with public institutions.

Maison de la Presse

When talking about access to information it is in books. I have filed 5 requests but nothing came out of it. The Ombudsman cannot do much, and cannot sanction those that do not deliver information. Journalists still need to learn about access to information.

CSO Focus Group

The law on access to information is very good but it is not well enforced. We asked the youth and they did not know how and what information. There is of course information that is not accessible. My colleagues say that with this law they have very valid access to information.

One story I heard is that the local leaders are now threatened by this law because rejection can suddenly become a story. Leaders are also afraid that their employment contracts will be public. If they do not provide information then they violate the law. To me this ensures that information is given correctly and is a good sign of accountability.

One problem was that there was no access to translated information. Some special groups have not reached this level with information

The website has recently been launched and is not well-known yet, but you can also make your request on twitter and get feedback.

Embassy 3

Access to Information was discussed between the RGB and the RMC before the law was drafted.

Embassy 4

The Access To Information law is very good and maybe too ambitious. But very good.

JOURNALIST SURVEY

Table 2: Do you use the law on freedom to information to get information for journalistic research (more than once every 6 months)

Criteria	Number	Percentage
Yes	65	56

Annex II: Media Freedom Indicators – Table with Verified Data

Indicator 1.2. Right to Information guaranteed

No	49	42.3
Not answered	2	1.7
Total	116	100

56% of respondents use the law on freedom to information to get information for their journalistic research more than once every 6 months. 42.3 don't. 1.7% did not answer the question.

Table 3: Has your request for information sometimes been rejected

Criteria	Number	Percentage
Yes	50	43.1
No	25	21.6
Not answered	41	35.3
Total	116	100

43.1% confirmed to have had their request for information sometimes rejected, while 21.6% denied this. An important number of respondents (35.3%) did not give their point of view on this issue.

Table n° 20: Does the public media have more access to information from public authorities than private media

Criteria	Number	Percentage
Yes	77	66.3
No	32	27.7
Not answered	7	6
Total	116	100

Most of the respondents (66.3%) found that the public media have more access to information from public authorities than private media. 27.7% disagreed while 6% abstained.

Some other notes from respondents:

- in some cases, private media are denied the rights to cover major events, news stories, simply because they are private;
- there will always be conflicts of interest among public media and private ones when it comes to breaking news.

No.	Indicators	Means of verification
1.3.	Editorial Independence is guaranteed in law and respected in practice	Law on Broadcasting Policy on editorial independence Evidence of interference in editorial decision making by state or private actors Reports by credible agencies about editorial independence issues Evidence of internal editorial guidelines in media houses

Verified data

MINISTRY OF LOCAL GOVERNMENT. *Rwanda National Media Policy 2014-20*, Draft - Consolidating a free, self-regulating and responsible media in Rwanda, Kigali, October 2014

The draft Rwanda National Media Policy: 2014-2020 awaiting validation from Ministry of Local Governance was produced by external consultant. The draft guarantees editorial independence and notes as a policy position that “The government does not regulate journalistic content; this done by journalists themselves.”

Indicator 1.3. Editorial Independence is guaranteed

Law on Rwanda Broadcasting Agency (RBA) N° 42/2013 of 16/06/2013- Law establishing Rwanda Broadcasting Agency and determining its mission, organization and functioning which is to promote the editorial line of the RBA, the code of professional ethics, and the press laws.⁵

INTERVIEWS:

MHC:

From March 2013 we had a new mandate. We conducted a five year plan for media capacity building and from this document we have designed the action plan guiding us in implementing activities. We collaborate with national, regional, international institutions.

We participate in the forums and meetings to contribute to their implementation of policies as through the national dialogue for media development on annual basis. Last year we talked about the impact from media reforms. All were brought together to discuss how media can be professional and responsible. RMC is doing well as self-regulatory body and has reformed its structure. RMC is in the process of institution capacity building and is trusted by the media houses.

RMC:

Here in RMC we invite journalists and editors to speak about their story.

BBC-programme?

The RMC meeting mentioned that two private media had their own editorial guidelines and so has the RBA.

Embassy 1

The self-regulation does not regulate election reporting.

Embassy 2

The legislation has been a huge progress. Not perfect but on paper a significant step forward, without this legislation we could not go in with our support.

The question is implementation. Will it be implemented as the law? There is also the genocide law, and State security is not progressing much.

Within government and parliament there are people who want to have better media. There is also hesitation to letting the RMC carry out self-regulation as in the case with the BBC programme.

We do preach freedom of expression but we should also mention that we have our limits in Europe. Hate speech is not allowed. Rwanda is in the right to set certain limits on media freedom but it should be very clear and particularly regarding divisionism. Clear rules on freedom is important for journalists to have a chance to use their freedom.

Government should also be accountable after 20 years and they need to accept a difference between government and media.

In the end we also need strong professional journalists pushing the limits.

Elections are controversial and government wants to have a grip on this.

We had a UPR and the lady presenting it was approached but closed the door. It is going to be a tough climate now. Government wants more control now. Outspoken people want restrictions now and are bought in by the government.

Embassy 3

In general we are quite hopeful about the media reform. It should be kept in mind that 4 years ago a system of self-regulation was generally considered to be impossible to implement. Today it works well and the number of new private media has mushroomed as a result of the media reform process. The laws are a positive step, like also the opening of media space. We monitored the talk shows and felt that participants were able to speak out on delicate issues.

⁵ See Law on Rwanda Broadcasting Agency (RBA) (Law N° 42/2013 of 16/06/2013-Article 6 (5))

Indicator 1.3. Editorial Independence is guaranteed

Unfortunately since last year negative developments: Clear instructions were sent to the radio stations Flash and Isango star to close one of their shows or follow the line. One show was closed and the other could start on the condition that the host would intervene if people criticised the government line.

JOURNALIST SURVEY

Table 4: What can be the 3 main challenges to the editorial independence in your newsroom

Criteria	Number	Percentage
Pressure from politicians	68	24.5
Pressure from business people	68	24.5
Benefits from politicians	40	14.4
Benefits from business people	26	9.4
To your media	42	15.1
To the editors	21	7.5
To the journalists	10	3.6
Other	3	1
Total	278	100

Concerning challenges to editorial independence in newsrooms, 24.5% of received responses specify that the pressure from politicians and the pressure from business people constitute the main challenges. After these come the media (15.1%), the benefits from politicians (14.4%), etc. Some respondents mentioned that the editorial line of the media could be a challenge to editorial independence.

On editorial independence in journalistic practice, the respondents cite influence from the RMC (20%), the legislation (19.5), better education (17.5%), Court cases against journalists (16.6%), and the RURA (13.6%). Some respondents mentioned that this influence is due to individual failures.

Table 5: What can influence the editorial independence in the journalistic practice - mention two factors

Criteria	Number	Percentage
Legislation	40	19.5
Court cases against journalists	34	16.6
RMC	41	20
Association of Rwandan Journalists	19	9.3
RURA	28	13.6
Better education	36	17.5
Others	7	3.5
Total answers	205	100

No.	Indicators	Means of verification
1.4	Journalists 'Right To Protect Their Sources Is Guaranteed In Law And Respected In Practice	Documented cases of journalists being forced to disclose sources Law guaranteeing confidentiality of sources. Evidence of media organisations or professional associations actively defending right to protect sources

Verified data

Indicator 1.4. Journalists 'Right To Protect Their Sources Is Guaranteed

Indicator 1.5. The public and CSOs participate in shaping public policy towards the media

KEY PROVISIONS IN THE LAW REGULATING MEDIA 2013 (Law N°02/2013 OF 08/02/2013, Official Gazette n° 10 of 11 March 2013)

Article 13: Respect of a journalist confidentiality

Professional journalist confidentiality shall be guaranteed in respect of his/her sources of information, notes, audio or audio-visual recordings or film shooting as well as any information collected and stored electronically.

However, the court may order a journalist to reveal his/her sources of information whenever it is considered necessary for purposes of carrying out investigations or criminal proceedings.

Article 10: Modalities for seizure

The material of a journalist shall not be seized.

If there is an offence in media, seizure shall be exercised on documents and audio-visual recordings which are questionable. Seizure shall only be exercised on urgent court decision without prejudice to continuation of the proceedings.

In order to enforce the judicial decision against a media company, seizure shall be exercised in accordance with legal provisions governing seizure.

This law does not guarantee the journalist's right to protect their sources as such material may be seized.

JOURNALIST SURVEY

Table 6: Do you always protect your sources of information? Have you been pressured to disclose your sources?

Criteria	Number	Percentage
Sources of information always protected	85	73,2
Sources of information not always protected	25	21,6
Not answered	6	5,1
Total	116	100
Of those stating that sources are not always protected – external pressure was exercised	23	92
Of those pressured – by the editor	3	13
Of those pressured – by the owner	1	4,3
Of those pressured – by the Government bodies	9	39,1
Others	6	26
Not answered	4	17,4
Total answers	23	100

52.8% of received responses confirm that there is no pressure to disclose their sources of information. Another 21.6 % confirm also that their sources of information are not always protected. Somehow 1.9% confirm there are other criteria, but they didn't precise them.

One case of disclosing sources are noted. Both cases happened at two different communities. One happened during the 21st commemoration of genocide against Tutsi. An auditor called to the radio and said: "Mpuye n'umututsi sinamurebera izuba kuko nanjye banyiciye ababyeyi" (if I meet a Tutsi I will kill him because Tutsis killed also my parents). So, the journalist was obliged to give his phone number to the Police.

No.	Indicators	Means of verification
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Indicator 1.5. The public and Civil Society Organisations (CSOs) participate In shaping public policy towards the media

1.5	The public and Civil Society Organisations (CSOs) participate In shaping public policy towards the media	Evidence of government commitment to work with civil society to develop law and policy on the media(e.g. conferences, seminars, public fora, official engagement in debates on the airwaves or in print
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Verified data

The Annual National Dialogue on Media and public consultations on the media reforms. Public consultation on the draft media policy 2014.20 organised by the RGB.

Embassy 5

The problem with the draft PMO is that its objective is to regulate the work of the RURA and the RMC and does so without even mentioning RMC or self-regulation. The PMO leaves a lot of questions and answers without clarity. The donors do not have an agenda of undermining the government’s laws, but after the BBC case the RGB seems to want a hold on everything in the media sector.”

INTERVIEWS:

CSO focus group

Nobody present here is engaged in fight for media freedom, but the Maison de la Presse is pushing for media freedom rights.

Media are sometimes critical of NGOs. We cannot always hold hands but we tend to work closely with media. If we are separated it is not good.

No.	Indicators	Means of verification
1.6.	Independence of the Regulatory System is guaranteed by law and respected In practice	Members of the regulatory body chosen through a transparent and democratic process, adequate and consistent funding for the regulator guaranteed and safeguarded by law The regulatory framework is clear and unambiguous both in law and practice.

Verified data

KEY PROVISIONS IN THE LAW REGULATING MEDIA 2013 (Law N°02/2013 OF 08/02/2013, Official Gazette n° 10 of 11 March 2013)

Article 16: Requirements to launch a media organ

“Before setting up a new media organ, its owner or any other competent person shall apply in writing to the competent public organ.

If it is a public media organ, the Chairperson of the Board of Directors of the new media organ which needs to be set up shall file the written application with such an organ. The competent public organ shall put in place instructions to determine the requirements for setting up the media organ.”

The Rwanda Media Commission (RMC), which took office in September 2013, was created in response to the government’s desire at the time to end state regulation of the media. The 2013 media law authorized it to issue press accreditations and regulate media content on the basis of a code of ethics.

Article 2 Definitions:

20° Media Self Regulatory Body: an organ set up by journalists themselves whose responsibility is to ensure compliance with the principles governing media and to defend the general interest;

Indicator 1.6. Independence of the Regulatory System is guaranteed

Article 4: Regulation of media

“The daily functioning of media and the conduct of journalists shall be regulated by the Media Self-Regulatory Body. However, the national utilities statutory regulator shall also carry out the regulation of audio, audio-visual media and internet.

Organs referred to under Paragraphs One and 2 of this Article shall have a joint working agreement and shall determine their plan of action.”

The collaboration between the RMC and the RURA concerning the regulating of content is in principle based on a MOU, but this remains unclear. Article 5 of the RURA law provides for a Prime Ministers Order on the mission of the RURA regarding the media. A draft is currently being discussed by stakeholders.

KEY PROVISIONS IN THE LAW ESTABLISHING RWANDA UTILITIES REGULATORY AUTHORITY (RURA) (Law N°09/2013 of 01/03/2013)

Article 16: Terms of office of the Regulatory Board members

Members of the Regulatory Board shall be appointed by a Presidential Order for a term of four (4) years renewable only once, except for the Director General.

The same Order shall appoint the Chairperson of the Board.

The Regulatory Board members in their first meeting elect from amongst themselves a Vice-Chairperson.

Section 2: General Directorate and departments of RURA

Article 32: Appointment of the Director General

The Director General of RURA shall be appointed by a Presidential Order

The law on RURA does not distinguish between service providers whether they supply water or power or are media outlets. The RURA is not independent but appointed by presidential order.

The following articles are particularly relevant concerning media regulation

Article 5: Specific mission of RURA in regard to the media

Specific missions of RURA with regard to the media shall be governed by a Prime Minister’s Order.

This is the only paragraph specifically mentioning media.

The Media High Council (MHC) is a public and independent institution established by the constitution of the Republic of Rwanda of 2003 in its article no. 34, governed by the Law n° 03/2013 of 8/2/2013.

Article 4 makes reference to the ‘Supervising Authority of MHC’. It provides that “A Prime Minister’s Order shall determine the supervising authority of MHC.

Nevertheless, the RMC has faced a number of challenges. This includes a lack of public understanding of self-regulation and the lack of sufficient resources to effectively carry out its mandate.

There has been one instance where the government has overruled the RMC’s self-regulation. BBC Kinyarwanda radio was suspended after BBC TV aired the documentary “Rwanda, The Untold Story,” which claimed that the number of Hutus killed in the genocide was higher than generally recognised. The Rwandan government accused the BBC of genocide denial and the broadcast was suspended by Rwanda Utilities Regulatory Authority (RURA) The RURA did so

Indicator 1.6. Independence of the Regulatory System is guaranteed

without consulting the Rwanda Media Commission, the competent body for dealing with complaints regarding content⁶ and in violation of the MOU between RMC and RURA.

INTERVIEWS:

Embassy 2

The RMC has probably been more active than the government expected. The BBC was very unfortunate. My impression was that the members did not stand up for the RMC. Important that the media want to protect the RMC. I am not sure how it is like this. I think they have balanced very well

No.	Indicators	Means of verification
1.7.	Regulatory system ensures pluralism and freedom of expression and information	Any relevant law requiring regulator to promote media pluralism and freedom of expression and information Reports from credible agencies about the effectiveness of the regulator in meeting these goals Evidence of regulatory intervention to ensure free and pluralistic media

Verified data

The Law Regulating Media 2013 in Article 11 ensures the 'Right to establish a media company'. It states that "The right to establish a media company is recognized to any person or legal entity in accordance with the provisions of this Law and other laws."

MINISTRY OF LOCAL GOVERNMENT. *Rwanda National Media Policy 2014-20, Draft - Consolidating a free, self-regulating and responsible media in Rwanda*, Kigali, October 2014

The Rwanda Media Commission (RMC)

INTERVIEWS:

RMC:

1. Complaints received by the RMC:

- from the media/journalists:21 cases
- from the public:44 cases; one case has been rejected because it didn't fall under RMC jurisdiction(execution of the court's decision)
- from the Government: 5 cases
- 2 cases of appeals

These figures are as of April 2015.

