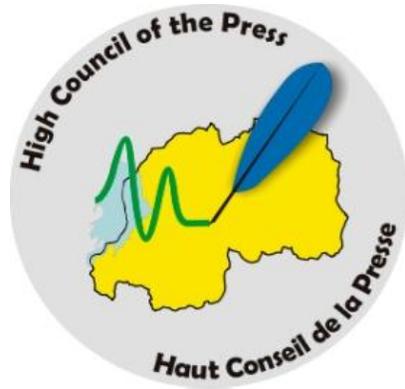


# MEDIA HIGH COUNCIL



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## **RWANDA STATE OF THE MEDIA REPORT 2009**

**Kigali, March 2010**

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## EXECUTIVE SUMMARY

The year 2010 presents the opportunities to tap and challenges to harness. Media High Council (MHC) seizes the opportunity to announce the release of its third annual report on the State of the Media in Rwanda.

Like the previous ones, the third State of the Media Report highlights media developments achieved and challenges encountered as well as the lessons learned. As a reflection for the progress realized in the media industry, the 2009 report tackles various aspects ranging from the media development to professionalism and media freedom and regulation. The report reflects on the challenges encountered by the journalists in the course of professional practice.

The report attempts to paint an image of the Media Industry in the country by looking at the strides made towards media sanity and challenges encountered by stakeholders in the course of promoting media sector to attain an environment conducive for free practice and freedom of expression. This State of the Media Report suggests a way forward in the ongoing effort to develop the media sector in the country.

In the pursuit of a freer practicing environment, the Media Sector saw the birth of a new Law<sup>1</sup> to regulate the sector in a softer way. The law lessened the huddles previously imposed by the Law of 2002 in the course of practicing journalism but still did not smoothen the road to free speech when defamation, slander and libel remained criminal matters<sup>2</sup> to battle behind the dockets of the judge when defending yourself against the professional errors rising out of practice. This is so when the 2009 Media Law remains silent about decriminalizing libel, slander and defamation which automatically give rise to criminal liability due to violation of constitutional Article No 22 on privacy, thereby condemning the daring journalists to the gallows in the guise of safeguarding public morals and sanity.

Nevertheless, the emergence of the 2009 Media Law is an indication that the road towards freedom of expression might not harbour steep slopes for a long time before the media sector heads towards the freer environment that portends a national effort in encouraging a vibrant media sector that enjoys free speech as well as the freedom of the press as guaranteed by the Constitution of the Republic of Rwanda<sup>3</sup>.

That said it is evident that the year 2009 continued to witness the media sector development through the birth of more newspapers and magazines. As a whole, six (6) newspapers came to light with Ibiyaga Bigari, The Great Lakes Post, Oasis

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<sup>1</sup> Law N°22/2009 of 12/08/2009 on Media

<sup>2</sup> Article No 12(8&9), Article 13 (5)

<sup>3</sup> 2003 Rwanda Constitution, Article 33

Gazette, The East African News, Ishema, and The Splendour joining the Media sector. Similarly, four Magazines (4) sprung up in the Media sector comprising Ito Magazine, Biashara EA Magazine, Tell, Tell Magazine and Intsinzi Magazine. By the year's end, seventy two newspapers (regular and irregular) were registered at the Ministry of Information and the MHC. Much as the figures reflect an impressive number of print media, the spectrum of the population to which they circulate their papers remains minimal in relation to the general population that should be informed or educated and entertained. This limitation in reaching the wider audience of the Rwandan society cripples the media sector from fully boasting of independent and pluralistic media that fosters "freedom of the press and media pluralism<sup>4</sup>"

The broadcast section wound up the year without registering new entrants on the broadcasting scene. This dent is however, attributed to the technical fault that resulted from the transitional phase where licensing institutions pended the process to pave way for the upcoming new media law in order to determine the appropriate body to license the broadcasters on both infrastructure and content. Similarly, due to the anticipated change in the mandate of the Media High Council under the new law, it equally contributed to the pending of the licensing process to determine the appropriate guidelines prior to issuing new licenses hence derailing the new applicants in the broadcasting section.

It goes without mention that most of these media outlets particularly the print section operate under severe financial constraints. Even though there is no formal interview held previously to confirm this assertion, the assumption is based on the irregularity of the majority print in publication and supply. The complaints lodged with the Media High Council by individual journalists against their pay, and failure of some of these newspapers to respect the print and supply frequency testifies to this claim.

This situation poses severe operational challenges such as failure to stick to their originally stated publishing frequency and/or generally afford other operational costs such as staff salaries to name a few. This financial constraint equally contributes to the media owners' inability to recruit more professional journalists who are able to produce quality and balanced news. Consequently, news quality, media professionalism and practitioners' integrity are compromised by poor performance where journalists fail to meet the expected standards due to limited skills and competence.

Unlike print section where the investors per se simply joined the field without critical considerations on requirements for business startup and management sustainability, radio stations whose operation demands primary acquisition of hardware infrastructure prior to obtaining license which also requires primary assessment to ensure technical standards, thus providing a baseline for start up,

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<sup>4</sup> International Programme for the Development of Communication (Page 2 (last paragraph))

the assessment gives radio owners a better vintage point in the media market in comparison to the newspaper owners.

Again bearing in mind that sustainability of presence on the airwaves dictates the survival of the radio station in the media market than a newspaper it is like a trumpet blower competing with the dumbfounded person whose significance in the group is only established by the relevant action. To this note, newspapers that publish weekly or monthly find it easier to suspend publication twice or thrice due to factors well known to them without causing much alarm before returning to resume operation and reestablish rapport with the readers.

That said the various monitoring reports of the MHC reported a progressive performance of the Media. This is particularly raised by the report on the 15<sup>th</sup> commemoration of the 1994 Genocide against the Tusti. The report credibly points out the exemplary articles published by different newspapers and largely perceived to be contributing to national building due to their editorials that reflected educative information<sup>5</sup>.

However, some flimsy pitfalls also surfaced where media practitioners violated ethics and deontology requirements by reporting slander and defamatory news. This can be evidenced from Umuvugizi, Umurabyo, and Umuseso newspapers, to name a few. The short comings surfaced in publishing of un-sourced information and utterances of defamatory statements. In effect, these stories went against the UNESCO IPDC provisions on professional practice where it states that “*Reaffirming the independence, pluralism and diversity of media, and freedom of information* including through, as appropriate, the development of domestic legislation, **we reiterate** our call for the responsible use and treatment of information by the media in accordance with the highest ethical and professional standards”<sup>6</sup>. To sum it up, the above analogy reflects the picture of several cases filed with the Media High Council complaining about violation of privacy. They point to the maturity stage in the media sector and challenges that persist in the path to development.

In the same vein, even access to information remains a challenge not only to the journalists searching for it but even the public that needs to be informed. Given that there is no law in place thus far, obliging custodians of public information to share it with the media, remains a challenge to MHC and its stakeholders since there is no legal backup to press the public officials to release the information within their possession, against the officials’ discretion. Suffice to say, that this gap infringes the public’s right to know and to hold accountable their leaders or their representatives<sup>7</sup>. However, to overcome this burden, the public officials need to

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<sup>5</sup> Media High Council’s 2009 Monitoring Report on 15<sup>th</sup> Commemoration of the 1994 Genocide against Tutsis

<sup>6</sup> International Programme for the Development of Communication (Page 5 (Last paragraph))

<sup>7</sup> Freedom of expression, Access to Information and empowerment of people: World Press freedom day 2008, Pages 69-85

understand and see themselves as partners in the quest to advance access to information.

To achieve this goal, MHC needs to intensify efforts in advocacy<sup>8</sup> on the right to access information to enlighten not only the custodians of the public information but also the local population to get to know and understand its right to access information.

