



The Legal Aid Forum

Working Together For Equitable Access to Justice

ASSESSMENT OF THE STATUS OF MEDIA-SELF REGULATION IN RWANDA

(2013 - 2021)

REPORT

With Financial Support From



Recommended Citation: Legal Aid Forum, December 2021: Assessment of Media Self-Regulatory System in Rwanda (2013–2021)

The author's views expressed in this assessment report do not necessarily reflect the views of the Donor.

-

Copyright©2021 Legal Aid Forum.

This report is available at the Legal Aid Forum website in a pdf format. Copying and distributing this report for non-commercial and policy purposes is allowed only if it is done in its entirety and must be attributed to the Legal Aid Forum.

Published by:

The Legal Aid Forum
P.O.BOX 5225 Kigali – Rwanda
www.legalaidrwanda.org

Table of content

Table of content	3
Abbreviations and Acronyms	4
EXECUTIVE SUMMARY	5
1. INTRODUCTION AND BACKGROUND OF THE STUDY	8
1.2. Objectives of the assessment.....	10
1.3. Methodology	10
1.3.1. Study Design.....	10
a) Desk research	10
b) Key Informant Interviews	11
c) Focus Group Discussion.....	11
2. LEGAL AND INSTITUTIONAL FRAMEWORK UNDERPINNING MEDIA-SELF REGULATION IN RWANDA	11
2.1. Introduction.....	11
2.1.1. Meaning of media regulation.....	12
2.1.2. Media Self-regulation under Rwandan Laws and Policies.....	15
2.1.3. International Instruments Informing Media Self-regulation.....	16
2.1.4. Key Findings.....	17
3. MEDIA ETHICS AND STANDARDS.....	18
3.1. Rwanda Journalists and Media Practitioners' code of deontology and ethics and accountability	18
3.1.1. Introduction.....	19
3.1.2. Code of conduct for the practice of journalism in Rwanda	19
3.1.3. Social Media Regulatory Dilemma in the Digital Age in Rwanda	21
3.1.4. Assessment of Journalism Independence in view of Social Media	22
3.1.5. Self-regulation of the Digital Media- Best practices	23
3.1.6. Assessment of the Code of Ethics in View of Gender Sensitivity	25
3.1.7. Key findings.....	25
4. THE CURRENT STATE OF RWANDA MEDIA COMMISSION.....	26
4.1. The legal status of Rwanda Media Commission	26
4.2. Mission of RMC and Mandate in Promoting Media Self-regulation.....	28
4.3. The Structure of Rwanda Media Commission	28
4.4. RMC Funding and Staffing.....	30
4.5. Complaints Handling Mechanisms	30
4.6. Design of Complaints Handling Procedures	31
4.6.1. Complaints Submission	31
4.6.2. Analysis of Complaints Procedures	32
4.6.3. Analysis of Complaints Received by RMC.....	33
4.6.4. Challenges related to enforcement of the Code of Ethics.....	38
4.7. Key Findings.....	38
CONCLUSION AND RECOMMENDATIONS	41
REFERENCES	43

Abbreviations and Acronyms

ARFEM	: Association of Rwandan Female Journalists
ARJ	: Association of Rwanda Journalists
Art.	: Article
COVID 19	: Corona virus disease 19
CSOs	: Civil Society Organisations
DPs	: Development Partners
EC	: Ethics Committee
EU	: European Union
FAASI	: The Future for African Actions on Sustainable Initiatives
FBOs	: Faith-Based organisations
FDGs	: Focus Group Discussions
GIZ	: Deutsche Gesellschaft für Internationale Zusammenarbeit/ German Development Agency
H.E	: His Excellency
ICCPR	: International Covenant on Civil and Political Rights
KIIs	: Key informant interviews
LAF	: Legal Aid Forum
MHC	: Media High Council
MINALOC	: Ministry of Local Government
MINIJUST	: Ministry of Justice
MoU	: Memorandum of Understanding
NGO	: Non-Government Organization
ORINFOR	: Office Rwandais de l'Information
PO	: Press Ombudsman (PO)
RALGA	: Rwandan Association of Local Government Authorities
RBA	: Rwanda Bar Association
RBA	: Rwanda Broadcasting Agency
RBM	: Rwanda Media Barometer
RGB	: Rwanda Governance Board
RIB	: Rwanda Investigation Bureau
RMC	: Rwanda Media Commission
RNP	: Rwanda National Police
RURA	: Rwanda Utilities Regulatory Authority
SDCS	: Swiss Agency for Development and Cooperation
SMS	: Short Message Service
UDHR	: Universal Declaration of Human Rights
UNDP	: United Nations Development Program
UNESCO	: United Nations Educational, Scientific and Cultural Organization
UPR	: Universal Periodic Review
UR	: University of Rwanda

EXECUTIVE SUMMARY

In 2013, the Government of Rwanda carried out media sector reforms meant to create a professional, responsible, pluralistic and economically viable media sector. The Media Law and Policy were revised to speak to the Constitutional commitment to freedom of expression and of the media, and the country's development agenda as outlined in the then Vision 2020 policy documents. Major reforms around the same period included the following:

- Enactment of Access to Information law to allow journalists and the general public to access information from both public institutions and private organizations,
- Creation of Rwanda Broadcasting Agency (RBA), a public broadcaster, replacing the then state owned broadcaster, Office Rwandais de l'Information (ORINFOR),
- Review of the mandate of Media High Council (MHC) to focus on capacity building for journalists,
- Charging Rwanda Governance Board with the mandate to promote the media sector and advise the government on policy on media related issues,
- Introduction of the media self-regulation mechanism, and
- Assigning of some regulatory responsibilities to Rwanda Utilities Regulatory Authority (RURA).

The Legal Aid Forum (LAF) with the financial support from the European Union Delegation to Rwanda, is implementing a project on freedom of expression with a specific focus on promoting a favorable legal and regulatory framework for freedom of expression and access to information. One of the activities of the project is to assess the status of media self-regulation in Rwanda since its introduction in 2013, with interest in finding out how the following five elements have played into self-regulation of media in Rwanda:

- The current legal and institutional framework underpinning media self-regulation in Rwanda,
- The capacity and independence of media self-regulation mechanism in Rwanda in safeguarding editorial independence to minimize state interference,
- The contribution of RMC in promoting media professionalism and quality journalism and in holding it to account as it serves the Rwandan citizenry,
- The progress and challenges within media self-regulation vis-à-vis freedom of expression and access to information in Rwanda,
- The lessons and good practices so far learnt about media self-regulation and freedom of expression practices in Rwanda.

How the assessment was conducted

A qualitative research approach was utilized to enable a deeper understanding of the context in which media self-regulation operates in Rwanda including legal, institutional and organizational framework. The research team relied on both primary and secondary data. Key informant interviews and focus group discussions were crucial in clarifying issues arising from the desk research, so as to get more and deeper insight into the mosaic of factors touching on the context of media self-regulation practice in Rwanda.