Who is responsible to RMC or brought to court for the content of radio-, TV or print reports?

The journalist is held responsible because he/she disseminates a defaming content, while the editor is held responsible because he edits the story/content but also implements the decisions of the RMC's Ethics committee, or court decisions.

UNDP

With respect to the media self-regulatory body – the RMC – the government is unclear about its mandate and the MOU between the RURA and the RMC. The mandates of these bodies are not really defined clearly.

⁶ For details see, Article 19 Individual Submission to the Universal Periodic Review of Rwanda for consideration at the 23rd session of the Working Group to be held in October/November 2015, developed on the 23 March 2015

Indicator 1.7. Regulatory system ensures pluralism and freedom of expression and information

Right now the RMC is supported by various donors. If bilateral donors again block Rwanda then the support to the RMC also disappears. There is no direct links between the law and the status of the RMC. UNDP channels its aid through the Rwanda Governance Board to the RMC.

MHC

The RMC is doing well and has reformed its structure. It is in the process of institution capacity building and it is trusted by the media houses. We have more than 30 radios and 7 TV-stations.

No.	Indicators	Means of verification
1.8.	The State does not place unwarranted legal restrictions on the media	Evidence of registration or licensing schemes or other obstacles to entering the journalistic profession Rules governing accreditation schemes and transparency thereof Libel and defamation treated in the legal system as a civil rather than a criminal matter

Verified data

Statutes in the penal code forbid defamation of the head of state or other public officials, which may be punished with up to 5 years in prison and fines of up to 10,000 Rwandan francs (\$16). These laws are generally seen as vague and sweeping in breadth. In August 2012, Parliament passed amendments to the 2008 Law Relating to the Interception of Communications that empower the police, army, and intelligence services to listen to and read private communications, both online and offline, in order to protect “public security.” The law requires all communications service providers to have the technical capability to enable interception upon request.⁷

KEY PROVISIONS IN THE ORGANIC LAW INSTITUTING THE THE PENAL CODE (Law N° 01/2012/OL of 02/05/2012- Official Gazette n° Special of 14 June 2012)

Chapter V deals with Press offences in the Penal Code.

Article 699: Definition of press offence

A press offence means any illegal act committed by a print, audio or audiovisual media or media using Information, Communication Technology or internet.

Article 700: Penalties for not complying with the requirements of starting a media

Any person or organisation that starts a newspaper illegally shall be liable to a fine of one hundred thousand (100,000) to five hundred thousand (500,000) Rwandan francs.

The competent Court shall order the suspension of the newspaper until official authorization is granted.

Any person or organisation that illegally starts an audio or audiovisual press enterprise shall be liable to a fine of five hundred thousand (500,000) to one million (1.000.000) Rwandan francs.

The competent Court shall order the suspension of such press enterprise until official authorization is granted.

In case of recidivism of offences under Paragraphs One and 3, the Court may withdraw permanently the authorization to establish a press newspaper or a press enterprise.

Article 701: Penalty for refusing to publish a correction, a reply or a rectification in a newspaper

Any journalist who refuses to publish a correction, a reply or a rectification in a newspaper shall be liable to a fine of one hundred thousand (100,000) to three hundred thousand (300,000) Rwandan francs.

Article 702: Penalty for refusing to publish a correction, a reply or a rectification in an audio or audio visual media

⁷ FREEDOM HOUSE. Freedom of the Press Report 2014.

Indicator 1.8. The State does not place unwarranted legal restrictions on the media

Any journalist who refuses to publish a correction, a reply or a rectification in an audio or audio visual media shall be liable to a fine of three hundred thousand (300,000) to six hundred thousand (600,000) Rwandan francs.

Article 703: Penalty for a person who incites another to commit a press offence

Any person who incites another to commit a press offence shall be considered as an accomplice if such an incitement succeeds or is followed by an attempt and shall be liable to the penalty provided for such an offence.

Article 704: Penalties for a press offence committed with the intent to undermine public order and territorial integrity

Any person who commits a press offence with the intent to undermine public order and territorial integrity shall be liable to a term of imprisonment of more than five (5) years to ten (10) years and a fine of one million (1,000,000) to five million (5,000,000) Rwandan francs.

Article 705: Exemption from criminal liability for a journalist

Subject to the provisions of Article 281 of this Organic Law, a journalist who publishes an article on the activities in relation to the privacy of an authority when such activities adversely affect public interest shall be exempted from criminal liability.

“There is no civil libel in Rwanda as a separate offence. All offences are considered criminal. That is why there are reform initiatives to remove libel in favour of the civil option.”

Even though libel is still a criminal offence; the High Court of the Republic of Rwanda overturned a criminal libel conviction made by the lower courts against Charles Kabonero, the editor of Umuseso in August 2006. It High Court upheld his conviction of having "insulting a public figure" and prison sentence and the fine. In 2006, the government debated a new press law that could provide marginal improvements to the 2002 law by protecting newspaper printers and vendors from criminal libel prosecutions and removing a judge's obligation to impose the maximum sentence on journalists convicted of certain criminal offenses.

INTERVIEWS:

ARJ

There are cases with special events – also elections – but for high level events the press team is accredited. This does not depend on political interests. We receive complaints about the selection of journalists invited to these events which is not quite transparent. All media houses are not represented. This question was raised in the Rwanda Media Barometer.

RMC

All journalists are obliged to register with the RMC. RBA employees get service cards from their employer and they are also obliged to register with the RMC

No.	Indicators	Means of verification
1.9	Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals	<i>Should any means of verification be entered here?</i>

Verified data

Organic Law instituting the Penal Code (N° 01/2012/OL of 02/05/2012- *Official Gazette n° Special of 14 June 2012*) contains provisions on defamation. These provisions do not impose the narrowest restrictions necessary to protect the reputation of individuals. An example of this, Article 276: Penalty for defamation and harassment of a person on the basis of sex with intent to humiliate him/her or his/her work notes: “Any person who defames or harasses

Indicator 1.9. Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals

another person on the basis of sex with intent to humiliate him/her or his/her work shall be liable to a term of imprisonment of at least two (2) months but less than six (6) months and a fine of two hundred thousand (200,000) to five hundred thousand (500,000) Rwandan francs or one of these penalties.”

KEY PROVISIONS IN THE ORGANIC LAW INSTITUTING THE PENAL CODE

Article 288: Defamation in public

Any person who, maliciously and publicly, commits a specific act against another person which is likely to damage the honour or dignity, or bring him/her to public contempt shall be liable to a term of imprisonment of six (6) months to one (1) year and a fine of one million (1,000,000) to five million (5,000,000) Rwandan francs or one of these penalties.

Article 290: Defaming and insulting a person in a private area

Any person who, in any way whatsoever, defames or insults another person in a private area shall be liable to a term of imprisonment of seven (7) days to two (2) months and a fine of one hundred thousand (100,000) to two million (2,000,000) Rwandan francs or one of these penalties.

ARTICLE 19’s Submission to the UN Universal Periodic Review comments on Articles 288 and 290 in the 2012 Penal Code which forbid defamation in both public and private arenas. In fact the UN Human Rights Committee and the African Commission on Human and People’s Rights³ have called on states to consider decriminalising defamation⁸ because criminal laws on defamation fail to strike the proper balance between protecting individual reputation and freedom of expression. Individuals’ reputation is protected more effectively by civil law.

INTERVIEWS:

RMC:

We only have one case against a journalist (MURAMIRA Regis Vs. BURASA J. Gualbert (RUSHYASHYA Newspaper)) The Court sentenced the journalist to 6 months imprisonment suspended for one year and a fine of 1,000,000 RWF and 3.200.000 RWF of damages to be paid to the plaintiff. The defendant already lodged an appeal.

There are cases with special events – also elections – but high level events the press team accredits. But it is not done from political interests (8 journalist associations)

We have complaints – about the selection. It is not quite transparent who is invited. All media houses are not represented. The question was raised in the Rwanda Media Barometer.

The discussion about defamation and penal code is still going on. The article in penal code is there for all the people and they cannot write that journalists should not be different. (ARJ). Journalists raise the issue. If we go through violation of private life.

For defamation we need to push and explain more that journalists should not be covered. The meaning of decriminalisation is to not have financial punishment. We will not move defamation from penal code but have an alternative for journalists.

JOURNALIST SURVEY

Table 7: comparison between the new system of self-regulation and the old system

Criteria	Number	Percentage
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⁸ For details see, ARTICLE 19. Individual Submission to the UPR of Rwanda, 2015

Indicator 1.9. Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals

Generally agree with the decisions from RMC	95	81,9
Not generally agree with the decisions from RMC	8	6,9
Not answered	13	11,2
Total	116	100
RMC is too close the media	19	16,3
RMC is too close the journalists	62	53,4
RMC is too close the government	11	9,5
RMC is too close the public	9	7,8
Not answered	15	12,9
Total	116	100

Table: present respondents' opinion on current court cases against journalists on defamation:

Criteria	Number	Percentage
They are fair	15	12.9
Their verdicts are reasonable	29	25
They are too strong	34	29.3
Not answered	38	32.8
Total	116	100

32.8% of respondents did not give their point of view about the present court cases against journalists on defamation. 29.3% think that they are too strong, 25% estimate the verdicts are reasonable while 12.9% consider them fair.

Respondents gave other comments:

- some cases don't necessarily need to be taken to courts when the RMC can handle them;
- the self-regulatory body would be enough. However, for strong cases, the RMC can work closely with the court. This means that the RMC should be the one to take journalist to the court;
- defamation should be decriminalized or replaced by fines
- in rare cases, the police still arrests journalists at the RMC's ignorance. The RMC should intervene first and deal with the issue;
- journalists are still denied access to information which is against the law. When journalists insisting, this causes a conflict with authorities.

No.	Indicators	Means of verification
1.10	Other restrictions upon freedom of expression, clearly and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law	Any relevant defamation law that accords with international best practice standards Evidence of debate within the journalistic profession, and between the profession and wider civil society, concerning defamation laws Documented extent to which media is able in practice to criticise public officials or bodies without legal penalty

Verified data

Indicator 1.10. Restrictions upon freedom of expression, clearly and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law

Provisions on National Security: National Security offences are vague, and not narrowly tailored to the revelation of information that is intended to be, and actually is, injurious to national security. Article 447 and Article 449 state that any revelation of State Secrets intended to be “against the interests of Rwanda” is categorised as treason and punished by between ten and 25 years’ imprisonment. “Spreading false information with an intent to create a hostile international opinion against the Rwandan State” (Article 451) provides for life imprisonment for offences during wartime and between seven and ten years during peacetime.

National security is frequently the basis on which the authorities censor the media, and fear of prosecution contributes to a climate of self-censorship. On 4 September 2013, police arrested and questioned Joseph Hakuzwumuremyi regarding his sources for a story detailing a reshuffle within the Rwanda National Police. Police demanded that he remove the story from his website because he allegedly obtained information illegally. He removed the story but did not disclose his sources and was released from custody after several hours. Such harassment discourages the media from investigative journalism.⁹

Insult laws: Article 289 of libel law threatens with imprisonment of between two and six months and/or a fine of up to 3,000,000 RWF (approx. \$4,180USD) for insult of another person. In Article 539, insulting an official or the police “by words, gestures, threats, writings or drawings” could lead to imprisonment between one to two years and/or a fine of up to 500,000 RWF (approx. \$700USD).¹⁰

ARTICLE 19 on 2nd March, 2015 expresses disappointment with the conviction of Burasa Jean Gualbert, Managing Editor of *Rushyashya* Newspaper on defamation charges without effectively considering his defense.

“The case sets a dangerous precedent for future defamation cases due to being heard in the first instance by a court rather than being resolved through the regulatory body. It is feared that the case will have a negative impact on press freedom...”¹¹

Freedom House notes in its Freedom of the Press 2014 that arrests and prosecution of journalists was significantly low in 2013—a remarkable departure from years past – but also notes that some already imprisoned journalists were not pardoned¹²

INTERVIEWS:

RMC

The discussion about defamation and the penal code continues. The penal code applies to everybody so journalists cannot be exempt from this.

ARJ.

Journalists raise this issue if we violate privacy. For defamation we need to push and explain more that journalists should not be covered. The decriminalisation should stop the use of fines. We will not remove defamation from penal code but we want special provisions for journalists.

IWPR

Things have improved a lot since 2008 where journalists might be picked up. This no longer happens. There is a quite significant level of self-censorship by journalists and avoiding writing anything critical to this government. Rarely see heavily critical stories in the media. Journalists here are more respectful when they interview ministers than in Europe of course.

⁹For details see, Article 19 Individual Submission to the Universal Periodic Review of Rwanda for consideration at the 23rd session of the Working Group to be held in October/November 2015, developed on the 23 March 2015

¹⁰ Ibid

¹¹ [Rwanda: journalist found guilty on defamation charges](#),

¹² [Freedom of the Press Report 2014](#)

Annex II: Media Freedom Indicators – Table with Verified Data

Indicator 1.10. Restrictions upon freedom of expression, clearly and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law

No.	Indicators	Means of verification
1.11	The media is not subject to prior censorship as a matter of both law and practice	Any regulation or official mechanism which permits or requires censorship of the media Reports by credible agencies and the media about censorship of the media Forced closures of newspapers, periodicals or broadcasters, number of books or publications banned

Verified data

LAW REGULATING MEDIA (LAW N°02/2013 OF 08/02/2013, *Official Gazette n° 10 of 11 March 2013*)

Article 9: Limits to freedom of opinions and information

Censorship of information is prohibited.

However, the freedom of opinions and information shall not jeopardize the general public order and good morals, individual’s right to honour and reputation in the public eye and to the right to inviolability of a person’s private life and family; the freedom shall also be recognized if it is not detrimental to the protection of children.

In 2013 no journalists were arrested or prosecuted for their reporting during the year, while two imprisoned journalists were released after completing their sentences. . Nonetheless, self-censorship remains pervasive, and in practice the Rwandan media remained under tight government control¹³

INTERVIEWS:

RMC

There are restrictions in Access to Information Law, article 4.

No.	Indicators	Means of verification
1.12	The state does not seek to block or filter internet content deemed sensitive or detrimental	Documented cases of Internet users being subject to sanction for accessing or publishing content deemed sensitive or detrimental Documented cases of forced closures or threatened closures of websites Internet users subject to sanction for accessing or posting news items or opinions deemed objectionable Evidence of state activity in blocking or filtering web

Verified data

In August 2013, the Rwandan government passed amendments to a 2008 law relating to the interception of communications. The new law empowers national security services and government authorities of “the relevant security organs” to apply for issue of an interception warrant to monitor citizens’ voice and data communications on the grounds of national security. Article 4 of the interception law “strictly” prohibits the interception of communications of the president. Warrants are issued by a national prosecutor who is appointed by the justice minister (Article 9). In urgent security matters, a warrant may be issued verbally, “but the written warrant shall be completed in a period not exceeding twenty four (24) hours.”¹⁴ A warrant shall be valid for three months.

¹³ FREEDOM HOUSE. Freedom of the Press Report 2014

¹⁴ [Open Africa “Policy and legislation Rwanda”](#)

Indicator 1.12. The state does not seek to block or filter internet content deemed sensitive or detrimental

The 2013 law is more detailed and comprehensive than the 2008 law, but is improved by making it required to have a warrant. This was not necessary in the 2008 law.

Article 6: Persons authorized to apply for an interception warrant

Only Government authorities of the relevant security organs as provided for by the Constitution of the Republic of Rwanda shall be authorized to apply for an interception warrant.