In conclusion given the crucial role of media in the national development and the need to nurture a nascent democratic culture in our society, more local and foreign investors should be encouraged to venture into the media sector, which overall depicts the great potential for growth. As Rwanda continues to champion the region as the security hub, both media owners and journalists should turn around their mindset to be business oriented and offer the critically needed service for them to flourish.

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<sup>8</sup> Freedom of Expression, Access to information and empowerment of people: Access to information. World Press freedom day, 2008: Pages 54-57

## INTRODUCTION

The Media High Council is an independent public institution. Its primary responsibility is to promote and protect media freedom, and regulate the media by ensuring respect to the law and professional code of conduct in Rwanda. MHC is established under article 34 of the Constitution of the Republic of Rwanda of 2003 as amended to date. The Law No 30/2009 of 16th September 2009 determines the mission, organisation and functioning of the MHC while the Presidential Decree No 99/01 of 11/12/2002 sets the structure and functioning of the institution. Under the Law 30/2009 of 12/09/2009 in its Article 6, MHC is tasked to:

- 1° To promote and defend media freedom and work towards media development in general;
- 2° To ensure full implementation of the laws and principles governing print, audio, audiovisual or internet-based journalism;
- 3° To issue licenses for the establishment of media enterprises;
- 4° To decide on temporary suspension of media organs as provided for by the Law on media;
- 5° To participate in fixing the press card price;
- 6° To determine the format of the press card;
- 7° To issue or withdraw the press card;
- 8° To ensure that media organs abide by the Country's culture;
- 9° To participate in the formulation of national media policy;
- 10° To ensure that medias act as a catalyst to foster national development;
- 11° To ensure that medias serve as a catalyst to promote unity among Rwandans;
- 12° To monitor whether political organizations and political coalitions enjoy equal access to public media organs during election campaigns;
- 13° To issue instructions governing the public media coverage of campaign debates and other election campaign activities;
- 14° To ensure that public organs give equal coverage to various election-related news;
- 15° To establish a code containing contracts and setting out responsibilities and rights of audio or audio visual media organs;
- 16° To participate in determining tariffs for broadcasting frequencies;
- 17° To determine the mode of advertising through public-oriented audio or audio visual media organs;
- 18° To determine the mode through which one oral or audiovisual media organ can broadcast programs of another oral or audiovisual media organ;
- 19° To participate in journalists capacity building;
- 20° To advocate for development of journalism in general and participate in soliciting for basic equipment;
- 21° To advocate for journalists to reach the main source of information;

- 22° To assist journalists in instituting guidelines governing their conduct and journalism profession in Rwanda;
- 23° To issue instructions governing the protection and regulation of media which shall be published in the Official Gazette of the Republic of Rwanda.

With this report in place, Media High Council, the Government, private entities and other stakeholders in the media sector, get to know the progress made in the media industry and the challenges that affect the sector, in order to determine the next course of action to alleviate the challenges. This intervention by the stakeholders boosts the effectiveness of the media as a tool to inform, educate and entertain the public and enhance the democratization process by reporting the current affairs in the governance sector. This task credits the media as the fourth estate.

The report portrays the findings MHC's monitoring unit unveiled in 2009 on media houses operating in Rwanda, media related complaints lodged with MHC and the subsequent resolutions rectifying the identified mistakes. Similarly, training workshops conducted to empower the journalists and documented media freedom related cases that also form an integral part of this 2009 report.

## **0.1. OBJECTIVES**

### **0.1.1 GENERAL OBJECTIVE**

The overall objective of this report is to provide an overview of the media sector development in the country as part of the Media High Council's mandate to promote and protect media freedom on one hand, while ensuring professional practice by the practitioners on the other<sup>9</sup>.

### **0.1.2 SPECIFIC OBJECTIVES**

The specific purposes of this report is

- To evaluate the progress in the development of the media sector through verifying the regularity and irregularity of different print media organs;
- To highlight various complaints presented to the MHC from the public and communicate the decision of the MHC on those complaints;
- To evaluate media professionalism in the media performance as presented by the daily monitoring reports of the MHC in light of the media code of ethics as well as the law governing the Media in Rwanda;
- To highlight the state of the media freedom in Rwanda today and the imminent challenges that requires particular attention, as well as to propose

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<sup>9</sup> Article 6 of the Law No 30/2009 of 16/9/2009 on Media High Council

the appropriate measures for the attainment of a more free media environment. To this end, Media High Council assumes the central role of orienting both public and private partners in the right direction towards the path to media development, professional practice and respect to human rights by ensuring the right to access information.

### **0.1.3. METHODOLOGY**

The content of this report is a qualitative compilation of data collected from various institutions (Police, Human Rights organizations, Ombudsman's Office, Ethics commission and skills development institutions) and reports of activities produced by the MHC throughout the year 2009. It examines the media respect to the legal and regulatory frameworks in Rwanda as well professional documents (Ethics and Regulations and media publications) that govern media. It equally analyses practicing trends that inform the media sector development.

## **SECTION 1: MEDIA HOUSES AND ASSOCIATIONS**

Following the liberalization of the Media Sector in Rwanda and publication of the Law N°22/2009 of 12/08/2009, Media High Council continues to witness a considerable growth in number of media outlets both in print and broadcast with different editorial lines and policies. This portends a national effort in encouraging a vibrant media sector as well as the freedom of expression and the freedom of the press as guaranteed by the Constitution of the Republic of Rwanda.

The year 2009 witnessed the birth of more newspapers and magazines. In total, six (6) newspapers came to light championed by Ibiyaga Bigari, The Great Lakes Post, Oasis Gazette, The East African News, Ishema, and The Splendour. They contributed to the pool of a lot more that are already in existence. Similarly, four Magazines (4) sprung up in the Media sector comprising Itoto Magazine, Biashara EA, Tell, Tell Magazine and Intsinzi Magazine<sup>10</sup>. By the year's end, seventy two newspapers (regular and irregular) were registered both at the Ministry of Information and the Media High Council.

The broadcast section winded up the year with 19 Radios and one Television all in full operation. However, most of these media outlets especially in the print section operate under severe financial constraints. This poses great operational challenges such as failure to stick to their originally stated publishing frequency and/or generally afford other operational costs. This financial constraint equally contributes to the media owners' inability to recruit more professional journalists

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<sup>10</sup> Media High Council's Regulation, Research and Media Development Unit: Monitoring and documentation data base, 2009

who are able to produce quality and balanced news. Consequently, news quality, media professionalism and practitioners' integrity are compromised by poor performance where journalists fail to meet the expected standards due to limited skills and competence. In effect, media sector promotion and development is heavily derailed by the foregoing factors.

It is worth noting though, that newspapers and magazines are more vulnerable to financial constraints than radios. This vulnerability to newspapers and magazines is largely attributed to the previous law of 2002 on media which almost granted an express approval (authorisation) to media-investor applicants to operate a newspaper upon receipt of the application letter by the concerned Ministry without proper checkup for financial and technical capabilities of the applicant.

This facilitation for application procedures in the print section lessened the situation to join the field unlike broadcasting section whose operation demands hardware infrastructure to be in place prior to obtaining license yet acquisition of such infrastructure remains costly that you can not afford the luxury of mishandling the opportunity of getting license to go on air. Similarly the primary assessment of the technical part on the broadcasting section demands stiff adherence to the guidelines of utilizing the broadcasting license, thus, obtaining funds to acquire the primary infrastructure of operating a radio provides a baseline for start up. As such, it gives a better vintage point to the radio owner in the media sector in comparison to the news paper owner.

This lessened application procedure in the print section attracted numerous sub-standard candidates and failures from other professional sectors to come and join the media sector whether in form of journalists or newspaper owners, with the view to make ends meet in their daily lives. It is worth mentioning, that the law N°22/2009 of 12/08/2009 has come to rectify all these media challenges to create a more vibrant and professional media sector with more clarified requirements for both stakeholders in the media sector.