Summary of key findings

1. Media self-regulation in Rwanda is provided for by media policy of 2011 and the Media Law of 2013,
2. The existing code of ethics for the practice of journalism in Rwanda does not speak to emerging challenges related to ethics of internet-based media for accountability purposes and as a result, more online than offline media have for example been found culpable for violating the code of ethics related to sensationalizing of headlines, etc,
3. The MoU between RMC and RURA based on the 2013 Media Law (Art. 4), is important for smooth regulation of the media industry. However, there lacks a clear distinction of roles of each as far as media regulation is concerned. There seems to be an overlap of mandate. Suffice is to say here, that RURA should be regulating technical aspects of media and communication while RMC should be regulating the content conduct/behavior of journalists. The MoU should help in cross referencing of complaints brought before the two bodies,
4. Defamation and some press offences have been decriminalized in the Penal code of 2018 through the active role played by media actors and government institutions, thus contributing to enhancing media freedom and freedom of expression,
5. Failure to adhere to the professional code of conduct for the practice of journalism was identified as a potential challenge to the effectiveness of media self-regulation system in Rwanda,
6. Economic pressure among the online media platforms including YouTubers to sustain their operations and be viable and sustainable has compromised observance of professional ethical standards and quality of journalism in general,
7. Private businesses often induce journalists for favorable media coverage compromising their independence and professional conduct. Given the financial constraints faced by some journalists, it is hard for them to choose to act ethically in this respect,
8. Online media practitioners including citizen journalists, bloggers and You Tubers have been left out from conversations on media ethics and performance standards, compromising inclusive self-regulation efforts,
9. The current code of conduct for the practice of journalism in Rwanda has gaps on gender sensitive reporting standards. Thus, stereotyping, negative portrayal and misrepresentation of women and girls in the media is common,
10. Individual media practitioner and media organs indicated that are not given prominence in the practice of self-regulation yet the system itself is meant to regulate their conduct and behavior. There is therefore, a top-bottom relationship between the work of RMC on the one hand and that of media outlets and journalists on the other,

11. There is limited media industry ownership, support and enforcement of decisions on breaches of the code of conduct made by RMC. This has compromised media self-regulation based on ethical systems of the practice of journalism in Rwanda,
12. RMC is currently underfunded and understaffed, affecting its ability to conduct effective and sustainable media self-regulation,
13. Since its establishment 2013 up to the time of the study, RMC has received four hundred and two (402) complaints from the public and media practitioners, at home or abroad, and handled them accordingly,
14. The increasing trend of hiring artists and famous comedians without any training or background in journalism as opposed to professional journalists, has turned some of the radio programmes and talk show into theatre of entertainment and empty talk, subsequently lowering the quality of journalism and effective service delivery,
15. RMC has intervened in the advocacy for journalists' rights in different situations where their rights were denied, especially the access to information right and arbitrary arrests of journalists. In most cases, this resulted into their rights being respected and observed accordingly.

Summary of key recommendations

1. There is a need to conduct an intensive study on how ethics based system of media regulation can be promoted online in order to respond to the current digital realities and the attendant challenges of media illiteracy,
2. Media self-regulation in Rwanda is a delegated service by the government. The media policy of May 2011 notes that the industry is considered not financially strong to support the media self-regulation mechanism. The relevant laws should be revised to specifically provide for government funding to RMC so as to effectively discharge its media self-regulation mandate for public interest. Sources of funding should be diversified to include journalists, media outlets and media development actors. However, this should be done under "arm's-length principle" to hedge the media self-regulatory system from interferences,
3. Adopt and publish RMC draft statutes to streamline its functions, structure, powers and working relationship with its stakeholders,
4. Promote working relations with justice-based institutions and partners given RMC's role in delivering alternative mechanisms to justice,

5. Review the code of ethics and standard to accommodate the necessary changes and emerging trends and challenges including gender reporting and disinformation and misinformation,
6. Update the complaints handling tools, manuals and other internal documents for an effective media self-regulatory system,
7. The number of members of the board should be increased from the current 7 to 9 while the composition should include representatives of major constituencies such as women and civil society.

1. INTRODUCTION AND BACKGROUND OF THE STUDY

In 2013, the Government of Rwanda carried out media sector reforms meant to create a professional, responsible, pluralistic and economically viable media sector. The Media Law and Policy were revised to speak to the Constitutional commitment to freedom of expression and of the media, and the country's Development agenda as outlined in then Vision 2020 policy document then. Other major reforms around the same period were: (i) enactment of Access to Information law to allow journalists and the general public to access information from both public institutions and private organizations, (ii) creation of the Rwanda Broadcasting Agency (RBA), public broadcaster, replacing the then state owned broadcaster, i.e., Office Rwandais de l'Information (ORINFOR), (iii) review and revise of the mandate of Media High Council (MHC) to focus on capacity building for Journalists, (iv) charging the Rwanda Governance Board with the mandate to promote the media sector and advise the government on the same. In this function, the RGB was going work closely with RMC in charge of Media self-regulation and the Rwanda Utilities Regulatory Authority (RURA) responsible for electronic media licensing and regulation.

It is in the context of these reforms that a media self-regulation framework was established headed by the Rwanda Media Commission (RMC) and led by a Board drawing its members from the media industry, civil society, academia and lawyers bar association. A major structure of the commission is the secretariat headed by the Executive Secretary that is charged with the management and administrative functions of the Commission. This marked an important turning point in the history of media freedom and freedom of expression in Rwanda by transferring the responsibility of regulating journalism practice from the state to journalists themselves through self-regulation mechanism.¹ The new dispensation gave media fraternity in Rwanda an opportunity to self-regulate through accountability system that was based on ethical principles of journalism such as accuracy, personal rights, and professionalism, while fully preserving editorial freedom on what to report and what opinions to express.² This means that codes of ethics provide guidance on editorial standards while public complaints handling mechanisms offer a kind of quality insurance. This gave journalists an opportunity to safeguard media freedom through professionalism and to preservation editorial independence. It gave media an opportunity to hold themselves to account thus minimize state interference, strengthen media transparency and accountability, provide citizens the right to complain and reclaim their reputation when damaged by the

¹ RMC, The State of Media Freedom in Rwanda, May 2015, p. 2 on https://rsf.org/sites/default/files/6_5_2015_ib-final_report_on_state_of_the_media_freedom_in_rwanda_00.00.pdf visited on 16th June 2020.

