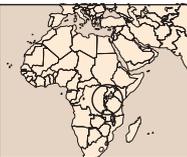


RWANDA

BALANCING FREEDOM OF EXPRESSION: THE NEED FOR LIMITATIONS AND RESPONSIBILITIES



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Introduction

The inevitable freedom of expression that the internet brings is still a matter of discussion in Rwanda, where the place and function of the mass media in general have been complex and critical, quite often even central. The media, previously seen as perpetrators of propaganda for violence, preachers of hatred, instruments of repression and silencing, are now expected to be brokers of peace, healers of wounds, advocates for freedom and justice and, above all, partners in national reconstruction and development and democratic governance of the country. The advent of the internet in Rwanda has had a mixed impact on this function.

The internet has raised new ethical and control issues due to the growing number of new technologies. A new trend amongst some local media is to have a presence on the internet besides print and broadcast news items. The sharing of content on Facebook,¹ Twitter and other social media on current issues is becoming a culture amongst journalists. The main reason for this trend is the growing number of mobile subscribers which has reached 4,125,033 people with a penetration rate of 38%.² This goes hand in hand with a media sector that is undergoing transformation in terms of the legal and institutional framework.

The issue of content published on the internet by some local media websites is being criticised by local leaders and the general public who are seeing the media as working with “enemies of the state”.³ Online content from two local media houses has already been blocked in Rwanda. While this impacts negatively on freedom of expression and opinion, a lack of professional and public standards in internet use has also had a negative impact on news production. However, as this report argues, improving

media ethics in the age of the internet is not simply a case of journalistic standards, but also involves the willingness on the part of the state to engage the media.

Policy and political background

The value and importance of media freedom is articulated in Rwandan laws and is endorsed and promoted in international and regional legal instruments that the Rwandan government has endorsed: Article 19 of the UN Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples’ Rights, the European Convention on Human Rights, and the American Convention on Human Rights.

Following these commitments, Article 34 of the 2003 Rwandan Constitution⁴ stipulates: “Freedom of [the] press and freedom of information are recognised and guaranteed by the State.” The constitution further requires the adoption of laws that determine the conditions for exercising this freedom.

The media law,⁵ particularly Article 16, states: “Freedom of the media and freedom to receive information are authorised and recognised by the State. Such freedom shall be applicable in accordance with legal provisions.” According to the same media law, censorship is prohibited. The media law also provides the right for individuals and organisations to establish media enterprises and describes necessary requirements.

In April 2011, a Rwandan government cabinet meeting approved a broadcasting policy which was considered critical to the migration from analogue to digital broadcasting.⁶ The policy discourages concentration of ownership of print and electronic media,⁷ so as to promote a diversity of views and freedom of expression.

Access to information is also guaranteed in the constitution. The Access to Information Bill is now

1 www.facebook.com/groups/abanyamakuru

2 RURA (2011) Mobile Subscribers as of July 2011. www.rura.gov.rw/index.php?option=com_content&view=article&id=278&Itemid=237

3 www.cpj.org/2010/12/rwandan-adviser-must-retract-accusation-against-ed.php

4 www.amategeko.net/display_rubrique.php?Information_ID=1434&Parent_ID=30694645&type=public&Langue_ID=An

5 www.mhc.gov.rw/fileadmin/templates/PdfDocuments/Laws/Media_Law_brief.pdf

6 allafrica.com/stories/201104290013.html

7 MINICT (2011) Rwanda Broadcasting Policy, Kigali.

tabled before parliament for consideration and approval. It is widely believed that if this bill is approved, it will be a breakthrough for the right to access information in Rwanda.⁸

On 1 June 2011 the government of Rwanda adopted a new media policy which aims at strengthening media self-regulation and reducing statutory regulation. This was adopted by a cabinet meeting on 30 March 2011. The purpose of the policy was to allow media practitioners to regulate themselves by holding each other accountable *vis-à-vis* professional standards. The process is voluntary and based on a code of ethics. Its merit is that it promotes professionalism and builds a more respected media industry.

The Media High Council's (MHC)⁹ new mandate focuses on advocating for media freedom, capacity building in the media sector, and ensuring that the environment is conducive for media development. At the moment, MHC has an online platform for media practitioners to report any violation committed against them.¹⁰

Rwanda has big plans for the internet and its place in the future development of the country. At present, barely 4.8%¹¹ of the population is online using ADSL or accessing the fibre optic backbone. On a more positive note, Rwandan authorities are reportedly pushing officials to get online and use the popular social media networks.¹²

When looking at the media sector, apart from easy access to the internet everywhere in the city of Kigali and urban and rural areas via mobile phones, media houses offer internet access and computer training to practicing journalists. The MHC has also started the Rwanda Press Centre,¹³ which is equipped with a considerable number of computers fully connected to wireless broadband (WiBro) internet. These computers are accessed free of charge by practicing journalists. This is manifested by an increasing number of blogs, and an increase in the numbers of newspapers and broadcasts accessed online.

