



Republic of Rwanda



Office of the Prime Minister Secretariat to the Cabinet

From: Governance cluster
To: The Minister of Cabinet Affairs
Subject: Media Policy
Date: 04/05/2011

1. The issue

This paper from MININFOR is requesting the Cabinet to approve the Media Policy.

2. Timing

The Minister of Information indicates that the paper can be tabled for the nearest cabinet meeting to enable the efficient conduct of media reform sector.

3. The background

The media policy is based on the Articles 33 and 34 of the Rwandan constitution and article 19 of the Universal Declaration of Human Rights and article 9 of the African charter on Human and people's rights- Rwanda in recognition of and a signatory of these laws realizes the need for media pluralism and independence of which this proposal.

It discusses issues and principles that arise from these influences and developments in building media as a way of gaining public trust. Since a vibrant and independent media enables the public to make informed choices, encourages active participation in decision-making processes and assesses the performance of their leaders; as they are essential elements of a functioning democracy. Around the world media plays a vital role in societal transformation basically through the exercise of two principal functions of educating and informing on matters of public interest.

5. Analysis

While analyzing this paper, we found it relevant. The media policy is designed to provide a framework within which present and future investment strategies and actions are considered and in a focused spirit that realizes growth and objectives in line with Vision

2020, 7 year government programme, EDPRS and the millennium development goals (MDGs). It is indicated that the policy will help to transform the media sector – mindful of the country's past, responsive to the present and ambitious for the future of Rwanda.

However, there are some issues we need to clarify on:

- **Legislation & Regulation:** The policy states that it intends to harmonize the legislative instruments with constitutional provisions guaranteeing the freedom and independence of the media and encouraging self-regulation. However, we do not see how private media are going to self regulate knowing their limited capacities.
- As indicated in the policy, the fundamental objectives of media law and self-regulation should be to provide protection for members of the journalistic profession, to hold individual journalists accountable to their profession and to hold media outlets accountable to the public. To our understanding, the personal responsibility should be engaged as well for those who lack professionalism while exercising this profession.
- The policy does not clearly show how media will play a significant role in unity and reconciliation as we know that Rwandan society remains deeply affected by the trauma of 1994 and related conflicts. As stated in the policy, a transformed media should play a constructive role in supporting national dialogue and engaging civil society and the public – building media literacy while strengthening social cohesion, assisting in confidence building and enhancing security and stability through inclusive approaches.
- Professional capacity of existing and new journalism practitioners shall be strengthened, through training institutions, on-the-job apprentice style learning and collaborative and cooperative approaches sharing skills and experience. Support will closely target specific and identified needs, and will cover basic skills, in-depth specializations and technology, new media and other skills. How is this going to be possible if the media we have as per now are unprofessional? Government should support the media sector as it is doing it for Private Sector Federation.
- The scale, quality and scope of media production will be extended by encouraging media, both public and private, to focus specifically on core media gaps, including the rural majority, urban poor, women and youth, with special attention to language diversity, decentralization and regional programming outside the capital, and the range of traditional and multi-media platforms. Here the issue is the infrastructure to support the content production.
- We do not see clearly how this policy will guide different Medias before during and after their operation. We would like to see guidelines on how print,

broadcasting and new media would work in conformity with the laws and regulations.

- There is a gap on the way the media are going to self regulate and what will be the role of Government in general and Media High Council in particular.
- Financial and legal implications are not clear enough to inform the decision making.

6. Stakeholder views

MININFOR consulted ministries for Justice and Foreign Affairs, as well as Senators and national security advisors and the Media High Council. They have also engaged international technical experts, key western Embassies and Ambassadors, foundations and development agencies. Through public conferences recently organized in Kigali and hosted by the Government, the process has also directly engaged with Rwandan, African and international media professionals, as well as regional governments and multi-lateral bodies.

7. Implementation

The implementation plan is divided into three stages: policy and planning, enabling environment, and professional capacity. However, there is no implementation plan as it is deliberately stated in the paper. Who will do what by when with who and with which means?

8. Recommendation

The paper is recommended to be tabled for CIC meeting. The following issues should be discussed on:

- How will self regulation work for Private Media knowing their limited capacities and lack of professionalism?
- The need for Guidelines on all types of media;
- Role of Government and Media High Council in accompanying Private media in self regulation exercise through enhancing capacity building programme;
- Financial and legal implications are not clear enough to inform the decision making;
- Absence of the detailed implementation plan
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The paper has been discussed in CIC of 05/05/2011 and the outstanding issues were resolved. It is therefore recommended to be tabled for Cabinet meeting.