² Idem, p.10.

media and therefore foster the public's scrutiny and protect journalists from political pressures and "court journalism,"

Introduction of media self-regulation helped the media respond in Rwanda to respond to legitimate complaints, and correct mistakes. Self-regulation is thus a pledge by quality-conscious media professionals to maintain a dialogue with the public.³

The report on the Assessment of the Implementation of 2015 Universal Periodic Review (UPR) Recommendations by the Republic of Rwanda carried out by Rwanda Civil Society Coalition on UPR⁴, revealed a number of gaps and challenges faced by media and media practitioners. These include but are not limited to: criminalization of publication of the editorial content including edited statements or images, decline in scores on the right to information from 85.2% in 2016 to 73.2% in 2018, with the journalists' ranking their right to information at as low as 63.1%. The media policy adopted in 2011 on the other hand, fails to respond to current challenges of the media sector such as funding, ethics of social media spaces, etc.⁵ Issues related to capacity building and high operational cost of media enterprises absence of regulatory framework for mushrooming internet media platforms, especially YouTube channels and web-based TVs. On the other hand institutions involved in media regulation are domiciled in various ministries and government department and therefore lacking harmony which ideally would be created if there were a single line ministry in charge of media.⁶

All these reforms and progress made so far notwithstanding, the discourses of media self-regulation based on ethical systems of self-regulation has increased and Rwandan media self-regulation model has been on the been in the spotlight. First the question has been raised as to the legal status of the RMC. Does delegated responsibility mean that RMC is state regulatory body as opposed to self-regulatory one? Is it a state regulated self-regulatory body? In other words how RMC would be classified? Does its definition by the law, administrative and operation processes qualify it for a voluntary self-regulatory body or a co-regulatory one? Its status has significant implications on its independence and how it relates with media and journalists and other state regulatory bodies and media development partners. Indeed journalists have asked whether they have any role as stakeholders in the management and administration of RMC. In addition, concerns have been raised that the current media law does not address the emerging realities of funding of the Commission. The following challenges within the media self-regulation mechanism promoted this study.

- The concern of non-responsiveness of the current legal and institutional framework underpinning media self-regulation in Rwanda,

³ Ibid.

⁴ Rwanda Civil Society Coalition on UPR: Final Assessment Report on the Implementation of 2015 UPR Recommendations by the Republic of Rwanda, Kigali, LAF 2020. https://legalaidrwanda.org/IMG/pdf/upr_assessment_report_2020_rwanda_cso_coalition.pdf

⁵ Idem, p.26.

⁶ Idem, p.27.

- The gaps in the code of deontology and ethics in view of emerging ethical challenges related to digital media and concerns of gender sensitivity and media performance standards,
- The concern on challenges facing the RMC in handling complaints and advocacy for journalists' rights of access to information and press freedom and
- The fact that RMC is facing daunting challenges in handling complaints including increased outsourcing of core services of Alternative Dispute Resolutions (ADR) and in the mediation process

1.2. Objectives of the assessment

The overall objective of this study is to assess the status of media self-regulation in Rwanda since the establishment of the RMC. Specifically, the assessment will:

1. Analyze the current legal and institutional framework underpinning media self-regulation in Rwanda
2. Assess the capacity and independence of media self-regulation mechanism in Rwanda in safeguarding editorial freedom and minimize state interference
3. Assess RMC's contribution in promoting quality and accuracy in the media, accountability and in improving readers' access to the media;
4. Document lessons and good practices so far learnt about media self-regulatory in Rwanda.

1.3. Methodology

1.3.1. Study Design

This study adopted a qualitative research approach, which enabled a deep understanding of the context in which media self-regulation operate in Rwanda including legal, institutional and organizational framework. Qualitative data collection approaches were used to collect both primary and secondary data. The specific methods employed to gather data were; (a) secondary data review/desk research, (b) Key Informant Interviews (KIIs) and (c) Focus Group Discussion (FGDs). The desk research qualitative method complemented the KIIs and FGDs. These were crucial in clarify issues arising from desk research, so as to get more and deeper insight into the mosaic of factors touching on the context of media self-regulation practice in Rwanda.

a) Desk research

Desk research was used to review existing literature relevant to media self-regulatory mechanism in Rwanda since 2013. Substantive corpus of documents and reports, laws and policies touching on media self-regulation were examined. Review of the self-regulation mechanism and models from other jurisdictions such as Sweden and Denmark in Europe and Kenya, Uganda and Tanzania in Africa were undertaken to help develop a framework against which evaluation and analysis of the Rwandan media self-regulatory model was undertaken. This information was synthesised and contextualised to address the social, political, historical and cultural realities of the Rwandan society taking into consideration the media reforms that have taken place in Rwanda since 2011. Most recent documents and research report

about media self-regulation were consulted including the Draft blue print for RMC 2020. The desk research was instrumental in developing of field research tools including questionnaire guide for the FGDs and KII.

b) Key Informant Interviews

These targeted a host of state and non-state media actors including media experts and practitioners, civil society organizations, and Media development partners. Journalists shared their personal experiences about RMC as a self-regulatory body including their perception of its independence and role in promoting media professionalism and editorial independence. The civil society actors and the academia gave their perspective on the best practices in media self-regulation while ordinary citizens shared their knowledge and awareness about the existence of RMC and its role in addressing media quality and public interest issues. The policy makers and legal experts shared their views about the legal existence of RMC and related gaps.

These interviews were conducted after the desk analysis, to allow the researcher to (a) triangulate the data and (b) go behind the quantitative data to find explanations of and meanings for the initial findings. The KII interview guides were developed after the desk research, to clarify issues and gain insight. The focus of the interviews were on the understanding of the media self-regulation in Rwanda including trends and achievements made so far, gaps and weaknesses as media governance system, and its role in fostering media independence promoting profession journalism, and safeguarding media freedom and freedom of expression. Most of these interviews were conducted online as a safety measure against COVID 19 transmission.

c) Focus Group Discussion

A FGD was organized with various state and non-state actors in the media sector, including policy makers, media practitioners, CSOs and lawyers. The purpose of the FGD was to interrogate the validity of the preliminary findings of the assessment and collect the first-hand experiences and perspectives of frontline media key players and practitioners. They were intended to cross check and fill the gaps in the findings from both desk research and KII. More importantly, it was meant to help establish consensus on major issues emerging from the desk review and KII.

2. LEGAL AND INSTITUTIONAL FRAMEWORK UNDERPINNING MEDIA-SELF REGULATION IN RWANDA

2.1. Introduction

This chapter examines the concept and practice of media self-regulation as a framework of evaluation and analysing institutional and legal framework of media self-regulation in Rwanda. It goes beyond the analysis of legal and policy framework to shed light into actual practices of media regulatory model in Rwanda.