**Table 1: List of all Registered Newspapers in Rwanda by 2009**

No	Medium	Publication Frequency	Publication Language	Regular	Irregular	Did not publish in 2009
1	Amani	Monthly	Kinyarwanda	√		
2	Biashara EA Magazine		English, Swahil			√
3	Buracyeye	Bi- Monthly	Kinyarwanda			√
4	Business Daily	Weekly	English		√	
5	DEVT	Bi- Monthly				√
6	Education Forum	Monthly	English			√

7	Football Imanzi	Bi- Monthly	Kinyarwanda			√
8	Gasabo	Bi- Monthly	Kinyarwanda		√	
9	Grands Lacs Hebdo	Bi- Monthly	French,	√		
10	Hobe	Bi- Monthly	Kinyarwanda	√		
11	Huguka	Bi- Monthly	Kinyarwanda	√		
12	Ibanga	Bi- Monthly	Kinyarwanda			√
No	Medium	Publication Frequency	Publication Language	Regular	Irregular	Did not publish in 2009
13	Ibiyaga Bigari	Monthly	Kinyarwanda		√	
14	Imanzi	Bi- Monthly	Kinyarwanda		√	
15	Imbarutso	Bi- Monthly	Kinyarwanda			√
16	Impamo	Bi - Monthly	Kinyarwanda		√	
17	Impanda	Bi- Monthly	Kinyarwanda			√
18	Imvaho Nshya	Bi- Weekly	Kinyarwanda	√		
19	Ingabo Magazine	Bi- Monthly	Kinyarwanda		√	
20	Ingenzi	Weekly	Kinyarwanda		√	
21	Inyenyeri	Bi- Monthly	Kinyarwanda			√
22	Inyenyeri Iwacu	Bi- Monthly	Kinyarwanda		√	
23	Iriba	Bi- Monthly	Kinyarwanda			√
24	Isangano	Monthly	Kinyarwanda			√
25	Ishema	Monthly	Kinyarwanda		√	
26	Isimbi	Monthly	Kinyarwanda		√	
28	Itoto Magazine	Monthly	Kinyarwanda	√		
29	Itsenzi Magazine	Monthly	Kinyarwanda		√	
30	Itwararike	Bi- Monthly	Kinyarwanda			√
31	Izuba Rirashe	Tri- Weekly	Kinyarwanda		√	
32	Kinyamateka	Bi- Monthly	Kinyarwanda and French	√		
33	L'entrepreneur	Bi- Monthly	Kinyarwanda, English and French		√	
34	La Nouvelle Relève	Weekly	French	√		
35	La Solidarité	Monthly	Kinyarwanda		√	

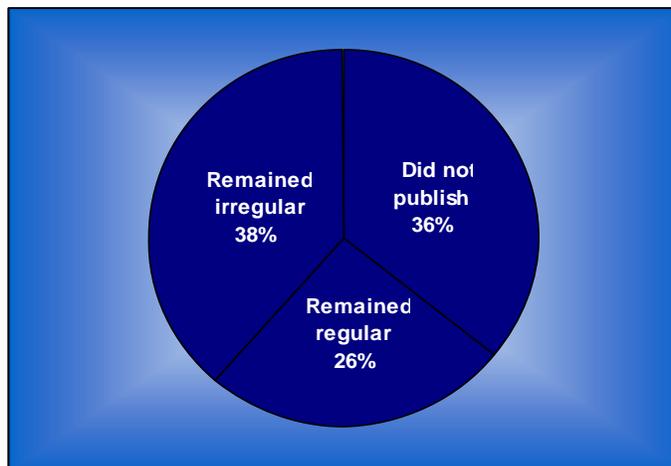
36	Le Réveil	Bi- Monthly	French		√	
37	Les Point Focaux	Weekly	French	√		
38	Media Plus	Monthly				√
39	Oasis Gazette	Monthly	Kinyarwaanda		√	
40	Objectif	-				√
41	Regards Croisés	Bi- Monthly				√
42	Rugari	Weekly	Kinyarwanda		√	
No	Medium	Publication Frequency	Publication Language	Regular	Irregular	Did not publish in 2009
43	Rushyashya	Bi- Monthly	Kinyarwanda		√	
44	Rwanda Champion	Bi- Monthly	Kinyarwanda			√
45	Rwanda Dispatch	Monthly	English	√		
46	Splendour	Monthly	English			√
47	Tell, Tell Magazine	Tri - Monthly	English	√		
48	Temps Echo	Monthly	French		√	
49	The East African News		English			√
50	The Great Lakes Post	Monthly	English		√	
51	The New Times	Daily	English	√		
52	The NewsLine	Weekly	English			√
53	The Rwanda Focus	Weekly	English and Kinyarwanda	√		
54	Weekly Post	Weekly [suspe]	English			√
55	Ubumwe	Bi- Monthly	Kinyarwanda		√	
56	Ukuri	Bi- Monthly	Kinyarwanda			√
57	Umuco	Bi- Monthly	Kinyarwanda			√
58	Umuganda	Monthly	Kinyarwanda			√
59	Umuhanuzi	Bi- Monthly	Kinyarwanda		√	
60	Umukindo	Monthly	Kinyarwanda	√		
61	Umurabyo	Weekly	Kinyarwanda		√	
62	Umurage	Bi- Monthly	Kinyarwanda			√
63	Umurinzi	Weekly	Kinyarwanda		√	
64	Umusanzu	Bi- Monthly	Kinyarwanda		√	
65	Umuseke	Bi- Monthly	Kinyarwanda		√	
66	Umuseso	Weekly	kinyarwanda	√		

67	Umusingi	Bi- Monthly	Kinyarwanda		√	
68	Umuvugizi	Bi- Monthly	Kinyarwanda	√		
69	Umwezi	Bi- Monthly	Kinyarwanda	√		
70	Urubuga rw'Abagore	Bi- Monthly	Kinyarwanda	√		
71	Urumuli	Weekly	Kinyarwanda			√
72	Viva Magazine	Monthly				√
	Total			18	29	25

Of 72 registered print media, only 45 newspapers and magazines managed to run at least a single issue by the end of 2009. The above table also indicates that “The New Times” still champions the print media as a single-daily-newspaper in the country. Its sister “Izuba Rirashe” once a tri-weekly, which occupied the number two spot in terms of publishing frequency in 2008, unfortunately disappeared from the supply in 2009. The Government owned Kinyarwanda newspaper “Imvaho Nshya” a bi-weekly, currently is the number two. Thus far, the stratification in the print media indicates that there is a 1 daily newspaper, 1 Bi Weekly, 11 weeklies, 32 bi-monthlies, 1 tri monthly and 21 monthly newspapers.

The figure below stratifies the print media in terms of their performance in 2009.

**Figure 1: Regular vs. Irregular Newspapers**



As shown by the chart above, out of 70 newspapers registered in the country by December 2009, only 26% respected their schedule of publication, while 38% struggled to survive the year: alarmingly, a bigger proportion of the registered newspapers did not afford to print even a single issue in 2009. A comparative assessment of the year 2008 and 2009 indicates that the regular section declined by 2% in 2009, irregular section shot up by 5% while those that failed to print fell by 3% from the previous 39% in 2008.

While the media sector is expected to move forward with the rest of the country in the quest to develop and professionalize the sector, the present figures on the media performance in the print section do not promise an easy walk to progress in the near future. A simple observation indicates that the 2% decline from the regular section and 5% that jumped from the non performing side topped up the irregular section to raise it from 33% in 2008 to 38% in 2009. This hopping figure of irregular print implicitly tells that the road to progress has been tiff. Much as the stiffness is associated with various factors ranging from internal organization of the newspaper management to external factors such as market predictability, this situation indicates that challenges still persist in the professionalisation of the sector. This is to say, that when a newspaper fails to sustain its supply, it remains financially vulnerable and therefore, its editorial independence also becomes questionable. That is why financial independence is also necessary for media development.