RWANDA MEDIA POLICY

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CHAPTER 1: REVISED MEDIA POLICY

1.1: Introduction

With this revised media policy, Rwanda initiates a far reaching reform of the media regulatory framework to better keep pace with developments in the socio-economic and political sectors in the country. The importance of a professional and vibrant media as a driver for socio-economic development and civic fulfillment is widely recognized and accepted by the Government which has prioritized reforms in the sector. It is in this regard that the media policy has been reviewed to help in addressing the challenges in the media sector with a view to establishing an independent, viable and professional media.

Recognizing Rwanda's recent history, the policy outlines a framework by the Government of the Republic of Rwanda to enhance the professionalism and plurality of a responsible and economically vibrant media sector.

The overall objective of the policy is to contribute to the socio-economic and democratic development of the country. The Government of Rwanda acknowledges the centrality of an independent, professional media and ease of access to information as essential components of good governance and a sustainable social, economic and political development. The Government thus commits to rapidly reform the media sector to promote accountability and to foster public engagement and participation.

The goal of media reform is in line with Rwanda's Constitutional commitment to freedom of expression; the country's development objectives as outlined in Vision 2020 and the Government's seven year program to enhance the democratic, economic and social development of Rwanda in the interests of peace and in the service of all her people within a framework of peace, stability and national security.

1.2: Situation Analysis

Promoting democratic governance in post-conflict societies like Rwanda, entails recreating a wide array of institutions against the backdrop of trauma and social and political polarization.

Post genocide Rwanda started from a time when violence had decimated social consensus and civic norms. Post-conflict governance therefore, involved restoring effective state authority, correcting past human rights violations, and promoting social reconciliation among members of the society.

The progress that has been made in helping the people of Rwanda come to terms with the past and heal divisions between people has been accompanied by strong economic growth and impressive strides on issues of key importance like health and education. The media has played a role in this but it has been a lesser role than it would have, had it not played its negative part in the 1994 Genocide.

In aftermath of the genocide, there was a need for a strong consensus to foster unity, reconciliation and healing, the mental and social wounds as fast as possible. No clear timeframe can be assigned to this kind of situation but Rwanda has gone a long way. Media in general has not kept pace with these developments in the socio-economic and political sectors in the country. To steer the current level of development of the country and society for further rapid progress, more plurality of ideas, and open debate will be strengthened.

With so much progress on every other front it is now time for the media to play a larger role in fostering greater understanding of the development challenges the country faces. It should be encouraged and empowered to question more effectively and engage more actively with Rwandans to increase public awareness, promote accountability and encourage engagement with policies and development initiatives.

Considering our recent past there are understandable concerns about possible abuse of freedom expression. Indeed, some media continue to abuse it and display blatant unethical behavior. As the rule of law requires, abuses will be addressed by the law and the new regulatory framework.

The tension between responsibility and freedom that we witness in Rwanda is rendered more complicated by the low capacity level of our media practitioners. It displays itself by a lack of sophistication leading to either over cautious, one-sided conventional content or to the contrary to shortcuts with the deontology, sensationalism or unverified information.

To further the sense of responsibility in the media sector, the Government will work towards self- regulation by the media itself by instituting a self regulatory framework.

Encouraging results attained through notably the establishment of private radio stations, show the potential for more dynamism in the media sector by encouraging private operators, as state media transforms into a public broadcaster.

Government of Rwanda is committed to building the nation in a prosperous and equitable manner. Building on national values, the Government aims at enriching our citizenry – economically, socially, culturally and politically. To do this the government of Rwanda will need their informed commitment and an increasing understanding of the challenges Rwanda faces, the people of Rwanda will appreciate the need for them to contribute and be active in the drive for further development.

Since development and democracy are symbols of accountability by government institutions to the citizens, the success of any democratic country heavily relies on its ability to benefit its public. To achieve this, the government of Rwanda needs a more vibrant media watching over the activities of government and business, questioning on behalf of the citizenry to ensure accountability and understanding in a world that is changing fast and increasingly throws up challenges that have to be met with flexibility. This new media should also respond to the evolving demand of the public for better quality and professionalism in its entertainment and education offer.