2.1.1. Meaning of media regulation

Regulation refers to the whole process of control or guidance, by established rules and procedures, applied by governments and other political and administrative authorities to all kinds of media activities. Thus regulation is always a potential intervention in ongoing activities, usually for some stated “public interest” goal, but also to serve the needs of the market (for instance, by supporting competition) or for reasons of technical efficiency (for instance, setting technical standards) and to protect rights of individual. Without clear distinction and the debate still ranging, there are broad model of media self-regulation widely recognised. (i) Statutory regulation of the media, (ii) Co-regulation of the media and (iii) Self-regulation of the media.

i. Statutory self-regulation

Under the statutory regulation, media standards are enforced by the government⁷ while the statutes establishing the regulatory body also defines the media professional standards that the media should comply with. This substantially differs from the self-regulatory mechanism professional standards that are collectively defined by the media industry. Administratively, the government directly appoints members of the regulatory body, which answers to a government representative such as the minister responsible for information.⁸ Largely the regulatory bodies are publicly financed and are invested with legal authority to impose sanctions or require publication of corrections, or impose other disciplinary measures, with participation by media organizations and journalist in these bodies and/or proceedings also sometimes required by law. In some of these cases the regulatory body can also impose penalties on news organizations that do not participate in the Councils or abide by its rulings. In some instances under this model, the bodies are subservient to regulatory authority responsible for telecommunication and licensing of broadcasters. There are often overlap of mandate with journalists facing in different occasion or at the same time both the authority and the regulatory body. This is common where media and journalist are expected to comply with both broadcasting and programming code as a licensing condition as well as ethical conduct of journalism enforced by both the authority and media regulatory body.

ii. Co-regulation

This applies to media oversight institutions and practices that covers a wide range of current and potential regulatory models, from press councils funded and appointed by governments, with some degree of regulatory authority, to purely advisory bodies run primarily by media and civic organizations, but with some legal standing and state financial support.

The near voluntary co-regulation model is where the media regulator is defined by law but the state keeps off any other business of the regulator including funding, appointment of the board and recruitment

⁷ Denis McQuail, Media Regulation, Module 2, Unit 11, Department of Media & Communication, University of Leicester, February 9, 2010

⁸ Paul Kimumwe, Media Regulation and Practice in Uganda: A Journalists Handbook, Clear MarK Publications; Kampala Uganda, 2014, p.23 on https://www.academia.edu/7413904/Media_Regulation_and_Practice_in_Uganda_A_Journalists_Handbook accessed on 9th September 2020.

of staff. Here, the adjudication of complaints against journalists is made on the basis of both ethical systems of the practice of journalism and other legislations including the constitution. This makes handling of cases and adjudication of complaints to take a quasi-judicial format ending up in protracted and prolonged removing of purely ethics conduct related complaints. Often, because of the legal constitution of such bodies they have power of the law to enforce their decisions. In terms of structure there could be an official from government and representation of other constituents including media professional associations, civil society, members of the public, consumer entries and academia.

The second model of co-regulation would be termed as 'regulated self-regulation'. This is where media regulatory body is defined by law with the code of conduct being part of the law. The state funds the regulator and directly get involved in the appointment of the board members and the complaints handling arm of the council. A good example of such a model is the Media Council of Kenya. Such body is not independent of the state interests.

In both cases, these co-regulatory entities can receive and adjudicate public complaints against specific news reports or media companies, offering non-punitive forums for resolving disputes which might otherwise have been contested in courtrooms. Others serve more standard regulatory functions. Such institutions also sometimes support professional training programs and the promotion of codes of ethics for journalists and news organizations.

A common denominator of the different co-regulatory systems is a collaborative rather than adversarial model of media regulation, combining the publicly financed and legally established aspects of state oversight with the voluntary compliance and professional expertise that characterizes self-regulation. Ideally, this hybrid approach charts a third way between inappropriate government regulation of news media activities and content, and purely sectorial self-regulatory systems without mandated input or representation from other stakeholders with a legitimate interest in accountable, credible, independent news media. The overriding principles uniting these co-regulatory initiatives are a commitment to freedom of the media and broader rights of freedom of expression, and a recognition that oversight and regulation of the news media should not be left to either government or the media industry alone.

iii. Media Self-regulation

Voluntary media self-regulation also referred to as ethical system of media self-regulation is formed and managed by journalists to manage their professional conduct without any involvement by the state, and is not defined by any legislation. Such bodies are completely voluntary in terms of media participation and independent in their management and financing, with procedures and impact based on principles of institutional transparency, public accountability, and peer review; their credibility and effectiveness depends on a combination of responsiveness to public complaints and queries, rigorous and respected professionalism in their personnel and procedures, and collective media-industry support. These bodies are independent professional advisory bodies, with no direct state funding or enforcement powers.

Self-regulation is a pledge by quality-conscious media professionals to maintain a dialogue with the public where complaint mechanism is set up to deal with justified concerns in a professional rigorous, rational and autonomous manner. Self-regulation can work effectively where there is a professional consensus about media rights and ethics, with oversight structures that are independent from government regulatory powers or related legal frameworks for the news media. Indeed, only those outlets whose journalists, editors and owners seek to produce a responsible press would engage in this dialogue. Self-regulation can be set up both industry-wide and in-house so as to enforce the principles and values of the code of ethics and standards of the media profession.

Voluntary Self-regulation is less costly for governments, as the media industry bears the cost of self-regulation and can be more flexible than government regulation particularly where the process is voluntary. Self-regulation may also encourage greater compliance because of peer pressure and is likely to secure compliance effectively than in state regulatory approach since it is conducted in a free and more secure environment for journalists. Self-regulation can also drive up professional standards by requiring news media and publishers to develop their own standards of behavior. During complaints handling sessions, the parties have the opportunity to be corrected, made to understand their professional shortcomings which in turn enhance their sense of responsibility and public accountability in their daily work.

Though voluntary media self-regulation has been hailed as the most ideal model that guarantees freedom of expression and promotion of media accountability system, some countries such as Denmark have adopted a co-regulatory model combining it with more newsroom based self-regulation based on the office of the ombudsman. Though this model has occasionally with the strongest of all arising from Judge Leveson Report 2012⁹ who argued that editors could not be actors and judges at the same time and that for more professional and accountable regulatory system, state oversight is imperative self-regulation remains the most popular model in more liberal and democratic societies. In general, it serves the following purposes:

1. It safeguards editorial freedom and independence, and minimizes state interference from state actors
2. It promotes a focus on quality and accuracy in the media which in overall improves professionalism.
3. It secures transparency and accountability of media
4. It provides the users/citizens the right to complain thereby giving them the citizens the opportunity to reclaim their reputation when damaged by the media
5. It protects the journalists from political pressure and “court journalism”

The general principle underlying media self-regulation, it should safeguard individual interest and acorn them an opportunity to reclaim their credibility when tainted by the media. This should be balled with the need to hold the media to account as it serves the public.

⁹ Leveson Inquiry, An Inquiry into the Culture, Practices and Ethics of the Press, November 2012.

2.1.2. Media Self-regulation under Rwandan Laws and Policies

The self-regulation of media in Rwanda was introduced under the media governance reforms of 2013. As discussed earlier, the media Law N°02/2013 of 08/02/2013 and the media policy of 2011 were instrumental in the process. Prior to these reforms, the media was under statutory regulation administrated by the Media High Council. This opened a new trajectory for Rwanda's media landscape in Rwanda which was buttressed with Vision 2020 and 2050 on social protocol and economic development of Rwanda.