Article 9:

Issuance of An interception warrant shall be issued by a National Prosecutor designated by the Minister in charge of Justice. Due to urgent public security interests, the competent National Prosecutor may, upon the request of the authority provided for under Article 6 of this Law, issue an interception warrant verbally, but the written warrant shall be completed in a period not exceeding twenty-four (24) hours. If that period expires without a written warrant, the interception shall be presumed to be illegal.

Some websites are not available from Rwanda, but are accessible from Europe. Among them are three BBC websites - www.bbcswahili.com, www.bbcafrica.com and bbcafrique.com, and therwandan.com, which apparently is a website in opposition to the current government.

CATEGORY 2: PLURALITY AND DIVERSITY OF MEDIA, A LEVEL ECONOMIC PLAYING FIELD AND TRANSPARENCY OF OWNERSHIP

No.	Indicators	Means of verification
2.1.	State takes positive measures to promote pluralist media	Effective regulations to prevent undue ownership concentration and promote plurality, specific legislation on cross-ownership,, transparency and disclosure by media companies, Licensing process for the allocation of specific frequencies promotes diversity of media ownership and programming, Implementation of anti-monopoly laws and monitoring of the consequences of media concentration

Verified data

INTERVIEWS:

RMC

The RURA tries to work against monopoly.

UNDP

A lot of commercial media have appeared. And the market is very small.

RBA-DG

The state takes positive measures to promote pluralist media – in the case of RURA on licenses, community, regional, national media etc.

Senator

The government and ministry develop the media policy and inform the parliament including the senate. The parliament develops the laws. The senate may inform the government that the policy does not function. Our suggestions regarding the media are incorporated in the ministry’s draft of a law which is subsequently approved by the parliament. We then monitor its implementation.

RGB

No state regulation prevents undue ownership concentration, promote plurality of the media or deal with cross-ownership. No anti-monopoly laws are applied to the media sector.

Indicator 2.1. State takes positive measures to promote pluralist media

JOURNALIST SURVEY

Table 21: Should it be necessary to register media organs in Rwanda

Criteria	Number	Percentage
Yes	77	66.4
No	7	6
Not answered	32	27.6
Total	116	100

66.4% of the respondents agree that media bodies should be required to register. 27.6% did not answer this question, possibly because they may be unaware of this requirement.. 6% believe that requirement to register a media organ is unnecessary.

Table 22: are the criteria for registration of media just?

Criteria	Number	Percentage
Yes	37	31.9
No	8	6.9
Not answered	71	61.2
Total	116	100

61.2% of the respondents did not answer this question 31.9% agreed that the criteria are just. Some respondents from this group found that it would strengthen media organs and make them accountable and professional. The regulators should consider qualifications of employees and other factors like respecting Human rights, labor law, etc. However, 6.9% considered these unjust. Some respondents from this group note that these criteria may be used to eliminate some media. Other mentioned that media registration should be with the Rwanda Development Board (RDB) which takes very short time or can be done simply online.

Table 23: Do you know cases of ownership concentration in Rwandan media?

Criteria	Number	Percentage
Yes	38	32.7
No	59	50.9
Not answered	19	16.4
Total	116	100

The majority (50.9%) of respondents found no ownership concentration in Rwandan media. 32.7% said yes and gave examples of this:

- Radio 1 & TV1;
- TV10 & Radio 10;
- New Times Publications;
- RBA;
- Kigali Today Limited.

INTERVIEWS WITH PRIVATE MEDIA:

TV no 1:

The state is doing well to promote pluralist media.

Indicator 2.1. State takes positive measures to promote pluralist media

TV 2:

Yes, the State takes measures to promote pluralist media. But, the Government and the RURA seem to favour the RBA. Now all news radios and TV stations are asked to hire the installations of RBA to put their transmitters. The RBA has also the exclusivity for some programmes (last world cup for instance) and this causes conflicts between this broadcaster and other media.

Radio 1:

The State promotes pluralist media. We have many radios, TVs and newspapers.

Radio 2:

I don't think that the State promotes pluralist media.

Radio 3:

The State does. Media pluralism is promoted.

Print media 1:

There is promotion of pluralism of media. The State supports associations of journalists. It organised the establishment of the RMC.

Online 1:

Yes, there promotion of pluralist media. Media sector is a private one like others.

No.	Indicators	Means of verification
2.2.	State ensures compliance with measures to promote pluralist media	Use of anti-monopoly laws ownership, civil society groups and citizens participate in the promotion and enforcement of measures to foster media pluralism, allocation of digital licenses by regulators etc

Verified data

INTERVIEWS:

RMC

There is no law against monopoly. There is a draft law on ownership but not implemented. There is no law on transparent ownership.

Transparency International

There is no anti-monopoly law. New radios, new websites, new prints. The state owns a daily. The RURA has the information of ownership.

CSOs strongly support media pluralism

RBA-DG

The state ensures compliance with measures to promote pluralist media – anti-monopoly laws, transparent ownerships. Civil society works to enforce media pluralism

Embassy 1:

The media are more diverse now. Some shows broadcast very heated debates or raise critical issues. There are openings for journalists, although few raise criticism at government or president level. Significant progress in the last three years.

JOURNALIST SURVEY

Indicator 2.2. State ensures compliance with measures to promote pluralist media

Table 8: Is ownership of media transparent in Rwanda?

Criteria	Number	Percentage
Yes	58	50
No	42	36.2
Not answered	16	13.8
Total	116	100

50% considered ownership of media to be transparent in Rwanda. 36.2% estimated disagreed with this: “Sometimes, there are media outlets whose ownership is not identified”, claimed some respondents. 13.8% did not answer this question.

Table 9: How can pluralist ownership of media in Rwanda be promoted?

Criteria	Number	Percentage
Support international investors	32	27.6
Support community media economically	62	53.4
Make law on restriction of ownership-concentration	13	11.2
Other response	1	0.9
Not answered	8	6.9
Total	116	100

53.4% of the respondents believe that pluralist ownership can be promoted by supporting community media economically. 27.6% estimated that it can be achieved by supporting international investors and 11.2% think that a law restricting ownership concentration could achieve the goal of media pluralism.

INTERVIEWS WITH PRIVATE MEDIA

TV no 1:

The issue of license is not clear. At RURA, we don’t pay much to get it, but there is a need to clarify the requirements.

Radio 1:

RURA reduced the fees for getting a license for new radios stations. Now the fees are RWF 3,500,000 against 7,000,000 before. The problem is that there are no more frequencies in Kigali. For TV stations, the amount to be paid is not much. It is a symbolic amount.

No.	Indicators	Means of verification
2.3	State actively promotes a diverse mix of public, private, and community media	Discrimination between public, private and community media in the granting of access to information, public service stations are automatically granted licenses for digital broadcasting, no imposition of start-up fees or other restrictions on new print titles apart from standard business registration requirements

Verified data

INTERVIEWS:

Indicator 2.3. State actively promotes a diverse mix of public, private, and community media

RMC

There is still this mix of media. Media belonging to community associations and those working under the government. The RBA is a mix now. One TV, 5 regional radios. The RBA is said to be public but all non-government programmes are paid. It is very difficult to have an editorial line because all programmes must be sold. The RBA has five years of funding from the state but do not know if they receive public funding after this. They have infrastructure in place and can advertise. There is no difference between the former state info and the RBA. The editorial balance is still not balanced. The board of directors now have power – not the minister – and they can make decisions.

RBA-GD

Last year we had a 6 billion budget. We made 4.2 billion from advertisements. Most of our programmes are sponsored. RwandAir sponsors the morning shows.

The government gives 50 % for salaries and cover some of the development budget for technical equipment and so on.

There is of course a conflict with private broadcasters. The government has invested in buildings, studios and new equipment and then demands us to gradually become self-sustainable.

Senator

The third element in the media reform is private commercial media – mainly radios. They are struggling to survive and become a business. Mistrust in newspapers. The problem with private radios is their bad programming. Many of them carry football news all the time. People are happy with the private radios because they can make their voice heard. This raises the question how the RBA should find its way.

Radio 3:

The diversity of ownership and content is still problem. Those who have money establish their own media. This sector is like others sectors in business. Some have two media bodies (Radio and TV) at the same time and the content are almost the same. The RBA has 7 radios including its community radios. Pluralism and diversity are also about the content perspective. Many different radios broadcast the same topics (programmes) all the day. This is the case of sport, music, etc. The editorial lines are almost the same.

No.	Indicators	Means of verification
2.4.	Independent and transparent regulatory system	Regulatory system ensures equitable access to the frequency spectrum, open and participatory decision-making processes about the allocation of frequencies

Verified data

RWANDA UTILITIES REGULATORY AGENCY (RURA)

LAW N°39/2001 OF 13/09/2001 ESTABLISHING AN AGENCY FOR THE REGULATION OF CERTAIN PUBLIC UTILITIES.

Since the Government decided to withdraw from media regulation, journalists regulate themselves through their own created organ known as the Rwanda Media Commission (RMC). However, since this organ does not have the capacity to regulate the technical part of the media, particularly radio and television, RMC works with Rwanda Regulatory Agency (RURA) when the technical part of media regulation is needed. It is RURA therefore that also issues broadcasting licenses and frequencies.

KEY PROVISIONS IN THE LAW REGULATING THE RURA

Article 9

Indicator 2.4. Independent and transparent regulatory system

The Minister determined by the President of Republic recommends to the Cabinet the names of seven persons who will hold office as members of the Regulatory Board. They are appointed by a decree of the Prime Minister.

Article 13 (5)-

The Regulatory Board shall at all times act in an independent, open, transparent and objective manner, and shall not show any form of discrimination when carrying out its activities.

LAW GOVERNING TELECOMMUNICATION

LAW N° 44/2001 OF 30/11/2001

KEY PROVISIONS IN THE LAW REGULATING TELECOMMUNICATIONS

Article 3

With respect to telecommunications, the Regulatory Board should

1° ensure that telecommunications networks and telecommunications services are provided throughout the Republic to meet all reasonable demands and needs of natural persons and organizations;

Article 5

Except as required by the provisions of Article 10 of this law, every natural person and organization which wishes to install a telecommunications network and/or provide a telecommunications service within, to or from the Republic, should:

1° fulfill the conditions required by law for the carrying out of trade within the Republic;

2° first obtain a telecommunications license.

Article 5(2)-

The Minister acting on advice from the Regulatory Board determines the conditions which should be incorporated in licenses and issues these by Ministerial decree

Article 32

The Regulatory Board is responsible for the organization and management of the radio frequency plan in the Republic.

Article 33-

A license may also be amended or revoked. The reasons justifying rejection, amendment or revocation of licenses are specified by Ministerial Decree.

INTERVIEWS:

RMC

New radios and TVs are expected to register with us. According to the MOU between us and the RURA the RMC is responsible for the registration of new media organs. Then the media are supposed to apply for a broadcasting license with the RURA. This procedure is not respected.

RMC is mainly interested in regulation of the journalistic content.

Transparency International

As a state-owned body the RURA issue licenses for professional reasons. No discrimination of licenses BBC's programme hurt Rwandans. The RURA should have the power to close down the BBC media outlet.

OTHER

From: bnb@media-progress.net [mailto:bnb@media-progress.net]

Sent: 18 April 2015 15:21

To: 'info@rura.rw'; 'info@rura.gov.rw'

Cc: 'John Bosco Mayiga'; 'Pasteur Jean-Pierre UWIMANA'; 'Muvunyi Fred'

Subject: Request for information as per LAW N° 04/2013 OF 08/02/2013 Relating to Access to Information

Indicator 2.4. Independent and transparent regulatory system

Dear Sir/Mme,

I contact you as team leader for the project Assessment of the State of Media Freedom in Rwanda, carried out for RMC and funded by UNDP. RMC has in vain tried to set up a meeting for us with RURA. Since we are pressed by time, I shall kindly ask you to reply to a few questions as provided for in the Law Relating to Access to Information. The assessment is carried out using the UNESCO methodology on Media Development Indicators.

I would like to know the following:

1. With the digitalisation of television is it correctly understood that RBA is the only broadcaster using terrestrial digital television, while all private channels either are distributed with StarTimes or independently as satellite channels?
2. Is it correctly understood that all FM frequencies for Kigali are in use?
3. Do you make use of shared frequencies in which 2 or more community or local private radios can share a frequency?
4. If a frequency becomes available, how will it be offered to radios – through competition on price, quality, content, or in other ways?
5. What have been the criteria for allocation of FM frequencies apart from fulfilling the technical and economic conditions? Do you have any criteria regarding content – e.g. number of minutes used for news, or for children's programmes or for other specific genres?
6. What is the price structure for licenses to national and local private commercial or community media?
7. Are there specific quotas or targets for the reservation of parts of the radio-frequency spectrum to community broadcasters?
8. Is there any public inclusion in debating allocation or prolongation of licenses?
9. Does RURA have a plan for spectrum allocation that meets ITU and UNESCO rules?
10. Has the plan been drawn up in consultation with civil society and the media sector and is published and widely disseminated?
11. Do you put other significant conditions to licenses than technical and that the broadcaster lives up to the laws?
12. Other issues you would like to mention?

Thank you very much for your kind cooperation. I look very much forward to your reply.

Best regards

Bent Nørby Bonde

From: Jean Baptiste MUTABAZI [mailto:baptiste.mutabazi@rura.rw]

Sent: 21 April 2015 18:01

To: bnb@media-progress.net; 'Muvunyi Fred'; info@rura.rw

Cc: 'Christian TUYISHIME'

Subject: FW: Request for information as per LAW N° 04/2013 OF 08/02/2013 Relating to Access to Information

Dear [Bent](#),

Below are answers [to your queries](#):

13. With the digitalisation of television is it correctly understood that RBA is the only broadcaster using terrestrial digital television, while all private channels either are distributed with StarTimes or independently as satellite channels?

Indicator 2.4. Independent and transparent regulatory system

Not only RBA on terrestrial digital platform, PANAFRICA (JV made of StarTimes and Broadcasting Investment Group-BIG) is also providing terrestrial digital platform.

14. Is it correctly understood that all FM frequencies for Kigali are in use?

Yes, all the assigned frequencies in Kigali are in use.

15. Do you make use of shared frequencies in which 2 or more community or local private radios can share a frequency?

For some distant sites, radio stations share the same frequency.

16. If a frequency becomes available, how will it be offered to radios – through competition on price, quality, content, or in other ways?

On availability of a new FM frequency, it is offered through comparative selection based mainly on content, quality and also compliance with regulations for existing broadcasters looking for additional frequencies.

17. What have been the criteria for allocation of FM frequencies apart from fulfilling the technical and economic conditions? Do you have any criteria regarding content – e.g. number of minutes used for news, or for children’s programmes or for other specific genres?

- **Content with real impact to socio-economic well-being of the citizens of Rwanda**
- **Innovative elements in broadcasting content**
- **Broadcasters’ Capacity of producing his own content**
- **Technical means to prevent interference with other stations**

More details can be found on:

http://www.rura.rw/fileadmin/docs/Procedures_to_award_FM_frequencies_Rev4.pdf

18. What is the price structure for licenses to national and local private commercial or community media?

License fees are based on Transmitter Power, and no community radio should exceed 500W.

- **Initial fee for each station is 50,000Frw**
- **Annual fees is 960,000Frw for Station with Transmitter Power<500W and 1,200,000 for Station with Transmitter Power>500W**

19. Are there specific quotas or targets for the reservation of parts of the radio-frequency spectrum to community broadcasters?