1.2.1 Challenges facing Rwandan media.

Rwanda has been undergoing a process of rapid development and profound change resulting in new and strong institutions that underpin democracy, and a macro economic framework that encourages greater freedom, competition and development. The media has to face up to some ingrained perceptions and attitudes, arising from Rwanda's history. Little public trust, married with high expectations generated by the government's desire to change the media environment quickly need to be recognized and dealt with effectively. If these challenges are not well catered for, they can constitute a threat to the strategy.

Mind set: The memories and trauma of the 1994 Genocide shape the way people think, act, speak and view themselves and others. Under such conditions, rebuilding confidence among people and between people, and managing high expectations, are essential and have been a priority for this government. National dialogue mechanisms and processes have been and will continue to be central to this process, building a functioning public system that will be both robust and responsible, respecting the right to freedom of speech, while functioning within the law and not undermining stability and national security, is a considerable challenge that must be met. The media has a vital role in this field.

Capacity to generate competitive content: In Rwanda, there is a growing requirement for competitive content in the media sector—there is a gap for content owners to fill. New digital channels require good content. Competitive producers, creating a range of content from advertising to programmes, while trying to engage with specific audiences, can help drive up quality and put downward pressure on costs. As they do this, they improve yields while building for tomorrow's technologies—and simultaneously raising customer expectations and satisfaction levels.

Insufficient investments in the media sector: The media sector lacks engaging and diversified media industries, exploiting new technologies and supporting new forms of “user-generated” contents, while maintaining public interest news, current affairs and other socially relevant programming.

Poor reputation: This has been a challenging issue for Rwanda, as some international observers have accused Rwandan media of being neither objective nor fair and have accused the government of discouraging debate, freedom of expression and political diversity. While many of these assertions are without foundation, the image they portray of Rwanda is a matter of concern

Regulatory framework needs improvement: Bearing in mind the dynamic nature of the media and changing values in society, there is need to constantly revise the regulatory framework to meet new challenges. Due to digitization and the spread of mobile wireless technology and internet capacity to change the media environment, our institutions need to be flexible and change in response innovation, and thus consumer enjoyment, rather than rigid and uncertain regulatory environment, or worse when burdensome regulations are in place and potentially discourage new contents and technologies.

Low professional standards in the media sector: Discourage people from joining the media profession. It also discourages investors. Poor training leads to poor content and low public appreciation. A lack of skills to use sophisticated tools and technology that match the digital age of the current competitive media industry is still a challenge to both public and private media practitioners.

Poor media literacy in Rwanda: poor media literacy has also been cited among challenges. In this, content or information providers have been discouraged to print in big numbers and on time since their earnings are rated low due to consumer low turns. As a result, newspapers are not sold and journalists, who usually have limited resources, find it difficult to keep running their businesses normally.

CHAPTER 2: VISION

The policy vision is to totally transform the media sector mindful of Rwanda's past, responsive to her present and ambitious for her future. The policy upholds the principle of media pluralism, editorial independence and freedom of expression, within a framework of professionalism, rule of law.

2.1: Policy goal.

An independent, pluralistic, free and responsible media is essential to the enhancement and maintenance of democracy and to the achievement of sustainable economic development. Towards this goal, the policy lays out the strategy for achieving the objective of having a vibrant and independent media that will enable the public to make informed choices, encourage active participation of the public in decision-making, and support rigor and accountability among public leaders.

The reformed media will effectively play its traditional roles of providing information, education and entertainment while setting the agenda for socio-economic and political development in Rwanda. The policy thus envisions a free and dynamic media that is essential to a modern and functioning democracy. This will make Rwanda an important media hub for the region and beyond.

2.2: Objectives of the policy

- **Professionalism – fairness and accuracy, quality and independence.** Professionalism and journalism ethics underpin media freedom and are based on universal principles accepted in all societies that value freedom of speech. These include core principles of accuracy and integrity, balance and fairness, independence and honesty – all in service of critical journalism serving its core role as citizens' champion and guardian of democratic society.
- **Competitiveness – vigorous, cost-effective and challenging.** A vigorous, quality, independent media sector requires a competitive market environment, to ensure efficiency and cost-effectiveness, innovation and attractive products, and diverse market opportunities and interests open to new ideas and initiatives. Both the public and private sectors need to sit alongside each other, fostering that competition and challenging each other to drive up quality, while ensuring sustainability, positive remuneration, and attractive investment opportunities. Fresh public funding mechanisms will be required to ensure that the transformed public sector broadcaster can operate with accountability but without restrictions that hinder its core news-gathering role and restrict its independence. At the same time, regulations must be in place to ensure advertising and other potential income is available for a growing private sector media.
- **Self-regulation – responsibility in the media sector.** The regulatory framework is entrenched in Rwandan media laws, and courts have ultimate jurisdiction where disputes cannot otherwise be resolved. But the primary guarantor of media responsibility should be a self-regulating media sector, drawing from the shared professional commitment of the media sector and civil society as a whole. This