The legal reforms introduced in 2013 were therefore meant to operationalize and reinforce media freedom guaranteed in the constitution article 33 and 34 of the freedom of the press and of information. It was also meant to further explore the potential of a responsible and free media in Rwanda, including promotion of self-regulation. In the implementation plan for the adopted media reform authored by the Prime Minister's office and the Ministry in Charge of Cabinet Affairs responsible for Media Affairs (2012), it was stated that “The Government of Rwanda believes that the media has a vital role to play at this stage in the country's development... The sector needs fundamental change. The government believes that a reformed media sector will support good governance and socio-economic development aims: increasing the range and diversity of outlets, enabling journalists to work more effectively, thereby increasing public awareness, promoting accountability and underpinning public democratic institutions”.¹⁰

The Law regulating media in Rwanda does not however define self-regulation; rather, it defines the media-self-regulatory body¹¹ and states how media should be regulated. In article 4, it states that “*The daily functioning of media and the conduct of journalists shall be regulated by the Media Self-Regulatory Body. However, the national utilities statutory regulator shall also carry out the regulation of audio, audio-visual media and internet. Organs referred to under Paragraphs One and 2 of this Article shall have a joint working agreement and shall determine their plan of action*”. Unlike in some other instances, and more so in authoritarian regimes where self-regulatory systems and formation of press council is a culmination of prolonged struggle for media freedom and freedom of expression. The introduction of self-regulation in Rwanda was out of deliberate decision by the government to exploit the potential of free and independent media to transform the Rwandan society.

To make this law operational, the MoU between the media self-regulatory body and RURA was signed on 12 September 2013¹². However, this MoU is believed to create confusion regarding the status of Rwanda media as either under a self-regulatory mechanism or co-regulation.¹³

¹⁰Prime Minister's office and the Ministry in Charge of Cabinet Affairs, cited by Noah From, A New Media Reform. A Field Study on the New Rwandan Media Reform, Mid Sweden University, sd, p.7; <https://www.diva-portal.org/smash/get/diva2:901389/FULLTEXT01.pdf> accessed on 10th September 2020.

¹¹ Media Law, Article 2, 20° Media Self-Regulatory Body: an organ set up by journalists themselves whose responsibility is to ensure compliance with the principles governing media and to defend the general interest;

¹² Under this MoU, some responsibilities are managed independently others necessitate joint collaboration.

¹³Article 19, *Rwanda: Media law does not go far enough*, 18 March 2013, available at: <https://www.refworld.org/docid/5149bdfc2.html> [accessed 8 September 2020].

Even with this provision, and arising from its practices, some feel that the RMC should operate as a Non-Governmental Organization (NGO), while others contend that it should operate as a statutory body. A more conservative group contends that the current set up of the RMC is good enough and that all what journalists needed to do is to meet and assent to such existence through their general consensus at a formal meeting. Despite of these contestations, the RMC has conducted its public remit in accordance with the Media Law of 2013. A more pragmatic group argues that the media regulatory system in Rwanda is significantly skewed towards co-regulation as opposed to the self-regulation model defined by the media policy and the media law of 2013. The argument is based on the view that there is overlap of mandate between the RMC and the RURA and RMC. That there is no destination between RURA as a regulator of airwaves and programming standard of broadcasters (hardware regulation) and RMC mandate of setting standards of journalists (software and behavior of journalists). Since its establishment in 2013 there has not been clear delimitation of the role of RURA with regards to media sector.

The more professional journalists contend that the practice of media self-regulation should start at the level of individual journalists and media house through voluntary adherence to the code of ethics, thereby holding themselves accountable on the basis of these principles and standards.

This said a number of good provisions can be identified in the RMC blueprint though how well they are applied in practice is contestable. First is the principle of "arm's length" which is implied in the blue print. This uphold the principle of keeping editorial independence from political interest while the regulator receive financial support from the government.

2.1.3. International Instruments Informing Media Self-regulation

Media self-regulation is believed to be the form of regulation that best promotes freedom of expression in general and that of press in particular as it avoids state interference and safeguards independence of the media. The importance of the right to freedom of expression is demonstrated by its widespread protection in Rwandan laws and international laws at the global and regional level.

At international level, it's protected in all significant human rights treaties, including Article 19 of the Universal Declaration of Human Rights (UDHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) all of which have been ratified by the government of Rwanda. It is also at regional level protected by Article 9 of the African Charter which states that every individual shall have the right to receive information and to express and disseminate his opinions within the law¹⁴.

Rwanda is also party to the 2002 Declaration of Principles on Freedom of Expression and Access to Information in Africa, drawn up by the Special Rapporteur on Freedom of Expression and Access to Information of the African Commission on Human and People's Rights, which states that: "States shall encourage media self-regulation which shall be impartial, expeditious, cost-effective and promote high standards in the media, in accordance with Codes of Conduct developed through multi-stakeholder

¹⁴ African Charter on Human and People's Rights: [https://au.int/sites/default/files/treaties/36390-treaty-0011 - african charter on human and peoples rights e.pdf](https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf)

processes” and that “The powers of regulatory bodies shall be administrative in nature and shall not seek to usurp the role of the courts.” This affirms the general recognition of media self-regulation as a system for promoting editorial independences and high standards of professional performance while safeguarding media freedom and freedom of expression.

For years, self-regulation was deemed to be the professional responsibility of journalists themselves and a variety of attempts have taken place to codify the responsibility of journalists, often through the medium of their professional organizations. While various existing codes have some differences, most share common elements, including the principles of truthfulness, accuracy, objectivity, impartiality, and fairness, among many others. The earliest attempts to draft a code of ethics seem to be the Code of Journalistic Ethics adopted by the first Pan-American Press Conference held in Washington in 1926.¹⁵ It was adopted as policy by the Inter-American Press Association at a conference held in New York in October 1950.¹⁶

The first International Federation of Journalists, established in 1926 but dissolved after the Second World War, took various steps aimed at self-regulation by the profession, including the establishment of an International Court of Honor in The Hague in 1931 and the adoption of a professional code of Honor in 1939. Re-founded in 1952, it developed a professional ethical code for journalists and adopted a declaration of journalists’ duties in 1954, at its Second Congress.

Subsequently, six journalists’ trade unions of the European Community adopted a Declaration of Duties and Rights of Journalists in November 1971.¹⁷ A range of national media institutions have developed their own codes of conduct, for example the Swiss Press Council.¹⁸

It’s from these corpus of information and standard code of conduct that the RMC and media stakeholders in Rwanda drafted and adopted its code of conduct for the practice of journalism in Rwanda where ethical based self-regulation mechanism is hinged.

2.1.4. Key Findings

1. Existing national legal and international instruments offer a framework for media self-regulation in Rwanda. In particular, the media policy (2011) and Media Law (2013) provide for the formation of a media self-regulation body by journalists. The regulatory body (Rwanda Media Commission) envisaged in this media law was formed by journalists in November 2013 with the support of the Rwanda Governance Board.

¹⁵ Andrew Puddephatt, The Importance of Self-Regulation of the Media in upholding freedom of expression, 2011, retrieved on http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/media_standards/The%20Importance%20of%20self-%20reg%202011.pdf visited on 9th September 2020.