No

20. Is there any public inclusion in debating allocation of prolongation of licenses?

Not clear. Please clarify your question

21. Does RURA have a plan for spectrum allocation that meets ITU and UNESCO rules?

The National Frequency Allocation Table can be found on:

http://www.rura.rw/fileadmin/docs/National_Frequency_Allocation_Table.pdf

22. Has the plan been drawn up in consultation with civil society and the media sector and is published and widely disseminated?

Yes, the plan was done in consultation with all relevant stakeholders.

Indicator 2.4. Independent and transparent regulatory system

23. Do you put other significant conditions to licenses than technical and that the broadcaster lives up to the laws?

This will go with broadcasting regulations once approved

24. Other issues you would like to mention?

None

INTERVIEWS WITH PRIVATE MEDIA

Radio 3:

To get frequencies goes through tenders.

Online 1:

The media sector is a private one like others. The possibilities to win tenders and the implication of the Government is limitative.

No.	Indicators	Means of verification
2.5.	State and CSOs actively promote development of community media	Pricing structure for broadcasting licenses not prohibitive for community media, specific quotas or targets for the reservation of parts of the radio-frequency spectrum to community broadcasters, public hearings to renew mandate of community broadcaster, reinvesting in community media, positive state measures to support community print and broadcast media, CSOs assist community print and broadcast media

Verified data

INTERVIEWS:

RMC

We have a lot of community radios. Don't know if the RGB assists media. The state reserves frequencies for community media. Cooperation between media channels receive economic support. Some of the adverts are given to community media.

The community media usually have a staff of five and the rest are voluntary. Often the local community is pushing. There is an association of community media.

Transparency International

The state has not made restrictions for any sort of media. But norms must be respected and if not you are sanctioned by the RMC.

Embassy 4

Community radios are risky as well and people could use hate speech.

No.	Indicators	Means of verification
2.6	State plan for spectrum allocation ensures optimal use for the public interest	Regulatory authority has a plan for spectrum allocation that meets ITU rules and UNESCO, plan is drawn up in consultation with CSOs and the media sector and published and widely disseminated

Indicator 2.6 State plan for spectrum allocation ensures optimal use for the public interest

Indicator 2.7 State plan for spectrum allocation promotes diversity of ownership and content

Verified data

INTERVIEWS:

RMC

Radios still broadcast on FM. TV is now digitalised. Don't know if radio will start digital broadcasting. There is no scarcity of digital frequencies. The RURA must have the information about spectrum plan and its policies.

TV 1:

The issue of license is not clear. At the RURA, we don't pay much to get it, but there is need to clarify the requirements.

-

Radio 1:

The RURA reduced the fees for licenses for new radios stations. The problem is that there are no more frequencies in Kigali. For TV stations, the amount to be paid is not much. It is a symbolic amount.

Radio 2:

The RURA complicates the process of getting frequencies. Now, it is said that there are no more frequencies in Kigali. They are asking news radios to go to provinces for their activities.

No.	Indicators	Means of verification
2.7.	State plan for spectrum allocation promotes diversity of ownership and content	Plan ensures that broadcasting frequencies are shared equitably, not auctioned off to the highest bidder, part of any digital dividend allocated back into broadcasting, satellite and cable carriers to carry PSB channels

Verified data

INTERVIEWS:

RMC

Not everybody gets frequencies and licenses. It also depends how much business the radio can get and what they can pay. The criteria is on the website of RURA and their adverts for frequencies

INTERVIEWS WITH PRIVATE MEDIA

TV no 1:

There is promotion of diversity of ownership and content. The media content depends on its editorial line. Since we started our TV station, I haven't heard about discrimination by the RURA. That is good.

TV 2:

There is diversity of ownership and content. I haven't heard about discrimination by the RURA concerning this issue. Some people own more than one media organ.

Radio 1:

Indicator 2.6 State plan for spectrum allocation ensures optimal use for the public interest

Indicator 2.7 State plan for spectrum allocation promotes diversity of ownership and content

The procedures are clear. Of course some points need to be defined. The RURA seems to discriminate in secret. For example we asked a frequency at Karongi long time ago. We did it through a tender and we lost it even though we fulfilled all requirements. We were supposed to win but the frequency was given to another radio which did not use it. After 2 years, the RURA recuperated it and it was put again on the market (tender).

Radio 2:

There is no discrimination. You can have both TV and radio stations. This is the case of TV 1 and Radio; TV 10 and Radio 10; etc.

Radio 3:

The diversity of ownership and content is still problem. Those who have money establish their own media. This sector is like others sectors in business. Some have two media bodies (Radio and TV) at the same time and the content are almost the same. The RBA has 7 radios including its community radios. Pluralism and diversity are also about the content perspective. Many different radios broadcast the same topics (programmes) all the day. This is the case of sport, music, etc. The editorial lines are almost the same.

Print media 1:

About diversity, the State is quiet. Nobody has asked about content. The RURA seems to monitor broadcasting rather than print media.

Online 1:

The State is more supportive (though the RGB) of print media than other medias, even though print media is more critical of the Government. Online media have not received any support from the Government. We try to do our business and it is real competition.

No.	Indicators	Means of verification
2..8.	Independent and transparent regulatory system	Broadcast licensing processes and decisions overseen by an independent regulatory authority, Broadcast license applications are assessed according to transparent and objective criteria set out in law, Fees for different types of licenses are transparent and set out in advance, Regulators actively monitor frequency use to ensure that actual usage conforms to license conditions

Verified data

INTERVIEWS:

RMC

The law on the RURA show its independence to some extent. Its staff are not civil servants, but it carries out government policy. The minister of justice instructed the RURA to close down the BBC.

You can complain publicly about license issues

We have no minister of information.

No.	Indicators	Means of verification
2.9.	State uses taxation and business regulation to encourage media development in a	Preferential tax, import duty and tariff regimes to encourage the development of broadcasting and print media, State does not impose prohibitive taxes or levies on media organisations, State tax policy and practice does not discriminate against the media nor favour specific private media outlets over others

Indicator 2.9. State uses taxation and business regulation to encourage media development in a non-discriminatory manner

	non-discriminatory manner	
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Verified data

INTERVIEWS:

RMC

Taxation goes across all businesses. Government has said they will reduce tax for newspapers but have not implemented it.

RGB

The state has some tax consideration for community broadcasting. They are exempted from paying value added tax (VAT). Secondly, RGB gives financial support in form of grants especially to print media, who seem to be struggling more than other form of media.

INTERVIEWS WITH PRIVATE MEDIA

TV no 1:

Media and other institutions are treated on the same level. They pay taxes according to the regulations. Some media try to cheat and pay fewer taxes. They do this by paying part of the salaries is paid through banks and paying another part in cash in order to reduce taxes. They don't have enough money to pay salaries and taxes.

TV 2:

We don't have tax advantages, we are considered like other investors.

Radio 1:

No encouragement for media sector. Media are paying taxes like other business sectors.

Radio 3:

Radios have a tax advantage when we import equipment. This is similar to IT equipment which is exonerated

Print media 1:

There no tax advantage to encourage media development in business. The Florid agreement is not agreed in Rwanda. We don't have tax advantages when we import papers or other material. We don't pay taxes on print sales. We pay taxes on advertises.

Online 1:

We don't get any tax advantages.

No.	Indicators	Means of verification
2.10	State does not discriminate through advertising policy	State places advertising in a fair, transparent and non-discriminatory manner e.g. through a code of conduct, allocation of government advertising is strictly monitored to ensure fair access by all media, Public service broadcasters are subject to fair competition rules in respect of advertising they carry, Implementation of Codes of conduct or other guidelines for the allocation of state-funded advertising implementation

Verified data

Indicator 2.10. State does not discriminate through advertising policy

Indicator 2.11 Effective regulation governing advertising in the media

The section on advertising notes that:

There shall be a public institution to regulate advertising and film companies and ensure that they follow the law and do not compromise the culture of the country. It is the same institution that shall licence such entities and accredit foreign companies in the same field interested in working in the country. In the meantime, the Media High Council or RGB shall perform this role until such a body is put in place.

Interviews:

RMC

RBA competes with all other media.

A number of newspapers do not get adverts. Discrimination on adverts is used to influence editorially. Sometimes this is used to punish a media. Some institutions give adverts.

We do not have quantitative audience surveys. We do not have documentation whether the placing of advertisements is founded on political pressure or because the media in question do not have a large audience. This type of survey should cover all broadcasters.

RGB

There is no Code of Conduct or guidelines for allocation of state-funded advertisement to the media.

JOURNALIST SURVEY

Table 10: Which type of media primarily benefit from advertisements by public authorities, institutions and government?

Criteria	Number	Percentage
Public rather than private media	72	62
Media that are positive to the government rather than critical ones	28	24.2
Not answered	16	13.8
Total	116	100

62% of the respondents estimated that the advertisements by public institutions primarily benefit public rather than private media. 24.2% think that the advertisements from public institutions benefit media that are positive to the government rather than the critical ones. 13.8% did not answer this question.

No.	Indicators	Means of verification
2.11	Effective regulation governing advertising in the media	Broadcasters and print media adhere to nationally- or regionally-agreed limits on advertising content, where applicable, and separation of advertising and programming, where applicable, Existence of a code of advertising, established by an independent professional body

Verified data

INTERVIEWS:

RMC

The biggest advertiser is the government. Their advertisements go to the RBA and to New Times. In some few cases you can see a tender – like 10 %. Everything should pass thorough public tenders, but the decision is also based on the media’s coverage. Public media cover the country for example. There is no clear legal framework to address this issue

Indicator 3.1. The media –public, private and community-based–serve the needs of all groups in society

INTERVIEWS WITH PRIVATE MEDIA

Private media:

- 2 commercial radios: Radio 10 and City Radio
- 1 community radio: Izuba Community Radio
- 1 large print media: Imvaho Nshya
- 2 private TV stations: TV 10 et Lemigo TV
- 1 online media: Igihe Ltd

Radio 2:

There is some discrimination concerning adverts. Government adverts are given to some media like the RBA, Contact FM, Imvaho Nshya, New Times, Rwanda Focus and Umwezi Newspaper. It is said to be a tender process, but there is no transparency on this issue. I wish this would change and that government institutions would use tenders.

CATEGORY 3: MEDIA AS PLATFORM FOR DEMOCRATIC DISCOURSE

No.	Indicators	Means of verification
3.1.	The media –public, private and community-based– serve the needs of all groups in society	<ul style="list-style-type: none"> • Media use language/s which reflect the linguistic diversity of the target area • Media use language/s relied upon by marginalised groups, • Community media (print or broadcast)is produced for specific groups and represent the views of the entire political spectrum, Information presented by the media is accessible to women and marginalised groups

Verified data

INTERVIEWS:

Transparency International

The audience of the RBA is the whole country. If you want to follow international news then the RBA is not the media to use. They have a gender promotion programme every week. The RBA would not make a broadcast of someone underground which could happen on private media. Don't think government censors. Makes also critical reports against president or government. There is coverage of opposition whenever needed and they show both sides. Some owners of private media (particularly websites) want their own profile and influence.

RCSP

Organisations organise press conferences and send press releases to media which they consider important partners in development and governance. Some media will not cover gays for instance whereas others have done so. This is also the situation on other issues. The good thing is that we see a complementary way.

Five years ago we had very few TV stations and now we have five or six. More than 30 radios and it is good. The number of online media is increasing. Freedom of expression is increasing. TV1 broadcasts on issues where government have failed – and the problems have been solved subsequently.

The RBA still does not criticise government but broadcasts what the government wants. Not so sure that the RBA will bring up critical issues.

PAX press will cover both sides of all cases

Donors funding goes primarily to private radios and also TV, and to Pax press.

In the rural districts mainly community radios – at least one - . go to Huye which has both RBA and independent community radios.

Media freedom is growing. In the past people were afraid that they would be jailed for being critical of the government. People are now free to say what they want. Also with regards to the third presidential term. Things have

Indicator 3.1. The media –public, private and community-based–serve the needs of all groups in society

really changed. There is a lot of civic education. People understand their rights.
If you are bring up the dichotomy on ethnic issues you will be in trouble.
There was a reconciliation barometer but more than 85 % say we are reconciled.

CSO Focus Group

If you want to have a programme on radio or TV you have to pay for it to be aired

Awareness raising and advocacy programmes are frequently aired for free. The media have done a great deal of coverage of disability. When we invite media for then the media come in great numbers. The RBA also asks the youth to speak about unemployment etc. so the government and the president are informed. In other programmes citizens discuss with the authorities. In rural areas the private media can go further than in Kigali with critical issues and be a platform for dialogue. They don't charge us for publishing our press releases or when we participate in radio broadcasts. We sometimes provide transport for them.

Previously you had to pay to have your news covered. This is disappearing because so many media compete for stories.

The national committee for reconciliation indicates around 85 % say they are reconciled. What it is debated in media is reconciliation. A broadcast on ethnicity would make people turn off the radio. Radios can still talk about reconciliation and genocide ideology can still be debated.

PLDP did a survey about removing ethnic identity from identity cards. People fear what any debate about ethnicity can lead to as it did in the past and nobody wants to discuss at all. There are also dramas about such things but pointing towards reconciliation.

The media should support that society should have a common vision. The reality is there but both perpetrators and victims find that genocide is a thing they don't want to discuss. The media would open debates about who are we and how shall we deal with that issue. It will always be in that line.

It is normal with such marriage story because the persons also are part of the community.

Running away from reality is not a solution. Marriage is more difficult when one of the families has been involved in genocide, but people have been marrying ever since.

Embassy 4

Some media outlets try to let people's voice be heard, especially private, commercial media which are more in touch with people as well. Some media do more entertainment. There is no political debate. It is a consensus democracy, but there might be debates about abortion and corruption

In terms of the written press we had the Chronicle a few years ago which was basically an investigative journalism newspaper and the first media to raise the question about the third term. At some point the newspaper had to close. The government did not offer advertisements. The publisher was one of the people in the BBC commission and engaged in writing the media policy strategy.

The French paper is not critical to government but reports what they find.

The online press is an improvement. Websites like EGA is pro-government but brings more programmes and diversity. Also one called Rwanda etc.

Embassy 5

We don't get the full picture of content and diversity. Media express themselves more freely in local language than in English. The government wants to make a good impression externally.

We support a Sunday show and ministers are held to account. Dead bodies in Lake Kivu and the registration of political parties are discussed openly without anybody being arrested. Good morning Rwanda was closed – by owner – and seems like it was a political issue because it was very popular.

Some good things happening. Written press not relevant

Partly the lack of pushing boundaries is due to lack of training and education but managers also give journalists too little time to cover a story. We are launching a new project for more investigative and coaching and transport to increase the number of more serious articles. Often external journalists are politicised.

Senator

The media reform has brought about a large number of private commercial media – mainly radios – which are struggling to make a profitable business. While many of them have a miserable programming broadcasting music or football news all the time, other radios allow the audience to call in and complain about public services that do not function or other similar issues. This obviously

Indicator 3.1. The media –public, private and community-based–serve the needs of all groups in society

raises the question as to how the RBA shall maneuver in this competition. The RBA still has a long way to go to become a genuine public media instead of the intermediary between the government and the public.

JOURNALIST SURVEY

Table 11: What are the main criteria of selection of information in your news room

Criteria	Number	Percentage
Level of politicians in a report	32	10.3
Importance for the government	38	12.2
Importance for ordinary citizens	92	29.5
Attraction for audience	78	25
Economic benefits for your media	47	15
Economic benefits for you	4	1.3
You are told what to report by business interests	7	2.3
Political interests	3	0.9
Other	11	3.5
Total answers	312	100

The majority (29.5%) of respondents select information based on its importance for ordinary citizens. The other main criteria of selection of information in newsrooms: attraction for audience (25%), economic benefits for your media, (15%) importance for the government (12.2%) and level of politicians in a report (10.3%). Only 0.9 % of the respondents mark “political interests” as a main criterion. Some respondents add other criteria such as news value, important facts and proximity.