The above figures vividly tell us that the MHC still has a major challenge in streamlining the media sector into a professional field where potential and competent investors play a leading role in information supply to the general population whether in print or electronic. Investors in the media sector should be credible enough to ensure their medium is independent and thus can resist external influences poking its editorial line.

## 1.1. RADIO STATIONS BROADCASTING IN RWANDA

**Table 2: List of radio stations**

<b>N°</b>	<b>INSTITUTION</b>	<b>NATURE</b>	<b>PUBLIC/ / PRIVATE</b>	<b>FREQUENCY</b>
1	CITY RADIO	Commercial	Private	88.30 MHz
2	HUYE Community Radio	Governmental	Public	98.30 MHz / 100.40 MHz
3	ISANGO STAR(S)	Commercial	Private	95.1 MHz
4	RADIO 10	Commercial	Private	87.60 MHz/ 90.20 MHz
5	RADIO CONTACT FM	Commercial	Private	89.70 MHz
6	RADIO FLASH	Commercial	Private	89.20 MHz
7	RADIO IJWI RY'IBYIRINGIRO	Confessional	Private	106.40 MHz
8	RADIO IZUBA	Community	Private	100.00 MHz
9	RADIO MARIYA RWANDA	Confessional	Private	88.60 MHz / 97.30 MHz/ 99.80 MHz
10	RADIO RESTORE (SANA)	Confessional	Private	98.00 MHz
11	RADIO RWANDA	Governmental	Public	99.30 MHz / 100.70 MHz / 103.20 MHz
12	RADIO SALUS	Community	Public	101.90 MHz
13	RADIO UMUCYO	Community	Private	102.80 MHz
14	RUBAVU Community Radio	Governmental	Public	104.70 MHz
15	RUSIZI Community Radio	Governmental	Public	92.90 MHz / 108.00 MHz
16	NYAGATARE Community Radio	Governmental	Public	95.5
17	MUSANZE Community Radio	Governmental	Public	98.4
18	AMAZING Grace Radio	Confessional	Private	105.1
19	VOICE of AFRICA	Confessional	Private	93.5

## 1.2. TELEVISION STATIONS

**Table 3: Television stations**

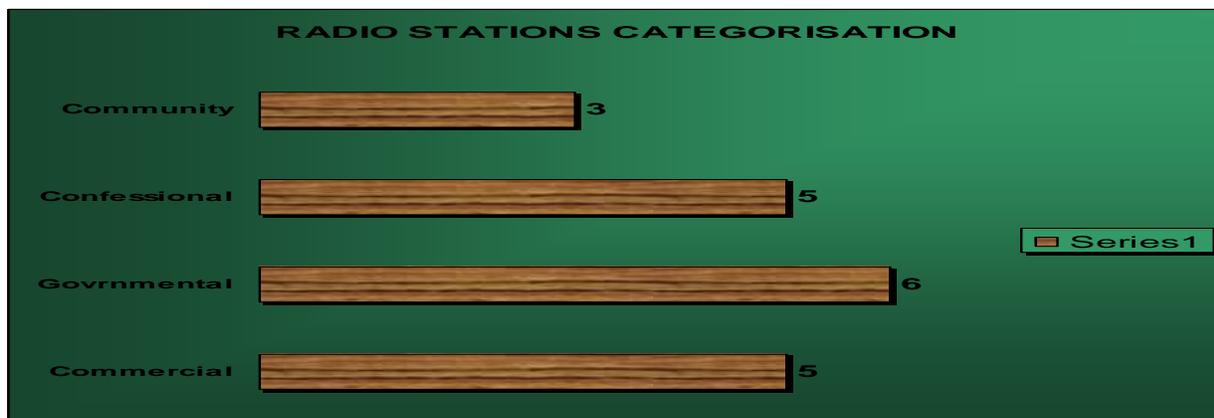
N°	INSTITUTION	NATURE	PUBLIC / PRIVATE
1	Rwanda Television	Governmental	Public

The media head count in the broadcast section presents 19 Radio Stations and one Television.

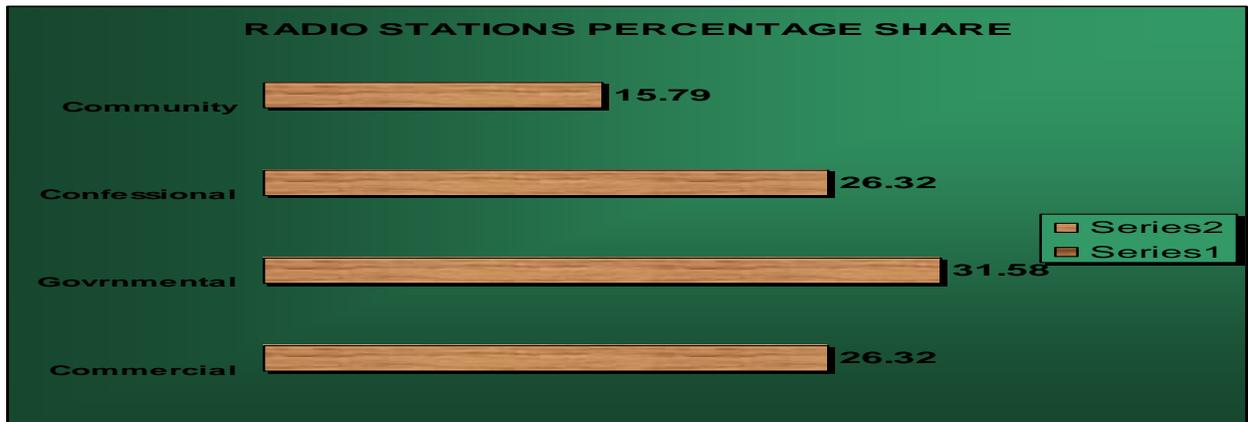
Despite the Media High Council's 2008 recommendations to the Ministry of Information to licence several TVs and other radio stations, after a year long, the 2009 still winded up with one TV (RTV) and two pay TVs (Star Times and DSTV). The inability of the licensed TVs and Radios to go on air cannot be speculated but the widely perceived reasons behind the operational delays in the electronic sector lies in the resource capabilities whether financial or technical.

**Figure 2: Radio stations categorization**

The figure below indicates the distributive number of radio stations in their categories by the end of 2009.



The chart below indicates the distributive percentage share of the Radio stations by the end of 2009



Despite the increase in the numbers of the electronic sector, the quality of content of programmes in most of the privately owned radio stations is still lacking. Except for a handful, most of the private radios concentrate on music, adverts and sports shows, religious preaching, paid up and direct call-in programmes mostly for the youth.

They rarely have brainstorming political and economic programmes discussing government policies and/or current affairs. Acutely still, aside from the community radios which are based in the rural areas and radio Rwanda whose coverage is more than 95% of the entire country, most of the other private radio stations are urban based and rarely report events in the rural areas. This inability to report the events in the rural areas of the country directly translates into the financial incapacities of these radio stations to hire more journalists to collect news and report on the upcountry events. And largely this financial limitation is directly linked to the broadcasters' inability to expand their frequencies to remote areas of the country to attract more audience and opt to concentrate in the cities where conditions of operation are a bit flexible and permissive.

### **1.3. PAY TVs REGISTERED IN RWANDA**

Aside from the GTV, DSTV and Star Times that have been in operation since 2008 the year 2009 ended with no more applications for commercial TVs. Thanks to the new media Law of 12/8/2009 which rectified the regulatory gap in the national legislation and mandated the MHC to establish guidelines for content regulation as a back up to the legal framework on which to base the intervention in this domain. Indeed, the regulations will save a situation where these companies have been in operation but without proper regulatory framework.

### **1.4. PROFESSIONAL JOURNALISM AND MEDIA ASSOCIATIONS**

Focused on enhancing their professional career, Rwandan media practitioners' concerted efforts in creating various professional associations that equally

contributed to the sector development. Their ultimate goal is to collectively collaborate on the fulfillment of their mission to gather and disseminate news while informing the public in an effective and professional manner. A critical fact however, is that the existence of these associations remains weak while others are virtually inexistent due to various factors ranging from financial to technical capacities. This challenge poses a great risk on professional independence of the media<sup>11</sup> since their survival and sustainability prerequisites demand both money and skills.