¹⁶ See History of Inter American Press Association on <https://en.sipiapa.org/contenidos/history.html> accessed on 9th September 2020.

¹⁷ Media Diversity Institute, International Federation of Journalists, 2009 retrieved on <http://www.rjionline.org/mas/code-of-ethics/journalists-union-declaration> accessed on 9th September 2020.

¹⁸ Accountable Journalism, Press Council: Switzerland: *Autorité Indépendante D'examen Des Plaintes En Matière De Radio-Télévision*, Independent Complaints Authority For Radio And Television

2. Media self-regulation in Rwanda is a delegated function by the government. The media policy of May 2011 notes that, the industry is considered not financially strong to support the media self-regulation mechanism. The relevant laws should therefore accommodate specific government funding of RMC to effectively administer the media self-regulation mandate for public interest.
3. Though provided for and defined by the Media law 2013 as a self-regulatory bodies, its practice negates this definition looked at against good practices elsewhere. First RMC is purely funded by the state albeit indirectly through the UNDP casting aspersions on its independence of government influence. Secondly the government has indirect influence on the appointment of the members of the commission and the Executive Directors and thirdly journalists and media professional bodies have minimal involvement in policy direction and functions of the RMC. The closet RMC can be is a “regulated self-regulatory body” albeit in practice.
4. RMC is facing institutional and organizational sustainability challenges and attendant gaps of sustainability and understaffing.
5. The MoU between RMC and RURA created on the basis of the 2013 Media Law (Art. 4) is important given RURA’s mandate of licensing broadcast media outlets and its regulatory mandate of ICT. It’s important to be explicit that RURA is in charge of regulating media hardware through licensing and broadcast programming code while RMC is in charge of behavior and conduct of the journalists. This will also address the overlap of mandate between RURA and RMC that is likely to subject journalists to double jeopardy if made to appear before the two regulators for an ethical related complaint.
6. Defamation and some press offences have been decriminalized in the Penal code of 2018 through the active role played by media actors and government institutions, thus contributing to enjoyment of freedom of expression.
7. Media self-regulation ecosystem in Rwanda is soloed with RMC working independently from the newsroom based self-regulation which ordinarily should lay emphasis on the role of editors in enforcing the editorial standard. Further, lack of coordination between RMC, RURA and other professional bodies means the various regulatory actors are not synchronized and thus existence of a daunting gap in promoting ethical journalism.

3. MEDIA ETHICS AND STANDARDS

3.1. Rwanda Journalists and Media Practitioners’ code of deontology and ethics and accountability

3.1.1. Introduction

The exercise of journalism as a craft, as a profession, as a public service and as a personal vocation – has traditionally been guided by codes of conduct, both written and unwritten, enforced voluntarily by individual journalists as a matter of self-discipline and professional pride, and also involuntarily, as directives by editors and publishers and other news managers, or as requirements for participation in professional bodies, such as journalists’ unions or media industry associations.

These professional codes or guidelines range from basic “tools of the trade” – how to verify and report facts, appropriate ways to conduct interviews, familiarity with the legal rights and obligations of working journalists, and so on – to broader ethical standards, including a commitment to serving the public interest and seeking accountability from public officials.

The code of conduct for the practice of journalism is the principle tool used newsrooms and independent media self-regulatory bodies to promote a free, responsible, and accountable media sector. Of course there are other tools and mechanism used in ethical based self-regulatory system such as peer, critics and ad hoc collaboration in the media industry, stylebook, personnel policies and media performance monitoring. All these reinforces “outward looking” self-regulation. This section makes an assessment of the effectiveness of these codes and other media performance standards in supporting media self-regulation mechanism in Rwanda.

3.1.2. Code of conduct for the practice of journalism in Rwanda

The preamble of the Rwanda Journalists and Media Practitioners’ code of deontology and ethics in force reaffirms the freedoms of speech, opinion, conscience and press that are guaranteed by Article 38 of the Constitution of the Republic of Rwanda of 2003, amended in 2015. It also acknowledges that the free flow of information constitutes the foundation of freedom, democracy and sustainable peace, development and security.

The wording of the preamble also states that the principles provided by the code of ethics and standards are endorsed by the media fraternity to regulate and bind them in their service to the public as professional media practitioners and journalists. The preamble recognizes that RMC has the mandate to safeguard the spirit of the code of conduct and rigorously apply it in adjudicating in cases or complaints against journalists brought before it.

Further, RMC is required to provide impartial, expeditious and cost-effective arbitration to settle complaints based on, and arising from, the implementation of the Code. Thus promotion of the application of the code amongst journalists is imperative. This Will address gaps in the application of the code. The Rwanda Media Barometer (RBM), published by Rwanda Governance Board (RGB) in 2018, indicates that the complaints against journalists’ unethical conduct have increased, it revealed that the perception measurement on the level of commitment among media practitioners to journalism professional codes of conduct is at a rate of 64.2%. That is why RMC, in collaboration with other stakeholders and media associations, such Association of Rwanda Journalists (ARJ), Association of Rwanda Women Journalists (ARFEM), and Pax Press, have worked closely to promote a common

understanding of code of ethics and standards within the media fraternity and the general public. Their effort mainly focused on raising awareness about the rights of media professionals, so as to support their service to them. Equally, the RMC regularly produce booklets of the Code of Ethics and ensures that they are widely circulated to journalists and the general public to reinforce the awareness of the code.

Some prominent media practitioners and authorities in the sector have shown concern that failure to respect professional ethics enforced by RMC may call for statutory regulation. For example, in reaction to a tweet posted by The Chronicles that lacked facts and authenticity, RBA Director General Mr. Arthur Asiimwe questioned whether RMC has failed to do peer review, or whether RMC simply agrees that self-regulation has failed. He said that such non-compliance with ethical principles of journalism is likely to push the media industry back to statutory regulation.

In addition to the above RMB 2018 assessment, the increased use of the Internet by media practitioners to disseminate information poses a complex challenge to monitoring the observance of the code of ethics online. Most online outlets, mainly YouTube platforms, are under intense economic pressure to monetize their content and as such care less about the principles and values of the code of ethics. This is evidenced by a media content monitoring report on “online media content with focus on YouTube channels/online TVs” that was published by RMC in December 2019. The report notes that articles 11, 2 and 3 of the code of ethics are the most violated. Article 11 obliges media professionals not to use sensational headlines and exaggeration. Most of the content analysed indicated increased sensational headlines to capture the attention of their audience.

The participants in the FDGs suggested that public media literacy needs to be promoted and supported by all concerned stakeholders as a means of holding social media and citizen journalism to account through public scrutiny and feedback mechanism. In addition, they suggested that media codes of ethics should no longer be confined in newsrooms, but rather extended to the public to help them understand how media operate and what is expected of them.

The respondents also acknowledged that the current code of ethics was adopted at a time where only few online media communication platforms existed in Rwanda. With multiplicity of online media, the code of ethics should be reviewed to accommodate the emerging trends and attendant challenges of unedited online content.