No.	Indicators	Means of verification
3.2.	Media organisations reflect gender ¹⁵ diversity through their employment practices	Female journalists are fairly represented across the media industry or sector, including at senior levels,

Verified data

INTERVIEWS:

RMC:

We have so far accredited 209 journalists. 29 of them are women. How many are members of ARJ? Don’t have the figures.

Few women are managers. Women are not really paid as male journalists.

MHC

Conducted a gender audit in the media sector and implemented a five year strategy. There are around 180 female media practitioners and more than 500 in total. The female media organisation made this.

CSO focus group

We cannot see that women are fully integrated in media but the situation is improving. The limitations are in the rural

¹⁵This indicator is reduced from covering social diversity to only dealing with gender diversity.

Indicator 3.3 The goals of public service broadcasting are legally defined and guaranteed

areas but there are community radios. In each district there is a community radio, but no private commercial radios - only the RBA, Catholic and other radios.

Female journalist organisations

There are few women in media and fewer in media leadership – approx. 5 %. For this reason the media are still dominated by gender stereotypes. Women’s success stories are not published and it is necessary to address this. Government does not do anything to promote women.

Media employers discriminate against women because women may become pregnant and go on maternity leave which is not so popular. Now a draft law on increased maternity leave has been presented and this is a step forward. Female journalists are also paid lower salaries than men as a result of discrimination. Women are also nervous about being interviewed on television – this is rooted in culture.

No.	Indicators	Means of verification
3.3	The goals of public service broadcasting are legally defined and guaranteed	The public service remit of the PSB is clearly defined in law, The PSB has specific guarantees on editorial independence and appropriate and secure funding arrangements to protect it from arbitrary interference, The PSB has adequate technical resources, The PSB is publicly accountable through its governing body

Verified data

LAW ON RWANDA BROADCASTING AGENCY (RBA) N° 42/2013 of 16/06/2013- Law establishing Rwanda Broadcasting Agency and determining its mission, organization and functioning

Article 4: Missions of RBA

The main missions of RBA are shall (sic) be follows:

- 1° to provide the Rwandan population and other members of its audience with national and international news that is not biased and accurate;
- 2° to provide the Rwandan population and other members of its audience with educational programs;
- 3° to provide the Rwandan population and other members of its audience with recreational and entertaining programs;

INTERVIEWS:

RMC and ARJ

The RBA’s problem is that they will lose financing and have to change to compete on the media to attract commercial adverts. They have to improve and gradually do but their media coverage is still focused on the state. The RBA staff is more experienced, they have security and they reach the entire country. They should cover everything.

The reason why they focus so much on the government and the president lack of professionalism, tradition and the expectations, pressure, and economic adverts from the government.

Private cannot compete with the RBA, because they are too weak, too fragmented. They have captured a bit of the talk show market. There is a few private radios outside Kigali, but RBA radios are often are the media in the provinces. Private media which host controversial talk shows can be critical of government. This is unthinkable for the RBA. If you want to criticise you are not invited by Rwanda 1.

IWPR

The transition from state to public broadcaster is still not finished. They have had a lot of problems with the new building and have not had access to equipment. We have supported in terms of helping their department in the transformation from civil servant to journalistic model. We helped their marketing department implement a realistic price structure. We helped with organisational development, rules and regulation. The model was to commission content.

RBA-DG

Indicator 3.3 The goals of public service broadcasting are legally defined and guaranteed

Health issues and other classic public service programmes could be done if we had more public income than commercial income

We are decentralising our national radio to local communities to be closer to communities. I try to act as a public broadcaster but don't earn money. We have five local community radios covering a province. They cost a lot of money but the communities love the radios.

Senator

The RBA is struggling with the transformation from government to public broadcaster which will take another 10 years. I fear that they are not ready yet. The bosses express themselves as if they are a public broadcaster. Yet the deputy consider the RBA to be the connecting link from the government to the people. They are still struggling with their new role also at the level of the individual journalists.

Self-censorship is a bigger problem than political pressure, but the general political context makes things difficult. The editorial line is still very much to cover the president and the ministers. 50/50.

The board must be the guarantee for independence. This is difficult to maintain when the cabinet is said to have appointed board members instead of having a transparent selection process as described in the law. The law says that the board should appoint the director.

RBA goes out to the provinces because they have the means to do this but their programmes will still remain dominated by coverage about government.

Embassy 4

The transformation of ORINFOR to the RBA has meant that the TV has changed SOMETHING missing at all. They should cover problematic issues that interest people. Have not heard about critical radio in provinces. Journalists can criticise corruption, but other topics are not allowed.

The week before Easter there was a RBA show with three persons – one from an anti-genocide organisation, a minister and a third person also in favour of a third term

No.	Indicators	Means of verification
3.4.	The operations of Public Service Broadcasters do not experience discrimination in any field	Satellite and cable carriers do not refuse to carry PSB stations or content

Verified data

No.	Indicators	Means of verification
3.5.	Independent and transparent system of governance	The PSB is overseen by an independent governing body whose autonomy is legally guaranteed, appointments to the governing body are open and transparent

Verified data

LAW ON RWANDA BROADCASTING AGENCY (RBA) N° 42/2013 of 16/06/2013- - Article 8: Members of the Board of Directors

The Board of Directors of RBA shall be the supreme governing organ of RBA. It shall comprise seven (7) members with skills, knowledge and integrity. At least thirty percent (30%) of the members of the Board of Directors shall be females.

Indicator 3.5 Independent and transparent system of governance

Members of the Board of Directors including the Chairperson and the Deputy Chairperson shall be appointed by a Presidential Order upon approval by the Cabinet after transparent and public selection.

Article 9: Independence of the Board of Directors

Members of the Board of Directors shall demonstrate independence and shall neither seek nor accept instructions from any authority unless otherwise provided for by law.

Members of the Board of Directors shall always act in the public interest and not use the powers conferred upon them for personal gains.

The General Directorate of RBA shall comprise of the Director General and the Deputy Director General of RBA who shall be appointed and dismissed by a Presidential Order. The President of the Republic shall nominate them after consultation with the Board of Directors of RBA.

INTERVIEWS:

RBA-DG

We are only two years into the project and the transformation from state to public broadcaster. You have to educate politicians and boards. We may not have reached independence yet but we are moving. We ask local leaders of communities critical questions.

We cannot yet do critical reports on government and president after 2 years.

There is a political will but it must come gradually step by step.

The board is here to protect our independence. Since the RBA was established we have been supposed to have a new board. We advertised for board members in the papers and people applied. There will be a selection committee appointed by the minister. The new board will suggest 2-3 names for the position of the DG who will then be appointed by the president. I presume that the president cannot fire the DG

We have an annual plan of action approved by the board and each quarter an evaluation by the board. We have to present a rough programme schedule or at least new programmes. When in doubt you have to consult the board for guidance. Also the minister.

RBA Directors

We don't micro manage the local radios but every community radio has a manager hired and fired by us in HQ.

Embassy 5

RBA is disappointing. They have people, brand, capacity. They are losing ground.

The building was delayed, infighting between the DG and the deputy fight, bad management etc. There are no heroes in this. The commercial stations are not burdened by these problems. If TV improves it will demonstrate that a lot of things are changing in the institution.

We are still waiting for a decision about the board.

No.	Indicators	Means of verification
3.6.	PSBs engages with the public and CSOs	The PSB has a proven commitment to consultation and engagement with the public and CSOs, including a complaints system Public involvement in appointments to the governing body

Verified data

INTERVIEWS:

Transparency International

We work closely with RBA on fighting corruption. When we carry out activities of public interest they broadcast it.

RBA Directors

Indicator 3.6 PSBs engage with the public and CSOs

It is tough to explain the public that we receive subsidies from government but we are independent. Not everybody trusts us. However, this is changing.

More than 95 % of the population get their news from radio and we have to update news all the time. Every day we receive calls from the public. We also go to the communities to get in contact with people and politicians. We have 5 community radios covering as an average of 600.000 inhabitants. National broadcasts are a maximum of three hours per day. Local programming are broadcast the rest of the day.. We have seven permanent staff in each of these radios and local volunteers between 7 and 17. The listeners tend to prefer the local radios but some of them also listen to national radio.

RCSP

The RBA is not likely to raise critical questions.

CSO focus group

Many media contact us to hear our opinion about issues we deal with. They benefit from our stories and we benefit from their coverage

No.	Indicators	Means of verification
3.7.	Print and broadcast media have effective mechanisms of self-regulation	Media organisations have clear codes of ethics and sound editorial guidelines, actively disseminated to journalists and regularly debated and reviewed, Industry level systems exist for hearing public complaints about alleged violations of ethical standards, independent self-regulatory bodies and news ombudsmen

Verified data

RWANDA JOURNALISTS AND MEDIA PRACTITIONERS’ CODE OF ETHICS

ARTICLE 5: Rectification, right of reply and right to retort

Broadcasted or published false news and inaccurate information shall spontaneously be rectified. Individuals and organizations are entitled to the right of reply and the right to retort in the conditions provided for by the law. Publications or broadcasts should make amends for publishing information or comment that is found to be inaccurate by printing or broadcasting, promptly and with appropriate prominence, a retraction, correction or explanation.

ARTICLE 20: Peer jurisdictions

Following the preceding article, journalists that have voluntarily accepted to confirm to this code shall also accept the jurisdiction of Rwanda Media Commission an independent organ comprising of their peers. If Rwanda Media Commission finds that the media has infringed the code of conduct it has the power to oblige the offending media house to issue and publish an immediate correction and apology. Under extreme and deliberate breach of the code, Rwanda Media Commission has the power to impose fines or even exclude the media house from the media board.

INTERVIEWS:

Embassy 1

Draft prime minister order on RURA/RMC discussing whether the RURA shall be responsible for content regulation or this shall be self-regulated. The RMC is not mentioned.

INTERVIEWS WITH PRIVATE MEDIA

TV no 1:

Indicator 3.7 Print and broadcast media have effective mechanisms of self-regulation

Yes, they have. Our structure for example is well designed. We emphasize media ethics and journalism techniques. All our journalists have been trained. Chiefs, editors and programmes managers have the main responsibility to control ethical issues before broadcasting.

TV 2:

Yes. According to media law, each media house must have an ethics and an editorial line.

Radio 1:

We have self-regulation mechanisms. We always discuss media ethics and our journalists are familiar with this. In 5 years we had only one case but for some media this will take time. The media law is not clear: it merely requires a journalist to have basic education. What is basic education? Which level of education? Every owner of a website claims to be journalist. Some media do not carry out self-regulation because the journalists don't master the law and media ethics.

Radio 2:

We have them. We self-regulate in our newsroom and our journalists know the code of ethics which guides them every day. The RMC helps journalists to self-regulate all they broadcast.

Radio 3:

Those mechanisms exist and they are put into practice. The laws and media ethics are clear. The editorial line of the media and newsroom meetings are important for this. During our editorial meetings, we first of all evaluate the previous broadcasted news to discuss the mistakes which helps us correct our journalists. We give also the angles for the next edition.

Print media 1:

We self-regulate to avoid getting implicated in security affairs. We are guided by the code of ethics and we apply it.

Online 1:

Yes. We have the code of ethics and about 100% of mistakes are avoided. Self-regulation is widely used in our media. RMC helps most self-regulate by advising them etc.

No.	Indicators	Means of verification
3.8.	Media displays Culture of Self-Regulation	Independent journalist associations exist and disseminate good practice Media organisations are responsive to their audience e.g. channels for public complaints, right of reply, Self-regulatory bodies engage with CSOs and wider public, Journalists or media organisations do not routinely practice self-censorship

Verified data

INTERVIEWS:

RMC

The current code of ethics was adapted by the journalists themselves. Most media houses do not have their own code of ethics. Radio Solus? Has a code of ethics and KFM and the public broadcaster.

Senator

The RMC is considered a well-functioning self-regulatory body but they are struggling to prove they are independent. Since it was established few journalists have been brought to court. Not all among the general population or people in power understand and accept its role. Whenever the RMC makes a statement to defend journalists accused of an offence the government officials will criticise the RMC.

There is a risk for political restrictions of the RMC. It is not clear if the criticism is directed to the chairman or the institution but given the context in this country they are honestly doing very well.

Indicator 3.8 Media displays Culture of Self-Regulation

RBA Directors

Our code of ethics is made for the RBA and our specific obligations. Our focus is to communicate what is being done by the government for the welfare of the population and to inform the government about what it needs to do for the benefit of Rwanda.

Self censorship is performed on an individual level because they are afraid of being punished, even though nobody has threatened them. 70 % of journalists have no training so they become journalists to become known rather than because they want to contribute to the welfare of the people.

As for the 2017 elections the RBA programme can have one participant arguing for a third term and 2 arguing against this without being censored.

Embassy 3

Lots of self-censorship among journalists and media. The media can currently criticize the implementation of government policy. Limits for discussion may shift.

Nobody dares to write an article criticising the government.

INTERVIEWS WITH PRIVATE MEDIA

TV no 1:

Things are going well. Self-regulation is becoming one of the values of media. But some find it difficult. The sensitization of media law and the code of ethics should continue..

TV 2:

This culture is being implemented and much needs to be done. The RMC has to continue training journalists in ethics.

Radio 1:

Our media are challenged by frequent violations of privacy because journalists are not socially responsible. A second problem is the violation of the public interest. This is also done on social media where the users are not familiar with ethics and everybody blames information. Basic techniques are neglected and some journalists are corrupted.

Radio 2:

Yes. We have a culture of self-regulation. Whatever you say or publish, you are aware of it. Journalists have to be also accountable.

Radio 3:

Not yet. Journalists try, but in general the way is quite long.

Print media 1:

We self-regulate within our media house. The public does not see much of this. Our journalists always follow our instructions and regulations based on the code of ethics. This has become our culture.

Online 1:

Media displays the culture of self-regulation. Since the RMC was established journalists have become afraid of being accused by the public and summoned before the RMC. They integrate this culture of self-regulation.

No.	Indicators	Means of verification
3.9.	Effective broadcasting code setting out requirements for fairness and impartiality	Broadcasting codes set out requirements of both public broadcasters and private broadcasters, Regulation to ensure respect for the principles of fairness, balance and impartiality during elections

Indicator 3.9 Effective broadcasting code setting out requirements for fairness and impartiality

Verified data

EDITORIAL AND PRODUCTION GUIDELINES, RWANDA BROADCASTING AGENCY, 2014

The guidelines define the values that underpin RBA as an institution and go on to describe the institution’s core editorial principles. The document contains specific guidance on some important subject areas. These guidelines are intended to be a revised regularly and reflect experience.

INTERVIEWS:

RMC

The broadcasting code or regulation still exists in draft form. The tegulation clashes with the RMC mandate . According to law RMC is responsible for the regulation of media content, but the RURA also regulates broadcasts by dealing with programming quotas.

No.	Indicators	Means of verification
3.10	Effective enforcement of broadcasting code	Breaches of code investigated and proportionate sanctions applied Proper system for dealing with public complaints Regulation enforced with due regard to editorial freedom and independence

Verified data

No.	Indicators	Means of verification
3.11	The public displays high levels of trust and confidence in the media	<ul style="list-style-type: none"> • Perception that the media reports on issues of real concern to people • Satisfaction with the balance of local and national news and information • Perception that journalists and media organisations have integrity and are not corrupt • Perception that news reporting is fair and impartial A high level of citizen participation in media as shown by: the level of participation of audiences in talk-back programmes, space devoted to readers’ comments in newspapers, etc.