**Table 4: Journalists' Associations in existence in Rwanda to-date**

N°	ASSOCIATION	MISSION
1	ARJ	To promote media freedom and professional conduct
2	ARFEM	To promote women journalists
3	ABASIRWA	To raise public awareness on how to fight against HIV/AIDS
4	AGESPORT	To promote sports
5	Ami du Peuple	To fight against HIV/AIDS
6	Maison de la Presse	Centre for Journalists interactions
7	Rwanda Media Ethics Commission	To mediate and advise on issues related to ethical practice in the media
8	Association Horizon Nature	To contribute to the protection of environment Through the media

Despite this impressive number, most of these professional associations remain passive thus rendering themselves inexistent. Those which struggle to survive, financially depend on the good will of the international agencies or government handouts that are often irregular. Consequently, the little resources they afford to mobilize are spent on administrative activities, leaving little if not none to journalists' professional trainings whose importance on ground is vividly vital that none can take luxury of ignoring.

This dependency raises doubts on the effectiveness of the internal management of these associations and creates perceptions that such professional groupings have not been effectively harnessed to enable the practitioners to share experiences and learn from their colleagues' best practices as a way to enhance their professional capabilities and advocate for the respect of their freedoms. Even those that are quite active such as ARJ still lag behind in tapping opportunities offered by regional and international partnerships due to the aforesaid limitations in resource capabilities.

<sup>11</sup> Page 34 (concluding paragraph 1) of Freedom of expression, Access to information, and empowerment of the people, UNESCO communications and information sector, division for freedom of expression, democracy and peace. [www.unesco.org/webworld/en/freedom-expression](http://www.unesco.org/webworld/en/freedom-expression)

In this quest, the 2009 progressively registered capacity building initiatives targeting media practitioners to entrench the cause for such media organisations. Media High Council worked hand-in-hand with these professional Associations to determine their needs to collectively focus on their sustainability.

## **SECTION 2: MEDIA PROFESSIONALISM**

According to McChesney, professional journalism arose in response to the capitalist imperatives of consolidation. As many independent newspapers sprung up at the turn of the century often with a radical agenda and with no presumption of balance or objectivity in reporting, the larger resulting newspapers understood that they needed to appear balanced and objective to their audience and advertisers. Thus, professional regulations developed, as well as the academic programs to cater for these new practical approaches.

### **2.1. PROFESSIONAL TRAINING INSTITUTIONS**

Beyond the ordinary four and five year trainings that award degrees in journalism albeit remain at the higher institutions of learning such as the National University of Rwanda and Kabgayi University respectively, yet all are quite far from the Capital Kigali and therefore incapable of satisfying the needs of current practitioners that would want to tail their academics to the professional practice. This inadequacy has been partly addressed by the Great Lakes Media Centre, for vocational training school that was established in 2008 to cater for the needs of the journalists that wished to balance the work and career development. The vocational training center though in the Kigali City is prone to admitting less than 50 applicants per year due to limited capacities whether in terms of infrastructure and resources.

Despite its critical role in the development of the media industry, the impact of journalism still hangs far in the limelight since most of its graduates largely wander away from the mainstream journalism in search of greener pastures, leaving the noble profession in the hands of the amateurs. The ever increasing number of applicants to the GLMC courses indicates the high demand from the people in the profession vying to better their skills and build their career despite the tiny size of the institution. The pride lies though, in the hope that as more institutions specialized in the media continue springing up, the media profession sets to build its repute from the credible skills developed and career lead professionals that sooner are set to graduate from these institutions.

### **2.2. PROFESSIONAL CODE OF CONDUCT**

The Rwandan media practitioners also developed and adopted a professional code of conduct in 2005 which is still expected to promote and ensure responsible

reporting. For the media to effectively play its watchdog role in society, it must be credible enough. This means that media practitioners must always have their facts right, accurate, fair and balanced. However, as MHC analyses complaints lodged with it (see 2.3 below) it shows a significant reduction in the numbers of received complaints influencing an assumption that there is an improvement in the media reporting practice.

Nevertheless, the above assumption is diluted by professional errors in news reporting and publication which continue to contravene the ethics and deontology; thus reduction in the complaints is not a substantive indicator for the improvement in the professional practice. The assumption in that regard presupposes that the committed errors lay in the general public domain and therefore, no particular individual feels concerned to lodge the complaint with the MHC.

The above argument is backed by the MHC monitoring reports (see 2.4 below) which indicate low levels of respect to the professional code of conduct. This in effect reminds the stakeholders in the media profession that the Rwanda Media Ethics Commission (RMEC) still requires support to facilitate peer self-regulation in the profession and ensure its sustainability from the fragile state to a more solid disciplining institution among its members.

### **2.3. COMPLAINTS HANDLED BY THE MEDIA HIGH COUNCIL**

As observed from the preceding paragraph, the Media High Council, as a media promoter and protector as well as regulatory organisation, receives media related complaints and arbitrates them in relation to the Law, and regulations in place. Similarly, MHC on its own initiative investigates the violations of media freedom and hindrances to professionalism and advocates for rectification of the situations that impede the promotion of the media freedom and rights of the journalists. The cases hereunder were either addressed to the Media High Council by the grieved parties or the Media High Council took its own initiative to advocate for change from the prevailing situations that violated media freedom and appealed for the respect of the media freedom and rights of the journalists.

### 2.3.1 Received Complaints and taken actions by the MHC

**Table 5: Complaints**

<b>Date</b>	<b>Complainant</b>	<b>Respondent</b>	<b>Allegations</b>	<b>Facts of the case</b>	<b>Action taken</b>	<b>Remarks</b>
5/8/2009	Media High Council	National Service for Gacaca Jurisdictions	Illegal detention of the Rushyashya a newspaper Journalist Ntakandi Amani by the Matyazo Gacaca Appeal Court	On 5th August 2009, the former journalist of Rushyashya Newspaper, Ntakandi Amani was arrested while attending Gacaca appeal trial in Matyazo Sector in the southern province. He was charged of using expired document permitting journalists to take photos during Gacaca trials and sentenced to three months jail for perjury in the court.	MHC conducted an investigation and found that the penalty to those who commit perjury in Gacaca courts is inappropriate to this case since the journalist was not a witness. MHC wrote to the National service for Gacaca Jurisdictions to investigate the case and protect rights of the Journalist while defending media freedom	The National Service for Gacaca Jurisdiction took no action. The Journalist served the three months' jail. This case points to the institutional violation of Media Freedom and rights of Journalists
1/10/2009	Aimable Bukebuke and Védaste Semukunzi	Amazing Grace Radio	Illegal termination of service contract by	On the 1st October 2009, the two journalists (Aimable Bukebuke and	Media High Council called the parties and mediated a settlement. Amazing	This case is a Violation of professional ethics. Its

			the management of the Amazing Grace Radio	Védaste Semukunzi) were dismissed without pay by the Amazing Grace Radio Director for under performance. They complained to the MHC to intervene.	Grace Radio agreed to pay the journalists for their unsettled payments.	settlement provides hope for improving the professional relationship between various stakeholders in the Media Sector
20/7/2009	Media High Council	UMUSESOS Newspaper	Persistent unethical and unprofessional publishing and reporting	After the publication in its issue n° 365 of 20th-27th July 2009 in which Umuseso compared the former Rwandan President Juvenal Habyarimana with the current President Paul Kagame as twins in terms of leadership, the MHC took the initiative to monitor the Newspaper.	MHC reviewed the article content in relation to the law and media ethics and it proved to be contempt to the person of the President; it was equally written without sufficient evidence. MHC revisited its previous requests to Umuseso to rectify its unprofessional malpractices but the paper never took heed since 2004 to 2009. Based on Art 74(5) of the Law No....of 2002	MHC advised the Ministry of Information to suspend Umuseso for three months but in its discretion the Ministry did not consider the advice.