The other challenge introduced by internet-based media is the very definition of who is a journalist in the 21st century. Today, any “content provider” (mainly untrained citizens operating on internet platforms) can claim to be journalists, regardless of whether their content is factual, verified or copied from others. Even recognized media outlets are increasingly employing untrained “citizen journalists”, whose reports have rendered the service of professional and trained journalists deplete. All these realities are yielding mistrust of the public in the profession of journalism. It is only when some egregious breach of ethics occurs and is exposed to public view that the media code of ethics becomes part of the conversation.

3.1.3. Social Media Regulatory Dilemma in the Digital Age in Rwanda

Since the beginning of the digital age just before the dawn of the 21st century, almost every industry, organization and institution including news business globally relies on internet services and platforms and software and data systems and communications networks. It now apparent that internet is a nearly universally used tool and medium for news organizations which were once seen exclusively as “print” or “broadcasting” enterprises. The binary and distinction between “legacy” and “digital” media is decreasingly relevant in terms of people’s access to news and other public information services.

It is now apparent that both state regulatory authorities and voluntary self-regulatory systems for the news media have been compelled to recognize, appreciate and adapt to this new social and technological reality. However, none of the traditional kinds of regulatory mechanism – whether legally enforced state regulation, voluntary self-regulation, or cooperative co-regulation – are competently equipped to meet the challenges of the digital age and the transnational corporations that deliver and manage the world’s dominant internet services. The various online platforms and hosting services commonly termed “social media” comprise a special category unto itself, requiring new regulatory approaches, both locally and internationally, given their unprecedented global scale and impact, and multiple complexities as both an extraordinarily effective amplifier and potential negative effects for traditional professional news organisations¹⁹. Rwanda is no exemption to this dilemma of online/digital media regulation. The problem has been compounded explosion of internet based media such as, blogging, YouTube and citizen journalism during the last one decade in Rwanda. Internet has revolutionized the media landscape, and that is irrevocably transforming the nature of journalism and its ethics. The internet encourages new forms of journalism that are interactive, immediate, and providing citizens with the means to publish. Today, professional journalists share the journalistic sphere with tweets, bloggers, citizen journalists, and other social media users.

A central question is the extent to which the existing media regulatory tools such as media ethics can be applied in regulating online news media and none editorial content often referred to as citizen’s journalism. The widespread of online misinformation and deliberately disseminated disinformation besides undermining public confidence in independent news media and public institutions has posed significant national and international threat triggering increased legislation related to cybercrime. This has been viewed as an attempt to gag online speech prompting the question whether social media can police themselves.

This new mix of the media landscape require new and revised ethics. Such ethical principles should govern both amateur and professional media content creators. In brief, media ethics needs to be rethought and reinvented for the media of today, not of yesteryear. The existing code of ethics needs to be reviewed and amended to accommodate the specific ethical issues of internet-based media for accountability purpose.

¹⁹ Wilding, D., Fray, P., Molitorisz, S. & McKewon, E. 2018, The Impact of Digital Platforms on News and Journalistic Content, University of Technology Sydney, NSW

It's in this regard that RMC has tried to establish guidelines for registration of media practitioners and bloggers operating mainly on YouTube. The aim is three-fold: to enable them to be integrated in the media profession, be trained to observe the ethical principles of the code of ethics and enjoy the very rights and privileges that are guaranteed by the laws of Rwanda and the code of ethics. RMC is also introducing a requirement for all Online/YouTube media channels to be registered and to make mention of that registration status on their respective platforms. This is believed to help the public understand the importance of verified and authentic mass media entities, which are dedicated to operating in public interest. Similarly, journalists serving in those media organs or accredited by RMC shall be required to consent by way of signing to observe the code of ethics and all rules of behavior and discipline, demonstrating their dedication to abide by the code. If they step out of line, they can be held accountable and sanctioned accordingly.

In brief, online based journalism and media should be regulated by the code of ethics and standards, as it represents a fundamental tool for media self-regulation. However, RMC's capacity to administer the code of ethics and standards for expanding online based journalism is still limited due to a few outdated articles and lack of resources.

This step has been informed by the media law (2013) which provides for internet-based media under its article 19 and 20. In article 19, the law states that "Every person has the right to receive, disseminate or send information through internet. He/she is entitled to the right of creating a website through which he/she disseminates the information to many people. Posting or sending information through the internet does not require the user to be a professional journalist." The law opens up the cyber space usage to everyone intending to receive, disseminate, or send information through internet regardless of being a professional journalist. Nevertheless, article 20 clarifies that "Provisions of this Law relating to print media and audio or audiovisual media shall also apply on information published through the internet."

This provision implies that online publisher's whether professional journalists or nonprofessional journalists, should also respect the ethical values and principles that govern the traditional media (print, radio, television) for accountability purposes. Therefore, the code of ethics should go beyond newsroom and apply to online news platform.

Some of the main features of online/digital journalism that are not catered for by the existing codes and raise ethical issues include: interactivity, usage of multimedia, immediacy, intellectual property, digital manipulation, the process of gathering news and contrasting sources, among others. These should be addressed by specific performance standards. Other performance issues relate to practical concerns. For example: to what extent is a website owner legally or morally responsible for what is being posted, including anonymous comments?

3.1.4. Assessment of Journalism Independence in view of Social Media

Social media has brought a new ethical dilemma amongst profession of journalist. Most professional journalists working for media houses are also running their personal social media platforms which have for example raised their profile as influencers on Facebook, Twitter or Instagram. They use their

positions as journalist to push for positive coverage of products and services for the companies that have engaged them. This “two faced” journalism has raised the question of editorial independence and objectivity particularly when assigned by their official media house (employer) to cover an event organized by a company sponsoring them. Indeed, such journalists would always avoid objectively covering the products they are promoting however compelling the story is, lest they lose sponsorship contracts

The other challenge associated with new technologies is the recent proliferation of fake news. Fake news are best defined as information sourced by journalists as facts and disseminated to their wider audience with whole purpose of misleading or cognitively influencing audience. RMC, along with its partners, have introduced training course on fact checking to equip journalists with knowledge and skills of verifying suspect claims by use of some simple techniques such as background checking, cross checking of facts, or use of tools and software that are now in the market. Fact checking skills have helped journalists to relate with social media content in a more ethical manner.

The abuse of social media is one of the questions that were addressed to H.E. Paul Kagame, The President of the Republic of Rwanda, during an interactive interview hosted on the 6th of September 2020 by Rwanda Broadcasting Agency (RBA) and by Mukiza Edwin through telephone call in. In his response, the President noted that “abuse is not confined to the Rwandan Society alone. It is a big problem even globally.”

The President further noted that, “*on one side, social media is good thing; it connects people and brings them together to learn and to know. But in the middle of it comes the abuse*”. The President recommended that, “free speech and government both safeguard people against potential abuse, [and as such] shouldn’t conflict”, with emphasis that “freedom is necessary for people to freely express themselves”.