includes supporting diversity in all spheres, from ownership, control, management, newsrooms, and sources of information, languages and viewpoints, and is based on a shared professional commitment within the sector to professionalism and ethics.

- **Positive Reputation – a vibrant and free media sector.** This policy commits to the creation of a new framework for media pluralism, independence and freedom of expression, entrenched in Rwandan laws, enabled and protected by supporting institutions, and understood and accepted by officials and society as a whole.
- **Engagement & social cohesion – a well-informed citizenry.** An enhanced media sector supports development and growth, engagement and accountability. By improving the energy and quality, relevance and quantity of available media, the strategy will increase public and civil society engagement, and enhance the government's capacity to communicate with the public as a whole. A well informed citizenry is a more responsible citizenry, holding officials to account and participating as constructive stakeholders for development.

2.3: Implementation Strategies.

Transforming the media sector will be an ambitious and comprehensive effort that will involve the participation of all stakeholders. The media reform has full government commitment and the requisite political goodwill that will involve review of the legal and regulatory framework, consultations with the media fraternity, creating conducive climate for investments in the media, establishing structures and systems to allow for free flow of information, capacity building and creating awareness among the general population about the changes in the sector.

The implementation of the strategy will take into cognizance the principles of:

Participatory, consultative and inclusive - the process of media reforms will only be successful if all media stakeholders are consulted and actively participate in the process. The stakeholders to be consulted in the process will include but not limited to media owners, senior media managers, local and international practitioners, civil society, government officials, academics and the public. Appropriate forums shall be constituted to obtain views from all stakeholders in the industry towards the reform process. Proposed changes shall be exhaustively debated before being adopted to ensure that they take on board differing viewpoints.

The media will be expected to conduct wide reaching consultations with its membership to get acceptable representatives in the consultation process to ensure acceptability of the final process.

Incremental – The changes in the media sector will be incremental in nature and will be done over a period of time to allow a smooth transition from the current set up. Such phased implementation will ensure minimal disruption of the operations of the media. The timetable for implementation will be part of the consultative process where stakeholders will be expected to agree on timelines and milestones.

National, regional and global outlook – In reforming the media, consideration will be made to ensure a national, regional and global outlook. Reforms in the media will seek to create a media that meets national, regional and global needs and expectations.

2.4: Key Priorities

The key priorities in reforming the media will include the following activities:

- I. **Legislation & Regulation.** Harmonizing legislative instruments with constitutional provisions guaranteeing the freedom and independence of the media and encouraging self-regulation. The fundamental goal being to transform the media sector through facilitating media laws and media institutional reforms. Implementation of the reforms and system management of any changes or reform into the media sector will be done by all media stakeholders along lines agreed upon.
- II. **Rwanda Broadcasting Authority.** Legislation shifting ORINFOR from a state to a public broadcaster to ensure impartiality and professionalism in the broadcasting of news, educative and entertainment programs. Such changes will come with the requisite changes in governance structure, staffing, responsibilities and funding. It will also involve planning for major organizational restructure, including major overhaul of content, look and overall quality of output. This will include a new financial Agreement with the Ministry of Finance to provide for devolved control over annual budgets provided from public funds while still ensuring accountability.
- III. **Access to Information Bill.** Legislation on access to information is a key part of overall enhancement of public information and accountability. This will include an enforcing Ombudsman and is meant to improve real-time government communications, support good governance and transparency, and improve media vibrancy and information.
- IV. **Change Media High Council Law.** Legislation covering the Media High Council (MHC) to strengthen its independence as provided by the Constitution with a new mandate that will include focusing on media freedom advocacy, media sector development and capacity building. This will facilitate the creation of a conducive environment for private investment in some media sectors and promote healthy competition among players in the industry. Regulatory functions previously under its docket will be shifted to a self regulatory organ established by stakeholders in the media sector and others will be given to RURA to perform.
- V. **Communications & OGS.** – The reforms in the media sector should include the establishment of a system that will lead to increased information flow between government ministries and agencies on the one hand and the media and public on the other. The strategy includes support for existing efforts to strengthen government communications policies and structures as well as establishing a media centre to support the flow of official information to media practitioners. The structures will be responsive to media enquiries and information demands on a 24 hour, 7 days a week basis. The process will include the establishment of an office of the Government Spokesperson, administrative and financial flexibility under the supervision of the Prime Minister's Office.