					and Regulation No 6 Art 12 on the Journalists' code of ethics MHC made a public audition on 5th august 2009 and communicated its intention to advise the Miistry of Information to suspend umuseso for three months.	
16/7/2009	Mutangana Jean Bosco and Dr. Diane Gashumba	Gasasira J Bosco Umuvugizi Newspaper	Violation of privacy and defamation	The director of Umuvugizi Newspaper Gasasira Jean Bosco published an article in its issue No59 of 16th-30th July 2009 and entitled it "Abanyamakuru bivanze mu busambane bwa Procureur Mutangana na Dr. Diane Gashumba barabizira", literally meaning that journalists suffered due to their reporting on the prostitution affair between	MHC analysed the allegations and sought explanations from the Director of Umuvugizi who never responded. MHC officially requested Umuvugizi management to make corrections on the incriminated article in vain. The Prosecution filed a charge at Kagarama lower court. At the end of the year 2009, the trial was still ongoing.	This case indicates the misuse of media freedom where The article is reflects unprofession al and ethical publication due to lack of evidence, and unprofession al language. While MHC corrects and

				Mutangana Jean Bosco and Gashumba Diane. The grieved parties complained to the MHC against Umuvugizi Newspaper for defamation, insults and violation of privacy		disciplines the professional and unethical misconduct, it does not prohibit the grieved party from seizing courts of law, particularly when compensation for damages incurred.
16/07/2009	Muramira Regis Tenywa Austin Atuhurira Mercy Azakurishaka Jean Damascene	City Radio Management	Violation of ethical and contractual obligations	The four Journalists were illegally dismissed by the City Radio Management. They complained to the MHC and sought intervention to protect their professional rights.	MHC convened a mediation session between the parties and consequently settled the dispute.	Unprofessional management of media houses also reflects the professional gap in the media sector

## **CONCLUSION**

In 2009 Media High Council received several complaints. While some of them were related to internal weaknesses in the professional management of the media houses and in effect regarded as non applicable to violation of media freedom nor professional misconduct, the rest were related to the violation of ethics and deontology by the media practitioners. MHC as a regulatory body, its mandate should not be limited to mediating cases and communicating its decision but should be able to provide recommendations that are submissive to the courts of law by the parties to the mediation process in cases of dishonouring the agreed outcomes or failure to respect the obligations rising out of the dispute by one of the disputants.

### **2.4. MHC ANALYSIS OF MEDIA PUBLICATIONS**

In 2009 the Media High Council continued its role of media monitoring, purposely to ensure the promotion of ethical and professional broadcasting and publishing. Since media is expected to portray exemplary conduct due to the nature of its sensitivity in impacting the public view and perception, media monitoring ensures moral checks and responsibility bearing to the practitioners within the media industry.

It is against this background that the MHC commits resources to monitoring media publications and broadcasts to ascertain that journalism principles and media best practices are promoted. Recognising that monitoring reports may be used by human rights bodies, academicians, government agencies, investors and media practitioners for sector assessment and evaluation to appreciate professional progress and sector development, monitoring reports facilitate the Media High council to rate the sector on the progress made towards the long match to professionalism.

The following part highlights other areas where media practitioners failed to abide by ethical standards and to work within the bounds of law. Even where complaints did not formally get to the MHC, the daily monitoring section revealed serious violations of the law and professional ethics as seen hereunder.

#### **2.4.1 Kabonero of Umuseso Newspaper**

On 20th-27th July 2009 the chief editor of Umuseso published an article in the issue n° 365 in which he likened the former Rwandan President Juvenal Habyarimana with the current President Paul Kagame as twins in terms of leadership. He went ahead to say that President kagame only supersedes Habyarimana in technological dictatorship. The MHC reviewed the article

content in relation to the law and media ethics; the article in particular and the newspaper in general proved to be contempt to the person of the President; it was equally written without sufficient evidence to substantiate the basis for their conclusions on the comparison between the President Kagame and former President Habyarimana. MHC Convened a meeting with Umuseso management and showed to them various mistakes committed by the newspaper in its more than fourteen articles; MHC reminded RIMEG of its letter No 009/RMG/04 in which RIMEG addressed to MHC explaining the allegations leveled against Umuseso by the Minister of Finance and Economic Planning, Letter No 529/MHC/08 of 31st /10/2008 requesting Umuseso to rectify its publication mistakes in the following issue and the Letter No 0050/MHC/09 of 10th/03/2009 convening the meeting between the MHC and newspapers censured by the government in which all the parties discussed the issues pertaining to the ethical and professional reporting. Based on Art 74(5) of the Law No....of 2002 and Regulation No 6 Art 12 on the Journalists' code of ethics MHC made a public audition on 5th August 2009 and communicated its intention to advise the Ministry of Information to suspend Umuseso for three months.

It should be noted that when this case came up in mid 2009, the new Media Law was not yet in place. This is why the state of the media 2009 bears certain chapters and news sections that carry the provisions of the Media Law of 2002. It depends on the time the vent being discussed took place.

#### 2.4. 1. news sourcing

Source identification is a basic journalistic requirement that must always and at all times be fulfilled. The exception is where circumstances such as personal security concerns may demand protection of the source. Other exceptions include cases of vulnerability like rape victims, child sources, national security and such other related legitimate matters of public good.

In this respect, the Media Law N° 22/2009 of 12/08/2009 in its Article 20(1) stipulates that: "Professional journalist' confidentiality is guaranteed to him / her as regards his / her sources of information, notes, recordings or film shooting as well as all information collected and stored electronically..."

The media code of conduct in its article 11 also holds source identification as an essential ingredient to professional practice. Thus according to this article, journalists are requested to "Always question the motive and identity of news sources. The only exception to this rule shall be in relation to information given in confidence. Before making any promises, always clarify any conditions that may be attached. Whenever such a pledge is made, keep the promise").

Contrary to the aforesaid principle, various MHC monitoring reports indicates several news items that were published without credible sources. Mentioning sources of news and other published information portrays the journalist as a neutral, impartial and transparent arbiter in society. It implies that the

journalist or medium of communication is not the source of the news or information being published. Any breach to this principle implies that the journalist is claiming to be the source of the news which is tantamount to plagiarism that is not only a disgrace to the profession but also a criminal act that is punishable by law.

Below are some of the articles published without source identification among some print media. MHC identified these through complaints filed with the MHC and sought institutional intervention

## 2.4.2 UNSOURCED NEWS ITEMS

**Table 6: Unsourced News Items**

Medium	Issue n°	News Headline	Statement/ quotation	Contravened Press Law n°18/2002 and its Article	Contravened article of the media code of conduct
Umuvugizi n°	59	Abanyamakuru bivanze mu busambane bwa Procureur Mutangana na Dr. Diane Gashumba barabizira' literally implying that: "Journalists suffered due to their peeking in the sexual affair between Prosecutor Mutangana Jean Bosco and Gashumba Diane"	"Abanyamakuru bivanze mu busambane bwa Procureur Mutangana na Dr. Diane Gashumba barabizira" literally implying that: "Journalists suffered due to their peeking in the sexual affair between Prosecutor Mutangana Jean Bosco and Gashumba Diane"	Ingingo ya 19(2) Ingingo ya 68(4) Ingingo ya 70	Article 2 Ingingo ya 3 Ingingo ya 5
Umuseso	365	Impanga? Politiki: Kagame arusha Habyarimana ikoranabuhanga mu gitugu" literally translated as: "Twins? Politics: Actually	Impanga? Politiki: Kagame arusha Habyarimana ikoranabuhanga mu gitugu" literally meaning: "Twins? Politics: Actually Kagame outcompetes	Ingingo ya 19(2) Ingingo ya 68(5) Ingingo ya 70 Ingingo ya 84(2)	Article 2 Article 5

