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Freedom of the Press 2014 - Rwanda

In 2013, Rwanda passed new media and access to information laws that were applauded for expanding journalists' rights and freedom of the press. 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 control. Amid news that exiled opposition political figures were being targeted for assassination by the regime of President Paul Kagame in 2013, both exiled Rwandan and local journalists in neighboring Uganda also reported being threatened and harassed as a result of their critical coverage.

Article 34 of Rwanda's constitution stipulates that "freedom of the press and freedom of information are recognized and guaranteed by the state," but other clauses broadly define circumstances under which these rights can be restricted, leaving the media susceptible to official interference and sanction. In a positive step, the state adopted progressive amendments to the 2009 media law in March 2013, granting journalists the "right to seek, receive, give and broadcast information and ideas through media," and explicitly providing for freedom of online communications. In July, Parliament passed another positive bill amending the restrictive 2008 genocide ideology law that had prohibited the propagation of ideas based on "ethnic, regional, racial, religious, language, or other divisive characteristics." Enacted by Kagame in October 2013, the amended law is more definitive and easier to interpret, reducing prison sentences from 25 years to a maximum of 9, and requiring proof of criminal intent behind an offending act.

Meanwhile, public incitement to "divisionism" remains punishable by up to 5 years in prison and fines of up to 5 million Rwandan francs (\$7,900). 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 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.

Arrests and prosecution of journalists were not prevalent in 2013—a remarkable departure from years past. Meanwhile, two imprisoned journalists completed their jail terms and were released during the year. Saidati Mukakibibi, a reporter for the now-defunct *Umurabyo*, was released in June after serving three years on charges of attacking state security; and Stanley Gatera, editor of the newspaper *Umusingi*, was released in July after serving one year for inciting divisionism and gender discrimination. Nevertheless, the former editor of *Umurabyo*, Agnes Uwimana Nkusi, who was arrested alongside Mukakibibi in July 2010, remained in prison at year's end with a year

left of her sentence. The pair had been convicted in 2011 for opinion pieces published in 2010 that criticized government officials and challenged the official interpretation of the 1994 genocide.

A revised Access to Information bill, also enacted in March 2013, sets new standards for public access to information and protects whistleblowers. The bill was welcomed by international rights organizations. The law applies to public and some private bodies that work in the public interest, though there are some broad exemptions that restrict access to information on topics related to national security and trade.

Regarding media regulation, the new media law provides for media self-regulation under the Rwanda Media Commission, removes the requirement for journalists to hold particular academic qualifications, eases the process for acquiring press cards, and reduces the grounds on which authorities can refuse to provide information. Some problematic clauses were left unchanged, however, such as the state's ability to determine operational rules for media outlets and define journalists' professional standards. Furthermore, the minister of information and communication technologies (ICTs) has unlimited powers to set conditions for establishing media outlets and for allowing foreign audiovisual media companies to operate in Rwanda. Despite being created in early March, members were not elected to the Media Commission until late September. The Vienna-based International Press Institute expressed concern about the genuine independence of the commission, given that it was enacted by a government statute. However, it is hoped that the head of the commission, journalist Fred Muvunyi, will be a valuable intermediary between the government and journalists, and will contribute to the development of the profession in Rwanda.

In July 2013, Kagame signed into a law a bill establishing the Rwandan Broadcasting Agency (RBA), a public broadcaster that would purportedly be more autonomous of the state than its predecessor, the Rwanda Bureau of Information and Broadcasting (ORINFOR). The law establishes the RBA as a purveyor of impartial news with no government oversight on its budget or hires, serving the interests of the public and not those of the government. However, some critics questioned whether the RBA, though independent on paper, would actually function without state interference in practice. The organization controls eight radio stations and one television station.

Pre-publication censorship is not in place, but a number of sensitive topics remain extremely difficult to cover in practice, and due to the threat of reprisals, self-censorship remains pervasive. Despite the decreasing number of arrests, more than a dozen journalists have fled the country over the past several years to escape prosecution or extralegal threats, and a number remain in exile. Reporters also face violence and harassment when attempting to cover news stories. In 2013, journalists based in Uganda were reportedly threatened and harassed by Rwandan security agents for their critical coverage of Rwanda. Tom Malaba, a journalist for Uganda Radio Network, reported being trailed and having his home attacked due to his coverage of issues plaguing Rwandan refugees in Uganda, while another Kampala-based correspondent left Uganda in November after receiving troubling threats from Rwandan officials.

The Rwandan media—which disseminate information in English, French, and Kinyarwanda—are dominated by progovernment newspapers and radio stations. While there were more than 50 print publications registered with the government in 2013, less than 10 published with any regularity. Six of the country's 26 radio stations are government owned. The main government-run television station was joined by two private stations in 2012, the first private television channels to operate since 1994. However, state-owned media still have the largest audience, and most private outlets do not engage in overly confrontational coverage, although some criticism of government policies can be found on the call-in shows of private radio stations.

Market entry for media outlets remains expensive, but the government has eliminated taxes on imported media equipment and removed sales tax on domestic media materials in order to decrease costs and spur future investment. The only affordable printing facility is owned by the government, and it frequently denies service to critical newspapers. Most newspapers are printed in Uganda, where printing costs are much cheaper. In June 2013, security forces reportedly seized copies of three Rwandan newspapers—*Impamo*, *Rushyashya*, and *Intego*—in Gatuna, a town on the Ugandan border where they had been printed. The newspapers were released for distribution three days later and only after the outlet owners agreed to stop reporting on speculation that Kagame would amend the constitution to allow him to run for a third term as president.

Low pay for journalists, especially in the private media, can lead to corruption, and journalists often suppress damaging stories in exchange for money and gifts. Media outlets face pressure to provide favorable coverage to large investors, and the government withholds state advertising from outlets that are considered critical of the regime.

Approximately 9 percent of the population used the internet in 2013, and the vast majority of users accessed it via mobile devices. The government has made ICTs a priority and invested heavily in their development, including the

expansion of broadband access. There are 10 internet service providers (ISPs) and three telephone operators, with mobile penetration at 56 percent in 2013. Although access to internet content is generally unobstructed, government censorship has increased in recent years. In 2013, the weekly English-language newspaper, the *Chronicles*, was suspended, affecting both its print and online versions. The independent newspaper *Umuwugizi* has frequently faced website blackouts since its 6-month suspension in 2010, and a few opposition-oriented news sites continue to be blocked on some ISPs, including *Umusingi* and *Inyenyeri News*, which were both first blocked in 2011.

2014 Scores

Press Status

Not Free

Press Freedom Score

(0 = best, 100 = worst)

79

(0 = best, 30 = worst)

22

(0 = best, 40 = worst)

33

(0 = best, 30 = worst)

24

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