Verified data

INTERVIEWS:

RMC

When people tell their story they demonstrate trust. They expect much of the media it has not been fulfilled enough. We don’t question the politicians enough.
Some irregular newspapers are critical. Some of the radios dedicate coverage of CSO duties.
Media is improving.

Transparency International

The most credible media in Rwanda is radio. Radio Rwanda is most trusted. Community radios under Radio Rwanda. If you trust community radios you trust Radio Rwanda.

CSO focus group

It is not easy to trust media. In most cases in communities the radios have engaged communities and people want to get in contact but the lines are often busy. This might lead to trust.

Indicator 3.11 The public displays high levels of trust and confidence in the media

Radio 1 tends to deal with local community issues. I wonder how they can always cover such horrible cases, but it is the community using them to bring attention to bad services, failures and other things that can be improved. Shows that people trust media in this way.

People still mistrust media being as in the genocide, but media are now being used to educate and advocate people. moved to 3.1.

No.	Indicators	Means of verification
3.12	Media organisations are responsive to public perceptions of their work	Media organisations make efforts to know more about their audience and the perceptions of the quality and the cultural diversity of their programmes and their news, Media organisations offer channels for audience engagement, establish internal audit mechanisms to guarantee transparency and accountability

Verified data

INTERVIEWS:

RMC

We have people seeing us as partners. Long way to go but it is coming

Transparency International

I can complain if the info was wrong and they must publish it. Can complain to RMC or to court

INTERVIEWS WITH PRIVATE MEDIA

TV no 1:

We take care of perceptions of our audience. We receive feedback from them through phone calls and social media (Facebook, twitter, etc.). We receive the results of audience research of IPSOS and how to improve our services.

TV 2:

We receive the feedback of our audience (calls, SMS, social media). We analyse these ideas and can correct them if they are wrong. We don't do audience surveys.

Radio 1:

Media organisations are responsible to the audience but the audience is very focused on sensational news. Some journalists especially in sport programmes take advantage of this. When a reporter does not insult the sport organisers or responsible, he/she loses the audience. But, our role is also to educate our publ. We receive their criticism and respond to them.

Radio 2:

Whatever we do we put ourselves into the shoes of our audience. We have to meet their needs and try to satisfy them until 80%. We receive their feedback via SMS, face book, calls, etc.
We have not heard from the ombudsman.

Radio 3:

Media receive feedback of the audience and react immediately. This is a kind dialogue. We feel responsible and we like the interactivity through the phone calls, SMS, etc.

Print media 1:

We are responsible to our audience's perceptions and are very sensitive to their criticism. According to our audience research (our readers), the elite of our newspapers is pro-government and wants more information we cannot provide for instance information held by institutions like National Bank of Rwanda (BNR). Middle and businessmen said that our newspaper helps them to know/new? information. Our non-educated audience confirmed that our newspaper helps them a lot in different areas.

Indicator 3.12 Media organisations are responsive to public perceptions of their work

Until now, there has been no complaint, no communication from the ombudsman.

Online 1:

Yes, media organisations are responsible to the audience. The audience corrects us regularly when we make mistakes. We correct them and thank our audience. We carry out surveys and we have Google analysis reports, so we know all tendencies of readers (numbers of visits, the time spent by a reader on the website, etc).

No complaint through ombudsman.

No.	Indicators	Means of verification
3.13	Journalists, associated media personnel and media organisations can practise their profession in safety	<ul style="list-style-type: none"> Journalists and associated media personnel are not subject to threats, harassment or surveillance, journalists, and associated media personnel are not physically attacked, unlawfully detained or killed as a result of pursuing their legitimate activities Media organisations are not forced to close down as a result of pursuing their legitimate activities, or threatened with closure Crimes against journalists are prosecuted and there is no climate of impunity Media organisations have policies for protecting the health and safety of their staff

Verified data

Interviewee:

A senior officer in a well-known organisation raped a child and I cannot go deep into this case because I fear. Also those people knowing details in this story are afraid. Even with sources we can't go with such stories. They can kill you and do something bad to you. I know, it can happen.

No.	Indicators	Means of verification
3.14	Media practice is not harmed by a climate of insecurity	Journalists do not routinely self-censor because of fear of punishment, harassment or attack Confidentiality of sources is protected in law and respected in practice

Verified data

INTERVIEWS:

Embassy 2:

Where things are happening are on the radio. We hear about lots of talk shows with call in. One issue is that they are basically instructed to be where the ministers are. Media feel they are part of the team – government, media, citizens.

JOURNALIST SURVEY

Table n° 12: Do some journalists censor themselves out of fear of punishment and harassment or loss of economic privileges?

Criteria	Number	Percentage
Yes	77	66.4
No	12	10.3
Not answered	27	23.3

Indicator 3.14 Media practice is not harmed by a climate of insecurity

Total	116	100
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Commenting on self-censorship, 66.4% respondents agreed that some journalists censor themselves out of fear of punishment and harassment or loss of economic privileges. 10.3 % disagreed while 23.3 did not give their point of view.

Table n° 13: Most important reason for self-censorship

Criteria	Number	Percentage
Risk of punishment or harassment	51	44
Risk of losing economic privileges	30	25.8
Not answered	35	30.2
Total	116	100

44 % of the respondents consider the risk of punishment or harassment to be the most important reason for self-censorship is. 25.8% think that the main reason is the risk of losing economic privileges. 30.2% did not answer the question.

When asked if they knew some colleagues who had been victims of punishment, harassment or loss of economic privileges, most of respondents said no. Others gave examples:

- Some of my journalists have been under arrest because of an error on air. It was a story critical of the government;
- Some have been harassed and punished following stories made that were made public;
- I prefer not to comment on this
- One of my colleagues have been threatened with kidnapping;
- He was put in jail because he regularly published and broadcast stories on crime in the district which showed that the security did not work properly.

INTERVIEWS WITH PRIVATE MEDIA

TV no 1:

We do not experience any physical insecurity, but economic insecurity. Our market is not shared. The State is the richest institution and as private media, we don't have access to the Government's adverts. They are given to the RBA mostly without being tendered. Private media advertise for private enterprises.

TV 2:

I have never been harassed. My security is guaranteed until now. We always protect our sources without being forced to disclose them. Our problem is economic insecurity.

Radio 1:

We are not harmed by the climate of insecurity. We protect our sources without any constraint. We are economically insecure. Our incomes comes from advertisements. Now, it is difficult to get announcements from the Government. That is the only insecurity we meet.

Radio 2:

There is no insecurity, but for some journalists security is not 100 % guaranteed. We protect our sources and need to in investigative journalism. Economically, we don't receive announcements and other advertisements from the State. It is sometimes difficult to pay our journalists.

Radio 3:

No physical insecurity. We protect our sources of information especially when we investigate. No harassment. We try to take care of our financial situation.

Indicator 3.14 Media practice is not harmed by a climate of insecurity

Print media 1:

No insecurity and our sources are always protected when they demand to remain anonymous. No harassment and we don't have economical problems.

Online 1:

No insecurity, no harassment and we protect our sources. Some of them demand to remainr anonymous and we are obliged to respect their decision.

CATEGORY 4: PROFESSIONAL CAPACITY BUILDING AND SUPPORTING INSTITUTIONS THAT UNDERPIN FREEDOM OF EXPRESSION, PLURALISM AND DIVERSITY

No.	Indicators	Means of verification
4.1.	Media professionals can access training appropriate to their needs	Qualification programmes for journalists exist Training programmes offered by a variety of providers– domestic and external Opportunities for qualified journalists at all levels to upgrade their skills and essential disciplinary knowledge Opportunities for regional and international exchanges and programmes Support for journalists who need to specialise in specific subject areas Training in IT skills Opportunities for journalists to access distance learning Training physically accessible to all journalists, combines production, uses local languages, accessible to women and marginalised groups, Programmes are adequately evaluated by the participant, covers building awareness of the need for good systems of management, Transparency and dialogue between management and staff

Verified data

INTERVIEWS:

MHC:

So far, we advocated for media capacity building in partnership with stakeholders to mobilise resources for this activity and have implemented parts of our training. We participate in the forums and meetings to contribute to their implementation of policies, and we collaborate with national, regional, international institutions.

RBA – Directors

RBA staff has some training – more than staff in other institutions. Our salaries are higher than others. We are more selective and we train people how to balance. We have their background school, in-house training, international trainings and also the MHC or ministries can offer training. We always send people away for training when offered. Usually we have trainings by outsiders.

INTERVIEWS WITH COMMUNICATION, MEDIA, JOURNALISM UNIVERSITY EDUCATIONS AND TRAINING INSTITUTIONS.

The issue of appropriate training must be worked on and looked at carefully. The only way to identify the needs, is through surveys and research. We definitely still need those surveys to document the needs for appropriate training for our professionals. Furthermore, trainings must be coordinated to avoid duplication. The organisers don't take into consideration the needs of professionals. Trainings are organised according to the funders' perception of the needs and the trainees are invited to participate without being asked what their needs are. Some of journalists can do the same training more than twice.

Indicator 4.2 Media managers, including business managers, can access training appropriate to their needs

No.	Indicators	Means of verification
4.2.	Media managers, including business managers, can access training appropriate to their needs	Training for managers of media companies Training in appropriate business skills including marketing, financial management, Training programmes accessible to women and marginalised groups

Verified data

INTERVIEWS:

MHC

We have conducted training on business challenges and ICT economy and surveyed media performance indicators to rank media here. We have set up the indicators according to performance, efficiency, editorial management and media management. Trainings on journalistic content, clear division of labour, and media management have not yet been planned.

RBA Directors

We try to train people but there is still a need for this. Training is often done through partnerships and we prefer in-house training. We partner with Swedish radio.

RBA media managers including business managers can access training appropriate to their needs – sufficient possibilities inside and outside Rwanda, sufficient coordination of training offers and of labelling.

Our advertisements are broadcast around the news but there are no advertisers that would try to buy RBA. We can live without any of them.

We make sure we have all subjects, but we don't have that many advertisements. The content is focusing on the rural areas. People rely on us to get news, health, agriculture etc. but we get the news stories from the community radios and in other places from correspondents. We try to train people but there is still needs, but this is often done through partnerships and we prefer in-house training – Swedish radio. RBA's staff is trained more than in than other institutions. Our salaries are higher and are more selective in-house training, international trainings and also MHC or ministries can offer training. We always send people when they are trained."

INTERVIEWS WITH COMMUNICATION, MEDIA, JOURNALISM UNIVERSITY EDUCATIONS AND TRAINING INSTITUTIONS.

There is a pressing need for media managers training. Many of them have started their media without any business plan, others do not know how to make their media economically sustainable. There has to be a framework for training of media managers.

INTERVIEWS WITH PRIVATE MEDIA

TV no 1:

In our media, the managers have not been trained. Training of them should be organised.

TV 2:

Our media managers don't have access training appropriate to their needs. Journalists are regularly trained even though their training programmes are not updated.

Radio 1:

They are not trained. The training are organised for journalists and not for managers.

Radio 2:

Indicator 4.2 Media managers, including business managers, can access training appropriate to their needs

I have never seen my Managing Director or other managers attend a training. They do not have time for training. The best way to arrange training for them would be in house training.

Radio 3:

The media managers and business managers don't have access to training. I have never heard about it since I started work with my media.

Print media 1:

Our media organises trainings for managers and business managers which take place in Rwanda and abroad. I have personally been trained 3 times. We have also in house training by coaches from Uganda and Kenya.

Online 1:

Journalists are regularly trained, but not the managers. I haven't attended any training either since we started our media (6 years ago).

No.	Indicators	Means of verification
4.3.	Training equips media professionals to understand democracy and development	Training helps build awareness of media's potential in fostering democracy and human rights Training equips journalists to report the perspectives of marginalised groups Training equips journalists with investigative reporting skills and related disciplinary knowledge Training covers journalism ethics, risk awareness and first aid

Verified data

INTERVIEWS:

Embassy 2:

We have seen that the MHC does very good training –

MHC:

We have the national dialogue for media development on annual basis. Last year we talked about the impact of the media reforms. All were brought together to discuss how media can be professional and responsible.

We have signed MOUs with key stakeholders – like One UN – concerning a five year program with 200.000 USD annually and with UNESCO, and UNICEF as international partners. The MOUs focus on building capacity and specialised training. We have also built partnership with regional partners like PANOS.

We have planned to harmonize education and trainings. We have asked development partners to consult MHC before they implement trainings. These trainings will be integrated in our action plan for next year.

The MHC has no training targeting democracy and human rights specifically. We have had forums on elections and media reforms.

INTERVIEWS WITH COMMUNICATION, MEDIA, JOURNALISM UNIVERSITY EDUCATIONS AND TRAINING INSTITUTIONS.

Yes, this is a principle but an environment of political debate is a precondition for democracy. Media professionals and politicians have not yet paved the way for democratic debate. Development, cannot be boiled down to a well-functioning infrastructure and GDP growth. Development is the backbone of democracy as well. must be based on democracy. I look forward to seeing our media and our politicians start debating.

No.	Indicators	Means of verification
4.4.	Academic courses accessible to wide	Universities and colleges offer undergraduate and postgraduate courses in journalism and other aspects of media

Indicator 4.5. Academic courses equip students with skills and knowledge related to democratic development

Indicator 4.6. Media workers have the right to join independent trade unions and exercise their rights

	range of students	Training materials and textbooks available in local languages Necessary training equipment/technical facilities, including access to ICTs, available in media training institutions
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Journalism university educations and training institutions

Apart from ad hoc initiatives of government and private institutions (NGOs), 4 universities offer in journalism and communication education. This is the University of Rwanda, the Catholic Institute of Kabgayi and Mount Kenya University and Jomo Kenyatta University. This one is offering masters programme since last year.

The University of Rwanda has the School of Journalism and Communication (SJC) and Great Lakes Media Centre (GLMC). The school has created since 1996 and trains journalists and communicators for a period of 4 years (bachelor degree). A hundred new students are registered each year. The school has just put on the market about 500 graduates in journalism and communication. Tuition fees: 600,000 Rwf per student per year. The school has 9 teachers including 3 PhDs, Masters and holders of 5 1 PG Diploma holder.

Great Lakes Media Centre shares premises, lecturers and equipment with the School of Journalism and Communication, as there are two institutions of the University of Rwanda. GLMC trains working journalists (they are recommended by their respective institutions) for a two-year program (Diploma level). Courses are scheduled evenings from Monday to Friday and Saturdays.

Besides academic training, GLMC organizes short courses. The training modules take into account the needs in the media sector (covering leisure activities and sports media rights and ethics, etc.). Today GLMC trained 115 journalists for Diploma level and more than 300 journalists attended the different training.

GLMC opened its doors end of 2007. Tuition fees amounted to 300,000 Rwf and 180,000 Rwf were supported by the Government since the creation of the Centre until 2012-2013. From the academic year 2014-2015, the fees have been harmonized for all faculties of the University Rwanda to Rwf 600,000 per student per year. This was a big challenge for GLMC's candidates and this academic year the Centre did not register any candidate.

Both institutions have equipment enabling students and trainees to make their practical courses: radio production studio, television production studio (under construction), computer lab equipped with editing software for print, audiovisual, video cameras, cameras, recorders etc. Note that this equipment is modern.

Since the School of Journalism and Communication moved from Huye to Kigali in 2011-2012, students are deprived of their voluntary exercise they were performing regularly at Radio Salus, radio school, which remained in Huye. But from the academic year 2015-2016, the Radio will move to settle in Kigali as well.