		Kagame outcompetes Habyarimana in dictatorship”	Habyarimana in dictatorship”		
Umurabyo	15	“ Abanyarwanda bamaze imyaka 15 muri koma“;  “Rwandans have spent 15 years in coma”	“ Abanyarwanda bamaze imyaka 15 muri koma“;  “Rwandans have spent 15 years in coma”	Ingingo ya 12(4) Ingingo ya 13(5) Ingingo ya 83(2) Ingingo ya 83(3)	Ingingo ya 2 Ingingo ya 5 Ingingo ya 11 Ingingo ya 13 Ingingo ya 17
Medium	Issue n°	News Headline	Statement/ quotation	Contravened Press Law n°18/2002 and its Article	Contravened article of the media code of conduct
Umuseso	308	“Musoni yeguriye IMPRISCO abayiguze batarishyura” - (“Musoni handed over IMPRISCO to the new owners before they paid for it”)	“Musoni yeguriye IMPRISCO abayiguze batarishyura” - (“Musoni handed over IMPRISCO to the new owners before they paid for it“)	Article 68(4) Article 68(5)	Article 2 Article 5 Article 11
Umuseso	308	“Musoni yeguriye IMPRISCO abayiguze batarishyura”- (“Musoni handed over IMPRISCO to the new owners before they paid for it”)	“..amakuru Ikinyamakuru Umuseso gifuye gihanywe yemeza ko hari n’ibindi Inama y’abaminisitiri yabeshyweho bijyanye n’uko hari ibintu bya IMPRISCO bimwe bitari kwegurirwa n’uwo muguzi“ -	Article 68(4)	Article 2 Article 5 Article 11

			<p>(“Reliable sources intimated to Umuseso that a cabinet meeting was duped into releasing some IMPRISCO assets to the buyer that were supposed to be retained by the seller“</p>		
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Media law / Violated articles

\*Article 68(4): “...only publish verified information or otherwise add the necessary reserves. A rumour cannot be published ».

\*Article 68(5): carefully make a difference between what comes from his /her personal opinion and factual analysis and information in order not to confuse the public”.

Media code of ethics / Violated articles

\*Article 2: “Be objective, accurate and disseminate honest news and information: bearing in mind the critical role of the mass media in our society which calls for utmost confidence from the general public, journalists shall at all times ensure that the information disseminated is accurate, fair and objective without giving undue emphasis or knowing omissions. This means that journalists shall avoid any distortion, misrepresentation and falsification by verifying the authenticity of any information or materials including pictures”

\*Article 5: “Avoid rumors, amplifying or keeping it alive, speculation, staged news events, falsification of documents or suppression of essential information”.

\*Article 11: « Always question the motive of, and identify your sources. The only exception to this rule shall be in relation to information given in confidence. Before making any promises, always clarify conditions attached. Whenever such a pledge is made, keep the promise ».

### **2.4.3 BALANCE AND FAIRNESS**

Balance, as an ethical principle in journalism, requires that the views of all parties to an issue be represented fairly and accurately as they are presented, in consideration of space and prominence. Stories which lack balance tend to be unfair to the side that is not represented. In Rwanda, through the media code of conduct (Article 3)<sup>12</sup>, journalists are encouraged to always “ensure that news is balanced, impartial and fair by giving space to all sides to an issue and endeavour to give an opportunity to subjects of news and information to respond to allegations or accusations made against them”.

However, several media monitoring reports compiled by the MHC throughout the year indicate that the aforesaid principle is yet to be respected by some media practitioners. Quite often patterns of bias appear in published stories both in print and broadcast as gross generalisations, exaggerations, sensationalism, omissions, and sometimes trivialization. A simple example is in table 2.4.2 above where the un-sourced news largely carries the patterns of reporting bias, trivialisation and gross generalisation.

#### **OBSERVATION**

This state of affairs portrays how deep the levels of unprofessional and unethical journalism are rooted in the social fabric of the Rwandan society and the media industry in particular. This requires extra-ordinary interventions by not only regulating media practice but also ensuring practical training to media practitioners to raise the levels of professionalism and ethical practice.

### **2.5 SHORT TERM TRAINING PROGRAMMES ORGANISED FOR JOURNALISTS**

The Media High Council’s mandate provides for media promotion and protection. Recognizing that the current state of the media in Rwanda unveils innumerable professional malpractices, MHC took it upon itself to design intervention mechanisms to promote training for journalists to ensure professional skills development among the journalists and other media practitioners. While 2008 saw the multiple trainings geared towards capacity development of the journalists in various sectors such as environment, ICT and fight against HIV, the 2009 dwindled where MHC struggled to coordinate various institutional trainings to minimize squandering of the meager resources available while tapping the opportunities existing at various

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<sup>12</sup> Rwanda media code of conduct article 3

institutions to augment skills levels among the journalists. As such, the MHC action plan identifies journalists' capacity needs and designs training programs in form of seminars and workshops with the view to raise awareness of the law and professional ethics, bridge the skills gaps and to improve or reinforce capacities of the media in Rwanda. MHC notes cautiously that other training programmes could have been organized without MHC's involvement or awareness. The valued aspect however, is the impact of such trainings to the beneficiaries and the promotion of a more professional media in the country. MHC believes that by intervening in coordination of the training activities for journalists, the effectiveness in solving the professionalism gap is going to be raised.

### **SECTION 3: MEDIA FREEDOM**

Access to information and communication is a right of the press. With many legislations providing for media freedom such as Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Convention on Civil and Political Rights as well as the Constitution of the Republic of Rwanda in its article 34, media stands to benefit from such promotion. In practice though, media freedom remains occasionally abused by the practitioners, public officials and other individual members of the Rwandan society. In this section, cases of violation of media freedom on one hand, and media related complaints against media practitioners on the other during 2008 are highlighted.

#### **3.1. CRIMINAL DEFAMATION**

Libel and slander are criminal offences under the present Media Law. Local journalists and media freedom advocacy organisations, individually and collectively, through their associations pleaded for removal of defamation from the criminal offences against the media but in vain. In the spirit of promoting media freedom and professionalism, it is good practice holding journalists accountable for their shortcomings. However, it betrays the spirit of press freedom if every article of questionable validity is going to pose the threat of jail to the writer. Campaign to have defamation decriminalized remains a pursuit of the MHC and various local, regional and international journalists associations. This is a result of its crawl-back effect on the press journey to maturity and professionalism. A living testimony is the recent court case No R.P.0351/09/TB/NYG of 22 February 2010 in which the Umuseso Journalists (Kabonero Charles, Mbishibishi Didas and Kayigamba M. Richard) were handed different jail sentences for defamation and breach of article 22 of the Rwandan Constitution of 2003 and Article 12 of the Media Law of 12 August 2009. It serves right the scribes if they are held countable to their writings and

charged heavy fines due to their professional misdeeds resulting from omission or commission rather than sending them to the gallows. In the previous option they can pay the fine, correct their wrongs and continue the practice while perfecting the professional techniques.

### **3.2 ACCESS TO INFORMATION**

Given that there is no law in place thus far, obliging custodians of public information to share it with the press, MHC and other stakeholders still face this challenge since the media cannot press the public officials to release the information within their possession, against the officials' discretion. Suffice to say, that this gap jeopardizes the public's right to know and to hold accountable their leaders or their representatives. MHC advocated jointly with other stakeholders for an access to information law whose bill is currently at the parliament. It provides high hopes that once it is in place, the public will have achieved another opportunity to hold the public officials accountable through the media that will exercise the right to access the information which was once inaccessible. Indeed complaints of some journalists who previously have been denied access to information will reduce if not cease as well. Similarly, this is a framework for reinforcing good governance principles of transparency and accountability to the public, the principal pillars for achieving the EDPRS and Vision 2020 objectives, through the media are tenets. More effort needs to be continuously applied in order to change the negative mindset regarding the role of the media in development. The media must be seen as a partner rather than a saboteur in the development process.