The roles of the Office of the Government spokesperson will include serving government spokesman functions, coordinating and monitoring effective government communications, and supporting and training government departments in communications skills and strategies.

CHAPTER 3: IMPLEMENTATION OF THE POLICY

The policy shall be implemented through a number of institutions and other implementing agencies but under the guidance of the Ministry responsible for media. The ministry shall remain responsible for policy objectives, policy choices, and strategies to achieve the policy vision and objectives as well as the timeframe for accountability purposes, consulting with stakeholders as necessary and returning to Cabinet for approval for anything that requires further approval – such as changes in legislations.

3.1: Implementation plan

Under the guidance of the Ministry responsible for media, in coordination with the Media High Council (MHC), and with the assistance of appropriate professional expertise, a detailed implementation plan encompassing the strategy as a whole will be developed. This will cover the core three phases of the strategy, map out the key steps for each, elaborate key partners and stakeholders to be engaged, and outline a work plan, timeline and provisional budget.

3.2: Financial Implications

Transformation of the media sector aims to increase efficiency and effectiveness at governance level, engage and energize citizenry, and encourage and attract investment. Overall, it will contribute to enhanced economic performance, ensure and attract continued and increased development assistance, and support sustainable development. As indicated, the strategy will require shifts in funding streams and approaches to financial management, in particular in regards to the transformed public broadcaster, to ensure accountability within a framework of independence and flexibility.

3.3: Legal Implications

Legal implications will be addressed through the process of reform. These will include, but are not limited to the reform of The Media High Council, Access to Information, The Media Law, RBA and its transformation from State to Public broadcaster, decriminalisation of libel and slander through the Penal code and this Media Policy. Each area will be dealt with through on-going consultation and review across the Ministry in charge of media and Justice and other relevant Ministries and government departments as appropriate.

3.4: Impact on Business

This proposal will support the formation of a vigorous and economically viable private media sector in Rwanda. It will attract external investment, secure additional international donor support, establish new for-profit and not-for-profit enterprises as necessary, including a significantly increased advertising sector, and contribute to overall economic performance in Rwanda.

3.5: Impact on Unity and Reconciliation

The transformation of the media aims to have a positive impact on unity and reconciliation in Rwanda. The Government of Rwanda will seek support – from citizens of Rwanda, as well as Rwandan, African and international media professionals, human rights and media freedom institutions, national governments and international bodies – in recognising that freedoms also bring responsibilities. In seeking to energise the media, a central objective is to engage the population as a whole more directly, enhancing linkages between government and the people, and contributing to unity, reconciliation and social stability as well as accountability.

3.6: Handling Plan

The issue of media reform is inevitably high profile, and the handling of communications will be integral to the implementation process. In seeking to energise the media sector, this strategy also directly engages – and supports – Government on a departmental and individual level in positively managing what will be increased communications requirements. While efforts are already under way in this area, we should not underestimate the demands of independent media. Managing expectations – in what is a multi-year process – will also be vital to ensure stakeholders outside of Government (professionals within the sector as well as society at large) understand and sustain their support for the transformation process.

CONCLUSION:

The policy recognizes the complexity of today's media challenges. It acknowledges that this is a rolling and continuous process of review and change because the media environment around us is changing so fast. The policy re-examines fundamental laws and strategies that are getting out of line with media professional standards because the world is changing.

Although, Policy objectives have some continuity with the current laws, policies and strategies, the fundamental need for reform stems from a desire to create a media platform in Rwanda that will grow and develop rapidly. Most importantly, that will bridge the information gap to enhance the news cycle for the benefit of the citizens, eradicating delays in processes and barriers in the flow of information.

Successful implementation of this policy will transform Rwanda's media landscape. It will provide the country with a modern, professional, open and dynamic media sector, engaged with and responsive to democratic civil society and the public at large, within an appropriately regulated environment to ensure continuing national stability and development. In the process it will enhance the country's reputation and social cohesion, and contribute to efficient government and strong economic development.