The Catholic Institute of Kabgayi (Institut Catholique de Kabgayi) is a private institution belonging to the Catholic Church. It opened its doors in 2002 and has several faculties including the Faculty of Journalism and Communication, which has two branches: journalism and public relations. Here the classes are both day and night. Faculty receives each year hundreds of new candidates. The programme is bachelor degree level and more than 200 laureates have been graduated in journalism. Training costs amount to Rwf 370,000 per student per year for the first two years of the date and section 400.000 Rwf for the evening section. For the third and fourth years, these expenses increased to 400,000 Rwf for students of day and Rwf 430,000 for those in the evening. As for the students who attend classes on weekends only, the amount of 450,000 Rwf per student per year.

The Faculty has modest equipment allowing students to do their practical courses. The students have the opportunity to be trained as volunteers at Radio Maria Rwanda, neighbor.

Mount Kenya University branch (a Kenyan university based in Nairobi) is installed in Kigali since about 3 years. It has a variety of programs including journalism and communication. In this area, the University offers a diploma program in journalism and mass media (Diploma in Journalism and Mass Media Communications) and a bachelor degree in Media and Communication (Bachelor of Arts in Media and Communication 'Media Studies'). Mount Kenya University, Campus Kigali has just put its first intake laureates on the labor market.

Indicator 4.5. Academic courses equip students with skills and knowledge related to democratic development

Indicator 4.6. Media workers have the right to join independent trade unions and exercise their rights

Among the institutions responsible for the training of journalists, figure the Media High Council whose mission has been reduced to just the capacity building of journalists. With no training infrastructure, HCM is in partnership with the institutions responsible for training as GLMC that highlight implementation of programs funded by the MHC according to the set of specifications developed for this purpose. In other words, this is done on the basis of one-off contracts.

Training institutions in journalism and related fields have the strength to have animated teachers of goodwill and certain institutions have basic modern facilities for teaching. They have also many candidates (trainees) to train. The number of qualified teachers in journalism should be increased, because they are the same individuals who replace each other in the classrooms of all these universities.

Some other challenges: Financial resources; downstream education system, students are hardly equipped to a quality higher education; restricted market of qualified teachers; job market still tight laureates; financial resources to make available to students of equipment technologically up to date and quantity progressing at the rate of increase in staff, etc.

Seminars and other ad hoc training also belong to different initiatives (MHC, GLMC, IWPR, SFCG, etc.) without clear coordination.

Verified data

INTERVIEWS WITH COMMUNICATION, MEDIA, JOURNALISM UNIVERSITY EDUCATIONS AND TRAINING INSTITUTIONS.

Yes courses are accessible but they are more theoretical than practical. This is because some journalism training institutions do not have enough equipment and practical trainers.

No.	Indicators	Means of verification
4.5.	Academic courses equip students with skills and knowledge related to democratic development	Courses cover issues of media law, ethics, regulation and public policy, help build awareness of the potential of media in promoting democracy and human rights, equip students with the skills needed for independent thought and analysis, contain essential disciplinary knowledge in the subject areas journalists are expected to cover and media literacy geared to the modern communications environment

Verified data

MHC:

We don't have a curricula about democracy, human rights etc. this curricula should help us to conduct workshops to discuss the media laws and how it applies to the work.

INTERVIEWS WITH COMMUNICATION, MEDIA, JOURNALISM UNIVERSITY EDUCATIONS AND TRAINING INSTITUTIONS.

The courses cover the laws, the policies and the disciplinary knowledge but the students need to apply this in a practical environment. The curriculum needs to be reviewed and include courses concerning democratic development. Normally in schools and universities, a curricula review is carried out every 5 years. This is an excellent opportunity to implement new courses that reflect the current situation.

Indicator 4.5. Academic courses equip students with skills and knowledge related to democratic development

Indicator 4.6. Media workers have the right to join independent trade unions and exercise their rights

No.	Indicators	Means of verification
4.6.	Media workers have the right to join independent trade unions and exercise this right	<ul style="list-style-type: none"> • Right to form unions is respected in law and in practice • Right to take industrial action is respected in law and in practice National journalist associations can exercise the right to affiliate with appropriate Global Union Federations and international professional associations

Verified data

INTERVIEWS WITH COMMUNICATION, MEDIA, JOURNALISM UNIVERSITY EDUCATIONS AND TRAINING INSTITUTIONS

They have the right to do so but there is no such trade union for media workers in Rwanda

No.	Indicators	Means of verification
4.7.	Trade unions and professional associations provide advocacy on behalf of the profession	<ul style="list-style-type: none"> • Trade unions recognized as negotiating partners by employers’ groups, both on labour and professional issues • Professional journalist associations actively debate media ethics and standards, • Employers’ associations set standards and actively defend freedom of expression, • Trade unions and professional associations disseminate codes of ethics and actively defend freedom of expression Trade unions defend the interests of women media professionals

Verified data

INTERVIEWS WITH COMMUNICATION, MEDIA, JOURNALISM UNIVERSITY EDUCATIONS AND TRAINING INSTITUTIONS

Yes. Since the establishment of the RMC, advocacy is growing day by day. This self-regulatory body has been put in place by journalists themselves and they feel comfortable with it. Before, the Government institutions, including the police used to minimise the work of journalists, and had no respect for them.

No.	Indicators	Means of verification
4.8	CSOs monitor the media systematically	CSOs monitor media content and ownership in the interests of promoting pluralism and diversity, provide critical analysis of media, play a role in promoting media literacy

Verified data

INTERVIEWS:

Transparency International

I think only the RMC does this

INTERVIEWS WITH COMMUNICATION, MEDIA, JOURNALISM UNIVERSITY EDUCATIONS AND TRAINING INSTITUTIONS

Annex II: Media Freedom Indicators – Table with Verified Data

Indicator 4.7. Trade unions and professional associations provide advocacy on behalf of the profession

Indicator 4.8. CSOs monitor the media systematically

Media monitoring is poorly done because there is no competent personnel and no equipment. It used to be carried out by the MHC, but this was not done systematically. The main events like elections were monitored. Now the RMC is in charge of this activity which needs equipment and staff resources to do it.

No.	Indicators	Means of verification
4.9	CSOs provide direct advocacy on issues of freedom of expression	<ul style="list-style-type: none"> CSOs actively promote freedom of expression, right to information, journalist safety CSOs engage with policymakers on the issue of public policy towards the media

Verified data

INTERVIEWS:

Transparency International

In Transparency International we fight injustice. We do not work on freedom of expression

RCSP

Maison de la Presse, which is a member of our network, does some advocacy for freedom of the press..

INTERVIEWS WITH COMMUNICATION, MEDIA, JOURNALISM UNIVERSITY EDUCATIONS AND TRAINING INSTITUTIONS

Freedom of the press has been debated openly since the RMC broke the barriers of silence.

No.	Indicators	Means of verification
4.10	CSOs help communities access information and get their voices heard	<ul style="list-style-type: none"> CSOs provide advice and assistance to people wishing to access the media CSOs involved in training journalists and in capacity building

Verified data

INTERVIEWS:

Transparency International

There is a web based media called Sowani. Independent journalists host shows where the general public’s opinions are discussed live in the media. The Eddihed website and Kigali do that now. And then the radio stations. Isango Star, Radio Sarus and many others do so, too.

INTERVIEWS WITH COMMUNICATION, MEDIA, JOURNALISM UNIVERSITY EDUCATIONS AND TRAINING INSTITUTIONS

Indicator 4.9. CSOs provide direct advocacy on issues of freedom of expression

Indicator 4.10. CSOs help communities access information and get their voices heard

The RMC together with the Office of the Ombudsman are the custodians of the law on access to information. It is a sign of progress that some people have brought examples of violation of their access to information to the office of the ombudsman. At least people have understood that they can claim their rights.

Recently, a new organisation “Sobanukirwa” has published its website www.sobanukirwa.rw aiming to help people access any information. On this website you can submit your request for access to information.

CATEGORY 5: INFRASTRUCTURAL CAPACITY IS SUFFICIENT TO SUPPORT INDEPENDENT AND PLURALISTIC MEDIA

No.	Indicators	Means of verification
5.1.	Media organisations have access to modern technical facilities for news gathering, production and distribution	<ul style="list-style-type: none"> Journalists have secure, reliable and affordable access to ICTs and are trained to use them effectively Journalists have access to a wide range of reference and archival material Community media are equipped with appropriate technical facilities to reach marginalised communities Adequate printing and distribution facilities are available to print media Media organisations make use of multi-platform delivery systems Public, private and community media use ICTs to generate citizens’ engagement with media

Verified data

Media equipment has been exempt from import duties and generally relatively modern equipment is available. The private community media seem to have less of this. Journalists are being trained to use it.

RBA was furnished with modern equipment and a new studio when ORINFOR was closed down and the RBA was established. However, the RBA district community radios seem to be modestly equipped in comparison with the national channels.

The programmes of the private commercial broadcasters, the RBA as well as some of the community radios are distributed on several platforms.

RBA television is distributed on digital terrestrial network which is also the case in a Star Times joint venture. In both cases the consumers pay neither subscription nor license fees, but those private TV-stations wanting to be distributed through these networks pay significant costs.

The alternative to digital terrestrial broadcasting of television is broadcasting by satellite as Free to Air or as pay and subscription TV. There might be a lack of clear provisions regulating the relationship between these different technological platforms, such as “must carry” channels for subscription TV or content restrictions for free to air channels if licensed out of Rwanda.

Radio is still broadcast on FM. In a country with 1000 hills or more the transmitters are easy to place, but the signal may not reach all valleys. Only medium wave is received practically everywhere.

Private broadcasters are obliged to place their antennas on RBA’s distribution towers and a fee is in principle set by RURA.

Annex II: Media Freedom Indicators – Table with Verified Data

Indicator 5.1. Media organisations have access to modern technical facilities for news gathering, production and distribution

A fibre network is now accessible across most of the country so towns have access to a relatively good and fast internet connection. It is also a platform that quickly expands its users in Kigali. A recent survey of internet consumption in Kigali showed that 59 % had used Internet the last 7 days in the population group above 15 years old, while 89 % in the same age group had listened to radio, 74 % had watched TV and only 22 % had read a print publication or newspaper the last 7 days¹⁶.

This is well illustrated by this survey of people above 15 in Kigali who have used internet during the last 4 weeks and ask what they have used it for¹⁷:

Chatting with friends / social networking	63%
Emails	57%
News/ current affairs	48%
Reading online newspapers	45%
Research	43%
Entertainment/games/music	27%
Video entertainment/Streaming	24%
General surfing	23%
Reading books	19%
Job search	15%
Hobbies	14%
For work/ business	9%
Academic purposes/school work	8%
Listening to the radio	4%
Shopping/product information	3%
Banking	3%
Tracking the stock market	2%
Blogging	2%

¹⁶ IPSOS MEDIACT. Past 7 Days Activities: Total Survey Area. Snapshot Sample for Media Progress, 21 April 2015

¹⁷ Ibid

Indicator 5.1. Media organisations have access to modern technical facilities for news gathering, production and distribution

Watching TV	1%
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All significant public and private media besides radio and TV broadcasters use social media as Twitter and Facebook to reach and be reached by their audiences.

INTERVIEWS:

RBA Directors

RBA TV broadcasts on terrestrial digital in 16x9, and the private TV-stations broadcast on Startimes satellite.

We carry out audience surveys of programmes. Call-in and call-out programmes provide information concerning the general public's perception of us.

Surveys carried out by IPSOS provide us with most of the feedback about our programmes. In one area we monitor TV consumption in 100 households. On average 4 per house have access to T. Monitoring is really difficult for us in the provinces but for intellectuals and people outside Rwanda it is ok.

INTERVIEWS WITH PRIVATE MEDIA

TV no 1:

In our media, this has been implemented. We don't have any problem with modern technical facilities for news gathering and broadcasting. Our media is also online and we are considering making it accessible for android as well.

TV 2:

We have modern technical facilities, but we don't have correspondents in the provinces. All our reporters are in Kigali.

Radio 1:

We don't have a problem with modern facilities. We broadcast online. The use of modern facilities would normally depend on the media's budget. When a media does not have the means, the quality is low.

Radio 2:

In general, I don't think that journalists have enough cameras for example so they would be able to take pictures and document the case immediately. For some radios, their recorders are classic and old. Our station is not online and it is not easy to cover events when we don't have correspondents.

Radio 3:

We have modern technical facilities but not enough. Our technicians are not well trained. Last time our website was down it was costly to repair it. It is difficult for us to report from provinces is difficult for us. Issues such as transport of journalists and communication constitute challenges.

Print media 1:

We need to have access to more technical facilities such as IPADs, laptops for journalists, etc. transport of journalists in provinces is also a big challenge for us. We have 13 correspondents in different provinces but we need to increase this number until 30.

Online 1:

We have modern technical facilities so we have no problem. Online media need more innovation to grow. We have 4 correspondents in provinces and things are going well.

Advertisers' organisation

There are no advertisers' organisation in Rwanda. The marketing department of each media is in charge of advertisements. Some media receive adverts from the government, other do not. It is difficult for private media to budget their income generated from advertisements. Some media use pro-active strategies to increase their sale of

Indicator 5.1. Media organisations have access to modern technical facilities for news gathering, production and distribution

advertisements by having audience surveys made and contacting private companies for sponsorship of specific content.

Distributors' Association

In Kigali, newspaper distributors are organized in cooperatives. The number has dwindled from originally 150 members to less than 100 members now. The idea of cooperatives has spread to all sectors in Rwanda and is encouraged by the Government. Subsidies and other financial supports are not given to individuals, but to associations (unions). These newspaper distributors, will not accept that a number of newspapers make their articles in full accessible online. Then the readers do not want to read the same article in a printed version. The distributors demand that only the titles of the article are accessible online so readers have to buy the newspapers to read the article. This proposal seems doomed to fail considering that the implementation of internet technology is a government priority.

No.	Indicators	Means of verification
5.2.	Marginalised groups have access to forms of communication they can use	<ul style="list-style-type: none"> The public broadcaster is technically accessible nationwide The state takes positive steps to ensure maximum geographical reach of all broadcasters Non-print media is accessible in communities with high levels of illiteracy Community-based broadcasters or publications have high or growing levels of penetration in their target area

Verified data

LAW REGULATING MEDIA

(LAW N°02/2013 OF 08/02/2013, *Official Gazette n° 10 of 11 March 2013*)

Article 19: Right to a website

Every person has the right to receive, disseminate or send information through internet. He/she is entitled to the right of creating a website through which he/she disseminates the information to many people. Posting or sending information through the internet does not require the user to be a professional journalist.

INTERVIEWS:

Transparency International

Coporwa is a CSO representing the marginalised. The marginalised receive a lot of media coverage. For example local authorities are asked in the media why they let poor people live like that.

RBA Directors

We are gradually changing our programmes from studio broadcasts to broadcasting from the field to get closer to people. We invite people to discuss issues live. Last week all national broadcasting was done from one of the districts. There is a live public dialogue between the government and local people. We have volunteers called radio and TV ambassadors. We pay them for their reports.