### **3.3. SELF CENSORSHIP**

The Media Law N0 22/209 of 12/8/2009 in Rwanda outlaws censorship of the press. In practice however, self-imposed censorship continues to affect the free practice of journalism in Rwanda. Without prejudice to the authority's close monitoring of the press, editors and reporters walk a tight rope, cautious not to degenerate into any kind of journalism that may fan divisionism, or publish stories not in consonance with rigid editorial lines. This affects journalistic creativity.

Self-censorship also partly stems from the low professional levels of journalists in the country. This means that most of the unprofessional journalists do not know what to publish and how to publish it. They still confuse factual news from opinions and sometimes when they run such unprofessional material they are criticised by the MHC and journalists associations. To avoid such cautions and reprimands, some have resorted to staying away from any issues with an element of controversy, yet coverage of these might be vital to society.

### **3.4. PRESS CARDS ISSUED IN 2009**

MHC continues to advocate for professional journalism. As such in 2009 it issued 58 press cards to various applicants whether local or international. Strangely, though, the cards issued in 2009 are significantly fewer compared to the previous year. The reason behind this low number is that MHC suspended issuing of press cards while pending the introduction of the new Media Law.

Statistical data available at the MHC indicates the number of journalists who received press cards in 2009 both in print and electronic.

MHC does not have sufficient information to ascertain that all journalists have press cards so far. The possession of the press cards in this case, does not guarantee to the journalists with or without press cards of a change in the mindset towards their treatment by information holders in Rwanda. In fact one journalist once intimated to the MHC that sometimes those with press cards can be denied access to information and one without a press card permitted. This shows that there is need to sensitise both the public and journalists about the importance of press cards and the legal right with which a journalist with such a card has to access of information.

### **3.5 FOREIGNERS WITH IMMIGRATION PROBLEMS OR RWANDANS FORCED INTO EXILE?**

The year 2009 saw an improvement in the status of the journalists and none so far was reported to have been deported or deprived of the nationality for reasons of professional practice.

### **3.6 AWARENESS WORKSHOPS AND PROGRAMMES ON MEDIA FREEDOM**

MHC is aware of the numerous challenges facing the media in general. It acknowledges that without awareness workshops and campaigns to enlighten the general public about the role of the media in the national development, negative perceptions about media might derail its pace to professionalism while denying the public its right to be informed. The MHC embarked on organising awareness campaigns at most levels of service delivery in the country. In 2009 awareness campaigns were limited to in order to harmonise training programmes from other institutions.

The main important lesson, however, is that more sensitisation programmes on media freedom are required if the working relationship between media and other organs in the country are to improve.

While the above literature on media freedom shows cases that might compromise and restrict proper exercise of media freedom in the country, cases presented below show incidents of misuse of such freedoms by practitioners themselves. MHC thus calls upon practitioners and media managers to desist from such unethical journalism which might not only distort the person's reputation but may also tarnish or ruin the professional image.

## **CONCLUSIONS AND RECOMMENDATIONS**

MHC appreciates the progress that was made by Media in Rwanda in 2009. This progress came amidst innumerable challenges mainly related to low levels of professionalism and persistent violation of access to information rights.

It is vividly clear that there is still great need for improvement on the level of professionalism in the Rwanda media. It is a prerequisite in order to be able to hold public officials accountable, stir constructive debates among the citizens on issues affecting them while informing the public in a manner that helps them make informed decisions in their daily lives. Only then would the media be proud as holders of the status of fourth estate.

In order for the media to properly reflect the practice the looming lacunae such as criminal defamation should be repealed from the law. It sounds draconian for healthy media environment to entail jail threat clauses due to an intentional or intentional deviation from the professional practice of communicating the truth. Issues of libel and slander should be better left to individual alleged offenders and the offended to tussle in court or settle out of court, without the involvement of the state. Even if these were to remain criminal offences, a jail sentence for those proven guilty should be replaced with higher fines to correspond with East African region standards.

Equally pertinent to proper media practice is the enactment of a law which gives out right permission to media practitioners and members of the public to access information from public institutions and obliges the latter to provide such information of public interest. Since the MHC is the institution charged with media content regulation, it still advocates that the relevant articles/clauses must be added in its bill currently in parliament to give the institution the authority to license content of such organisations and ensure that it conforms to the national legal standards.

There is great need for the print media practitioners particularly to be more sensitized on the respect to professional ethics as well as the Media Law. Monitoring reports available at MHC have often indicated that print media more often than broadcast media contravenes journalistic standards of fairness and balance while reporting. This is showcased in the publication of un-sourced, biased and defamatory stories.

Defamation and unfounded accusations, according to this report, rank high on the list of mistakes made by the Kinyarwanda print media. Such irresponsible reporting under the guise of journalism must stop if the media is to remain relevant in our society and completely be free from the negative perception the past has left the industry held against. Publication of un-sourced stories, confusion of news reporting with opinion, etc... puts the profession of journalism under doubt in the eyes of the citizens to which loyalty is primarily owed.

Based on the above, there is also need for coordination of journalism training programmes in the country to make sure they correctly tackle the skills gap in the media. Hands-on programs such as workshops should be substituted for seminars. There is also need for evaluating the training programmes currently offered in the three schools of journalism in the country to ensure that they conform to the current needs of journalism labour market and changes in technology.

Furthermore, although the legal framework is appropriate, there is evidence pointing to the fact that many people in our society are not sure about the appropriate role of the media, the rights of journalists, obligations of public officials, law provisions pertaining to conduct of media practitioners, etc. This could explain the reported incidents of denial of information by public officials, and the assault cases against and detentions of journalists by police for hours for simple things such as shooting pictures at public functions without accreditation or permission.

This therefore calls for intensive sensitization programmes for all journalists, members of the public, government and civil society, on the rights and responsibilities of each as well as the usefulness of free and responsible media. For instance all media practitioners in the country must seek and possess a press card issued by the MHC. It remains the most important document not only for identification of journalists, but also facilitates them in accessing information from various institutions.

Based on the failure on the part of some newspapers to come out according to their stated schedules, it can be concluded that most print media lack proper planning. This leads to un-sustainability as business ventures, throwing some

into prolonged limbo and eventual closure. Appropriate legislations therefore requiring all media houses to have minimum capital at their commencement must be supported and implemented.

It has also been noted with concern that most private media organizations deliberately refuse to offer contracts to their staff. Because of this, journalists often miss out on such social services like salaried bank loans since no one is willing to believe they hold jobs. At best they are given mere appointment letters by the employer, yet experience has shown these are not respected by corporate institutions out there. Often times it leaves journalists in double jeopardy since it is also common their employers do not pay wages on time, or even pay at all. It also compromises their independence when journalists fear they can be fired at will, given the fact there is no binding contract between them and their employer. This calls for a deliberate effort to protect journalists' rights.

Last but not least, given the crucial role of media in the national development and nurturing of a nascent democratic culture in any society, more local and foreign investors should be encouraged to venture into the media sector, which overall depicts great potential. As Rwanda continues to champion the region as the most secure place, both media owners and journalists should turn around their mindset to business oriented for them to flourish. However, challenges to the practice of journalism as highlighted earlier in this report compromises the right of news media to gather, produce and disseminate accurate and objective information relevant for ensuring accountability and transparency in public affairs. To avoid this unfortunate scenario, government needs to work harder towards creating a friendlier atmosphere for journalism and a more conducive environment for media freedom to flourish.

Public authorities especially the police shall endeavor to inform their personnel of the need to respect the rights of journalists and shall instruct them to respect the physical integrity of journalists and staff while at work. That way, they must from time to time be reminded that journalists are meant to complement the work of other good governance institutions and thus desist from over bearing manners, instead of creating as much as possible a friendly environment for journalists.