Changing communication habits...

Despite the limited number of internet users in Rwanda, the authorities are at least starting to use the internet to communicate with the population either through mobile phones, institutional websites,

or social media such as Twitter and Facebook. At the same time, "opponents" of the government are using the same channels to tarnish and weaken the official leaders' political agenda and the development efforts by the government, while sharing their opinions on Rwandan history which are in many cases opposed to the government's policy and strategies to eradicate the causes of conflicts that led to the 1994 genocide against Tutsis.

International organisations also play a big role either in advocating for more freedom of expression in Rwanda or in perpetuating "confusion" on the real status of media freedom in Rwanda. Reports on media freedom violations in Rwanda by the Committee to Protect Journalists (CPJ)¹⁴ and Reporters without Borders (RSF) from 1994 to 2010 concerned mainly two newspapers: *Umuseso* and *Umuvugizi*. RSF says that the two newspapers "have long been two of the regime's biggest bugbears."¹⁵ However, the MHC has responded to these reports by saying: "It is unfortunate that organisations that claim to be internationally reputable and credible can base their conclusions on sentiments and hearsay rather than facts and evidence in the name of defence of media freedom."¹⁶ For MHC the allegations made by these watchdogs are "deliberately intended at misleading the international community, diverting them from the real problem of unprofessional practices in the Rwandan media."

The Rwandan media's ability to take a central position as the fourth estate appears a distant goal. Based on the discussion during a national dialogue on media development in Rwanda held in November 2010, it was mentioned that "it is a common knowledge that many media outlets of this country are run like briefcase companies. Some operate from makeshift newsrooms with hardly any business plans and without a vision for the future. Most private media outlets are unable to hire and retain journalists and pay all remunerations."¹⁷ The organisers of the dialogue felt that this was the cause of all unethical practices that come with journalism: blackmail, which is common, extortion, and a concentration on coverage of conferences and seminars where journalists will receive per diems. Such practices of course put the profession's credibility in deficit as it fails to attract qualified and experienced

8 Various interviews, December 2010-March 2011, Kigali.

9 www.amategeko.net/display_rubrique.php?ActDo=ShowArt&Information_ID=2872&Parent_ID=30704083&type=public&Langue_ID=An&rubID=30704203

10 www.mhc.gov.rw/case

11 Statistics from www.rura.gov.rw

12 kigaliwire.com/2011/03/17/rwanda-prepares-to-tweet

13 www.rwandapresscentre.org

14 www.cpj.org/2011/02/attacks-on-the-press-2010-rwanda.php

15 en.rsf.org/rwanda-paul-kagame-03-05-2010,37198.html

16 MHC (2010) Response to RSF and CPJ on Umuvugizi and Umuseso Suspension. fesmedia.org/african-media-news/detail/datum/2010/04/22/rwanda-mhc-responds-to-rsf-and-cpj-on-umuvugizi-and-umuseso-suspension-opinion

17 MHC (2010) Concept note on the National Dialogue on Media Development.

TABLE 1. Mobile subscribers as of July 2011				
Operators	Active subscribers		Mobile penetration rate	
	June	July	June	July
MTN Rwanda	2,793,788	2,824,874		
Tigo Rwanda	1,116,598	1,300,159		
TOTAL	3,910,386	4,125,033	36.5%	38.4%

Source: Rwanda Utilities Regulatory Agency (RURA)

graduates mindful of ethics and who would serve as role models to new entrants.

The print sector is the most vulnerable of all. As if a shortage of daily newspapers and low levels of print copies were not bad enough, the newspaper distribution systems remain weak. The haphazard distribution systems reflect the low capacity of the country's press which serves only Kigali City and other urban areas.

Difficulties of access to information in public offices are a potential source of self-censorship, or, alternatively, the publication of rumours or one-sided stories. This is also caused by the practice of many senior government officials to shun the media whenever invited to debate or to react to media stories. All this points to serious challenges for a free media and affects media practice development.

The fact that libel and slander are still considered criminal as opposed to civil offences in media law and, worse still, punishable by a prison sentence, is seen by many practitioners as a serious impediment to the media's role in fighting corruption and abuse of office.