No.	Indicators	Means of verification
5.3.	The country has a coherent ICT policy which aims to meet the information needs of	CSOs, media, government and commercial entities work together to make ICTs accessible Pricing policy does not exclude marginalised communities Existence of a digital migration policy and strategy

Indicator 5.2. Marginalised groups have access to forms of communication they can use

Indicator 5.3. The country has a coherent ICT policy which aims to meet the information needs of marginalised communities

	marginalised communities	
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Verified data

Rwanda has an ambitious ICT strategy, known as the National Information and Communication Infrastructure Plan (NICI)¹⁸. The NICI plan, which started in 2001, aims at fast tracking Rwanda’s transformation to a knowledge-based society. Its objectives are to:

- Transform Rwanda into an IT-literate nation
- Promote and encourage the deployment and utilization of ICTs within the society
- Improve the civil and public service efficiency
- Develop the information and communications infrastructure of Rwanda
- Make Rwanda a regional ICT hub
- Transform the educational system using ICTs with the aim of improving accessibility, quality and relevance to the developmental needs of Rwanda
- Empower Rwandans by developing a human resource base that adapts to changing demands of the economy
- Develop the legal, institutional and regulatory framework and structures required to support the deployment and utilization of ICT

This strategy does not aim to reach the marginalized communities as such but rather to build Rwanda’s business sector and economic strength.

A fibre cable network has been laid across the country. This makes it possible for companies and for networks of start-up companies to have access to fast speed facilities.

Pricing for mobile phones are relatively low, and data transmission is accessible via mobile telephone. Taking into account the purchase power, internet access still remains expensive in Rwanda compared with European countries. However, the online media are hastily growing and seem also to push the boundaries for media freedom

¹⁸ Since the first National ICT Strategy and Plan in 2001, the government of Rwanda has revised it at regular intervals. The NICI IV covers the period 2016-2020.

ANNEX III LIST OF INTERVIEWEES AND RESPONDENTS

ORGANISATION	SURNAME	FIRST NAME	POSITION
1. Amazing Grace Christian Radio	Bertin	Kalisa	Presenter
2. Amazing Grace Christian Radio	Hategekimana	David	Presenter
3. Amazing Grace Christian Radio	Manishimwe	Solange M.	Journalist
4. Association de la Jeunesse pour la Promotion des Droits de L'Homme et le Développement (AJEPRODHO)	Nkurunziza	Enock	Executive Secretary
5. Association Rwandaise des Journalistes (ARJ)	Muganwa	Gonzaga	Executive Secretary, journalist
6. Celebs Magazine	Kwizera		Editor-in Chief
7. City Radio	Habimana	Bonaventura	Journalist
8. City Radio	Mutoni	Brenda	Journalist
9. City Radio	Mutuyeyezu	Oswald	Chief news editor
10. City Radio	Reporter/ presenter n° 14		
11. Collectif d'organisations rwandaises de défense des droits de l'homme (CLADHO)	Ishimwe	Benjamin	Project officer
12. Community Radio Rubavu, RBA	Steven	Kalisa	Director
13. Contact FM	Tukamwibonera	Leonard	Reporter
14. Delegation of the EU	Hockerfelt	Ida	Press Officer
15. Delegation of the EU	Ryan	Michael	Ambassador
16. Delegation of the EU	Schaer	Daniel	Head Political Section
17. DFID, Department for International Development	Caldwell	Scott	Senior Governance Advisor
18. Embassy of the Kingdom of Belgium	Wimmer	Michael	First Secretary
19. Embassy of the Federal Republic of Germany	Fahrenholtz	Peter	Ambassador
20. Embassy of Kingdom of Netherlands	Oudheusden	Erik van	Second Secretary
21. Embassy of Kingdom of the Netherlands	Cuelenaere	Leoni	Ambassador
22. Embassy of Sweden	Håkansson	Maria	Chargé d'Affaires

23. Embassy of Sweden	Jemt	Lennart	First Secretary/ Senior Programme Manager
24. Embassy of the United States of America	Howard	Jonathan P.	Political Officer
25. Embassy of the United States of America	Webb	Roger Croix	Public Affairs Officer, Spokesperson
26. Family Magazine	Tumwesigire	Peace Hillary	Founder and editor
27. Flash FM	Karangwa	Vital	Journalist
28. Flash FM	Muyombano	Peter	Journalist
29. Flash FM	Twahirwa	Alphonse	Journalist
30. Igihe Ltd	Hitimana	Mathias	Editor
31. Igihe Ltd	Mukaneza	Ange M.	Reporter
32. Igihe Ltd	Murindabigwi	Meilleur	Managing Director
33. Igihe Ltd	Murungi	Sabin	Editor
34. Igihe Ltd	Ndayishimiye		French editor,
35. Igihe Ltd	Niyomwungeri	Cyprien	Reporter
36. Igihe Ltd	Ntakirutimana	Deus	Reporter
37. Igihe Ltd	Rutikanga	Paul	News Anchor
38. Igihe Ltd	Umurerwa	Emma-Marie	Reporter
39. Imbaraga	Musine	Juvenal	General Secretary
40. Imirasire.com	Journalist n° 11		
41. Imirasire.com	Mutungirehe	Samuel	Journalist
42. Imirasire.com	Nsengiyumva	Dennis	Reporter
43. Imirasire.com	Umucunguzi	M.	Editor/Reporter
44. Imvaho Nshya	Editor n° 4		
45. Imvaho Nshya	Editor n° 7		
46. Imvaho Nshya	Editor n° 12		
47. Imvaho Nshya	Journalist n° 1		
48. Imvaho Nshya	Journalist n° 2		
49. Imvaho Nshya	Journalist n° 3		
50. Imvaho Nshya	Journalist n° 5		
51. Imvaho Nshya	Journalist n° 6		
52. Imvaho Nshya	Journalist n° 13		
53. Imvaho Nshya	Ndamage	Frank	Editor-in-chief
54. Inyarwanda.com	Journalist n° 24		
55. Inyarwanda.com	Journalist n° 25		
56. Inyarwanda.com	Journalist n° 26		
57. Inyarwanda.com	Journalist n° 27		

58. Inyarwanda.com	Journalist n° 28		
59. Institute for War and Peace Reporting (IWPR)	Morris	Lynn	Country Director, Rwanda
60. IPSOS Media CT	Ingabire	Lorraine	Client service Executive
61. IPSOS Media CT	Ng'ang'a Abraham	Nicholas	Country Representative
62. Isango Star	Journalist n° 10		
63. Isango Star	Munyaneza	Ernest	Journalist/Reporter
64. Isango Star	Mwanafunzi	Ismael	Journalist
65. Isango Star	Uwe	Hervé	Journalist
66. Izuba Community Radio	Bigenimana	Didier	Journalist
67. Izuba Community Radio	Dusabumuremyi	Narcisse	Journalist
68. Izuba Community Radio	Kamanzi	Lucien	Journalist
69. Izuba Community Radio	Kawunya	Regine	Journalist
70. Izuba Community Radio	Kayonga	Epimaque	Journalist
71. Izuba Community Radio	Mbangukira	Titian	Journalist
72. Izuba Community Radio	Ntwari	Aloys	Journalist
73. Izuba Community Radio	Nzabandora	Theogene	Journalist
74. Izuba Community Radio	Rwigamba	Aimable	Managing Director
75. Izuba Rirashe	Ngenda	Sam	Photojournalist
76. Izuba Rirashe	Nshimyumukiza	Janvier	Editor
77. Journalist n° 8			
78. Journalist n° 15			
79. Journalist n° 17			
80. Journalist n° 18			
81. Journalist n° 20			
82. Journalist/Student	Umugwaneza	Jean Benoit	
83. La Nouvelle Releve	Niyonsaba	Pascal	Journalist
84. La Nouvelle Releve	Rugambwa	Gerard	Editor-in-chief
85. Lemigo TV	Bukize	Pascale	Journalist
86. Lemigo TV	Fausta	Gisa	Sports Director
87. Lemigo TV	Hakizuwera	Flugence	Reporter
88. Lemigo TV	Ingabire	Yvonne	Reporter
89. Lemigo TV	Irudukunda	Début Consolée	
90. Lemigo TV	Kayiranga	Justin	cameraman
91. Lemigo TV	Munezero	Bonfils	Journalist
92. Lemigo TV	Muvunyi	Innocent	Reporter

93. Lemigo TV	Ngoboka	Jean Claude	Progammes Director
94. Lemigo TV	Nishimwe	Marie Rose	Reporter
95. Lemigo TV	Nzeyimana	Luckman	Presenter
96. Lemigo TV	Sebushishi	Bogard	Reporter
97. Lemigo TV	Umugwaneza	Mounira,	Reporter
98. Maison de la Presse	Mugabe	Robert	Editor-in-Chief
99. Media High Council (MHC)	Mbungiramihig o	Peacemaker	Executive Secretary
100. Mount Kenya University	Bahati	Prince	Lecturer
101. National Human Rights Commission	Nkongoli	Laurent	Commissioner
102. National Union of Disabilities Organizations of Rwanda (NUDOR)	Badege	Sam	Vice President
103. Office of the Ombudsman	Nzeyimana	Nadège	Public Relations and Communications Officer
104. One UN/UNDP	Lootsma	Auke	Country Director,
105. One UN/UNDP	Manneh	Lamin Momodou	Resident Coord. & UNDP Resident Representative
106. Panorama	Rwanyange	Rene Anthere	Managing Director
107. Prisca	Uwineza		
108. Radio 10	Bagirishya	Jean de Dieu	Managing Director
109. Radio Huguka	Habimana	Cypridion	Editor-in-Chief
110. Radio Huguka	Habineza	Felix	Journalist
111. Radio Huguka	Hbarugira	Epaphrodite	Presenter
112. Radio Huguka	Ntezimana	Jean-Claude	Journalist
113. Radio Huguka	Uwizeyimana	Aimable	
114. Radio Rwanda, RBA	Havugimana	Aldo	Director
115. Radio Salus	Hagabimana	Eugene	Director
116. Radio Salus	Muvunyi	Leonce	
117. Radio Salus	Rafiki	Clement	Journalist
118. Radio Salus	Sibomana	Faustin	Reporter
119. Real Group	Mugalura	David	Country Manager
120. Rushyashya.net	Burasa	Jean	Director
121. Rushyasha.net	Habineza	Gabby	Editor
122. Rusizi Community Radio	Nkundineza	Lamber	Director
123. Rwanda Broadcasting Agency (RBA)	Assimwe	Arthur	Director General

124. Rwanda Broadcasting Agency (RBA)	Evariste	Kalisa	Reporter Huye
125. Rwanda Broadcasting Agency (RBA)	Gashagaza	Rose Marie	Manager Huye
126. Rwanda Broadcasting Agency	Hakirimana	Gratien	Senior Reporter
127. Rwanda Broadcasting Agency (RBA)	Havugimana	Aldo	Director of Radio
128. Rwanda Broadcasting Agency (RBA)	Kagabo	Jean-Pierre	Reporter
129. Rwanda Broadcasting Agency (RBA)	Mfizi	Francois	Reporter Huye
130. Rwanda Broadcasting Agency (RBA)	Mulindwa	Augustin	Reporter Huye
131. Rwanda Broadcasting Agency (RBA)	Munyangeyo	Kennedy	TV Director
132. Rwanda Broadcasting Agency (RBA)	Ndizeye	Joseph	Reporter Huye
133. Rwanda Broadcasting Agency (RBA)	Niyitegeka	Pacifique	Reporter Huye
134. Rwanda Broadcasting Agency (RBA)	Ntore Nzaramba	Serge	Journalist
135. Rwanda Broadcasting Agency (RBA)	Reporter/ presenter n° 9		
136. Rwanda Broadcasting Agency (RBA)	Rukundo	Jean Baptiste	Reporter/presenter
137. Rwanda Broadcasting Agency (RBA)	Ruzigana		Reporter/presenter
138. Rwanda Broadcasting Agency (RBA)	Umotoni	Carine	Reporter
139. Rwanda Civil Society Platform (RCSP)	Munyamaliza	Edouard	Spokesperson
140. Rwanda Civil Society Platform (RCSP)	Murungi	Peace	Executive Secretary,
141. Rwanda Governance Board (RGB)	Mbanda	Gerald	Head of Media Affairs
142. Rwanda Media Commission (RMC)	Ibambe	Jean-Paul	Monitoring & Accreditation officer
143. Rwanda Media Commission (RMC)	Isugu	Gloriose	Monitoring & Accreditation officer
144. Rwanda Media Commission (RMC)	Mucyo	Donatien	Board Member, Lawyer
145. Rwanda Media Commission (RMC)	Munyantwari	Maurice	Monitoring & Accreditation officer,

146. Rwanda Media Commission (RMC)	Muvunyi	Fred	Chairman
147. Rwanda Media Commission (RMC)	Ndayisaba	Julius	Executive Secretary
148. Rwanda Media Commission (RMC)	Ndayikunda	Lydie	Legal officer
149. Rwanda Media Commission (RMC)	Sibomana	Eugene	Public Relations - Communication
150. Rwanda Parliament	Byabarumwanzi	Francois	MP, Chairperson of Comm. on Unity, Human Rights and Fight against Genocide
151. Rwanda Parliament	Mushinzimana	Apollinaire	Senator, Chairperson of Comm. On Political and Good Governance
152. Rwanda Television, RBA	Kennedy	Munyangeyo	Director
153. Sobanukirwa	Pugh	Stephen Abbott	Director website Access to Info
154. Student	Kaberuka	Callixte	
155. Student	Nizeyimana	Jerome	
156. Student	Mugisha	Eric	
157. Student	Abijuru	Florine	
158. Student	Nsengimana	Innocent	
159. Student	Ingabire	Delphine	
160. Student	Nsanzabera	Gady	
161. Student	Iradukunda	Yvette	
162. Swiss Agency for Development and Cooperation	De Picciotto	Giancarlo	Regional Director
163. Swiss Agency for Development and Cooperation	Flückiger	Silvio	Deputy Regional Director
164. The New Times	Barasa	Lydia	Freelance Journalist
165. The New Times	Byumvuhore	Frederic	Freelance Journalist
166. The New Times	Hakizimana	Elias	Freelance Journalist
167. The New Times	Journalist n° 16		
168. The New Times	Musoni	E.	Reporter
169. The New Times	Nsengimana	Theodore	Reporter
170. The New Times	Seaman	Jarebs	Sub-Editor
171. The New Times	Tumobaze	Peterson	Senior Business Journalist
172. Transparency International	Ingabire	Immaculee	Chairperson, RMC Commissioner

173. Transparency International	Karasira	Peter	Director of Communication
174. TV 10	Fidele	Gatsinze Victor	Managing Director
175. TV 10	Journalist n° 21		
176. TV 10	Journalist n° 22		
177. TV 10	Journalist n° 23		
178. TV 10	Mukandayisenga	Rachel	Journalist
179. TV 10	Munyentwari	Jerome	Journalist
180. TV 10	Sibomana	Emmanuel	Journalist
181. UNDP	Mayiga	John Bosco	Media Advisor
182. Umurangamirwa.com	Turatsinze	Jean-Paul	Editor
183. Umuturage	Uwimana	Omar	
184. Umuturage	Ubarijoro	Jules Maurice	
185. Umuturage	Mazimpaka	Richard	
186. Umuturage	Bitura	Sam	
187. Umuturage	Ngabonziza	Emmanuel	
188. Umuturage	Irafasha	Gisele	
189. Umuturage	Masengesho	Josiane	
190. Voice of Africa	Gakuba	Felix	Head of sports department
191. Voice of Africa	Kubwimana	Jean-Claude	Journalist
192. Voice of Africa	Mahame	Gilbert	Journalist
193. Voice of Africa	Niyonkuru	Castro	Journalist
194. Voice of Africa	Ntwari	Anaclet	Journalist
195. Voice of Africa	Twarabanye	Venuste	Reporter
196. Writer n° 19			

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(Please note that a number of these documents have hyperlinks to the online versions)

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