Looking at the newly published Media Sector Assessment in Rwanda (June 2011), the difficulties faced by the local media to access some senior government officials for interviews as compared to the foreign/international media, and the segregation between state media and some private media, with the former getting preferential treatment, point to an unhealthy relationship between media and government.

In this context, online media is flourishing. In Rwanda, many people are exchanging information through the use of internet, and many people access the internet through their mobile phones.

An emerging number of news websites are becoming popular and being considered as a free space to express citizen opinions on political and socio-economic matters. Among the popular sites are Igihe,¹⁸ Umuseke¹⁹ and Igitondo,²⁰ which provide a free

space for public comments. This is different to the *New Times*²¹ – an online version of a pro-government newspaper – and the Rwanda Bureau of Information and Broadcasting (Orinfor)²² websites, which offer one-way communication without instant feedback.

Another set of websites consists of government-critical websites owned by some recognised media houses in Rwanda or based outside of the country. In this regard, Tom Rhodes from CPJ has asserted: "Even though there are four internet service providers in Rwanda, the government keeps a close, cozy relationship with them allowing them to censor independent news sites such as *Umusingi* and occasionally *Umuvugizi*."²³ This can give the impression that the private media sector in Rwanda is under repression and that the government is aggressive towards what watchdog organisations call "independent" media in Rwanda.

Controversial and different views exist. Some people see the government's efforts to put in place infrastructure and promote the use of the internet as progress towards changing the country's socioeconomic situation, which is a positive sign for a developing country, while others see the use of the internet as "a new way for Rwandans to discuss their ethnic affiliations." Others see it as a tool for politicians' propaganda.

In the meantime, Facebook is helping people publish detailed information about their lives. Users expect some of these details to be public and others to be kept private. They argue, reasonably, that adult users should be free to publish information about their lives if they choose to do so. But lately many users have come to doubt Facebook's commitment to privacy.²⁴

Rwandan President Paul Kagame is very active on Twitter. During the East African Internet

18 www.igihe.com

19 www.umuseke.com

20 www.igitondo.com

21 www.newtimes.co.rw

22 www.orinfor.gov.rw

23 Rhodes, T. (2011) The Internet in East Africa: An aid or a weapon?, *Committee to Protect Journalists*, 17 June. www.cpj.org/blog/2011/06/the-internet-in-east-africa-an-aid-or-a-weapon.php

24 roomfordebate.blogs.nytimes.com/2010/05/25/should-government-take-on-facebook

Governance Forum held in Kigali in August 2011, Senator Wellars Gasamagera stated that the president does not mind using social networks to respond openly to issues relating to the current state of governance in the country. Kagame was recently featured on YouTube's²⁵ Worldview, answering questions about Rwanda and life after the genocide. His presence here, in addition to his monthly press conference with cabinet ministers, contributes to access to information for journalists, and makes the leaders accountable and responsive to citizens. However, there is a need to measure the impact of these interventions in solving people's problems.

Conclusion

In Rwanda, the use of the internet is growing because of the government's policy on infrastructure rollout. But despite the considerable number of internet connection points all over the country, there is still an information vacuum in Rwanda. Access and literacy are all for the privileged few – even electricity is still a problem in rural areas. The internet's impact on news standards is also mixed. Few local media publications enrich the far corners of the country. Many of them plagiarise information available on the internet. A large number of news items mix personal opinion with factual information – often a result of the lack of access to state information. As the Rwandan president has shown, this can to some extent be remedied using social media. The credibility of anonymous authors remains an issue. According to Tom Ndahiro, a Rwandan civil society activist, "the internet has empowered bigots and increased the anonymous sources of deleterious discourse. Before and slightly after the genocide Rwandans only received information through print media and radios."²⁶ In Rwanda, there is a tendency towards not recognising professional journalism standards such as accuracy, fair balance and responsibility where the news is often biased – both on and offline.

Action steps

- More space for debates between media and government officials is needed so that there is common agreement on issues of freedom of expression, access to information, privacy, legal frameworks, and the need for public awareness.
- The youth and children should be proactively involved in discussions to prepare them for the responsible use of the internet in the future.
- Baseline research on internet use is needed in the country. This should consider the issue of freedom of expression in conjunction with other rights.
- Clear instructions should be put in place to guide people on what to do when websites are blocked by internet service providers. ■

²⁵ www.youtube.com/watch?v=hGbbK05nbJM

²⁶ Ndahiro, T. (2010) Media watchdogs in a post-genocide Rwanda: A Caveat, *Friends of Evil*, 30 November. friendsofevil.wordpress.com/2010/11/30/media-watchdogs-in-a-post-genocide-rwanda-a-caveat