He also recommended that there be an appropriate identification and control of: “*the harmful content mediated through social media within the context of free speech*”.

Such management should nevertheless avoid creating constraining freedom of expression and related censorship among citizens and media expressing themselves online. The President mentioned that harmful content that is now widespread under the context of free speech may be harmful to the lives of the people particularly where such content is of political nature.

3.1.5. Self-regulation of the Digital Media- Best practices

Self-regulation appears to be a solution to increase online accountability for it offers more flexibility than state regulation. Self-regulation is evidenced through a number of mechanisms, among which are deontological code that define the minimal expected performance standards and acceptable conventional behavior. The codes set forth the principles that journalists, in keeping with their ethical conscience, must abide by as they carry out their work. It assumes that the very people who are creating those standards have the will to sustain and respect them voluntarily.

The key informants had the view that the current code of ethics administered by RMC should be reviewed to integrate the online news platforms ethical considerations as highlighted above. The review and possible amendments may benchmark mainly from codes around the world that have dealt with similar issues.

The Dutch code, the Canadian code and The Norwegian code may be among the choice codes to be sampled, from which ideas can be borrowed to amend the one enforced in Rwanda on similar issues. In Canadian code of conduct specifies that blogging (News) is a form of journalism subject to the same obligations and performance standards as other offline media content. This code places special emphasis on the accuracy of information and expressly prohibits the re-posting of rumors, specifying that the need for speed (immediacy) should never compromise accuracy, credibility or fairness. Online content should be reported as carefully as print content, and when possible, subjected to full editing. Under the Canadian code, using social networks to obtain information is subject to the same transparency obligations as traditional journalistic activity. It acknowledges that content posted by individuals on social media networks loses its private message status and, generally speaking, allows these posts to be used as informative material by journalists. When individuals post and publish information about themselves on these sites, this information generally becomes public, and can be used. The code however warns journalists to abide by certain rules for accessing messages on social networks, if their authors had no intention of making them public. Journalists should not use subterfuge to gain access to information intended to be private. Journalists should also take special care when using any material posted to social media by minors, as they may not understand the public nature of their postings.

Regarding journalists' use of social media, the Canadian code warns that cyber activism and civic engagement via social media could compromise the journalist's impartiality. Personal online activity, including emails and social networking, should generally be regarded as public and not private.

The Internet affords the option to modify or delete content after it has been published. The Canadian code stipulates that such information may be deleted when it concerns matters of public safety, an egregious error or ethical violation, or legal restrictions such as publication bans. Furthermore, if corrections are made to errors online, it should be indicated that the content has been altered or updated and the original error must be specified.

On user generated content, the Dutch code requires that comments be moderated by the editorial office, not beforehand, but afterwards. The code stress that if a response to an article on the website contains a serious accusation or a defamatory expression towards one or more known individuals, the editorial office, on the request of the person(s) involved, must investigate whether there are actual grounds for the accusation or allegation and, if this is not the case, remove the response. The Norwegian code grants this authority and responsibility for deleting content in connection with digital chatting, as well, stating that the editorial staff has a particular responsibility to instantly remove inserts that are not in compliance with the Ethical Code.

3.1.6. Assessment of the Code of Ethics in View of Gender Sensitivity

From various engagements, RMC has conducted in partnership with the local media associations on issues of gender in media, it's apparent that female journalists face various forms of discrimination and injustice, such as being treated differently from their male counterparts working under the same conditions in media houses. On the other hand, the coverage of women is characterized by stereotypes, negative portrayal and misrepresentation. As news subject their coverage of women and girls is low and on trivial subject compared to their male counterparts. Further in entertainment, art and cultural content, there is cross cutting ridicule and disrespect of women. Even with this unfortunate reality, female journalists who raise the concerns of being disrespect and sexually harassment by their male colleagues and managers often face discrimination in the work place. So there is general conspiracy of silence and this practice goes on unabated. It has therefore been recommended that the code of ethics be reviewed to address such gender insensitivity in the media. They also recommended that media houses be encouraged to develop their gender policies and guidelines while RMC support in their implementation.

3.1.7. Key findings

1. The violation of the code of deontology and ethics is increasing, mainly due to new media trends (online media). Articles 11, 2 and 3 of the code of ethics are the most violated. Specifically, the media monitoring record shows that most of the media outlets use sensational headlines to attract the attention of their audience, subsequently violating article 11 on media professionals' duty not to use such headlines.
2. Non-observance of the code of ethics by some journalists represents a potential threat to successful operation of media self-regulation in Rwanda.
3. Most online media platforms such as YouTube, are under intense economic pressures to monetize their content which sometimes is done in a manner that compromise the principles and values of the code of ethics.
4. The existing code of ethics is outdated and has failed to address emerging ethical issues amongst online media operators for accountability purpose. As such, it should be reviewed and their issues incorporated.
5. Non-distinction between editorial and non-editorial content commonly referred to as "citizen journalism" is has questioned credibility of journalism in general lowering public confidence and trust in the media.
6. RMC should also accept to receive and adjudicate all public complaints filed against all those using the Internet (including social media) as a "media" platform on the basis of the mandate given to it by Article 4 par 1 and on the basis of Article 2 point 12 that defines "media" under the Media law of 2013.

7. Private business entities pay journalists for a favorable media coverage as part of their normal way of doing business. Given the financial constraints faced by some journalists, it is hard for them to withstand such financial inducement which compromises editorial independence.
8. Both professional and citizen journalists are often excluded from the conversation around the subject of “social media and ethics” thereby affecting application of comprehensive and inclusive media regulation mechanism.
9. Code of conduct for the practice of journalism should be publicised to raise awareness of their existence. Further, media literacy should be intensified with support of all stakeholders to empower consumers of media content, especially the youth, to engage with and share content responsibly on social media platforms.
10. In addition, journalists peer review sessions and editor’s forums should be supported by media development partners to regularly dialogues on quality and standards of social media platforms performance. Journalists and media outlets with presence on the internet spaces should continually be trained on fact checking of online content and refrain from publishing and disseminating unverified information.
11. Academia should consider investing in studies to investigate how ethical journalism can be promoted online in order to adjust to the digital age rather than ignoring the attendant challenges. Such studies may help to improve the current codes of ethics for the practice of journalism to reflect the realities digital age.

4. THE CURRENT STATE OF RWANDA MEDIA COMMISSION

4.1. The legal status of Rwanda Media Commission

In 2013, MGC Consult International Ltd prepared a blueprint that was commissioned by RGB to define what would be considered to be the most salient factors to initiate a functioning media self-regulatory system in Rwanda. This is ethical system based regulatory mechanism where journalists hold themselves to account by operating within the guidelines defined by the code and by giving the citizens the opportunity to raise complaints when aggrieved by the media. This would be achieved if media is professional enough to conduct their editorial work within the standards defined by the code of ethics and where compliance is exercised voluntarily.

Both the Media Policy of 2011 and the Media Law No 02/2013 envision and provide for the media self-regulation as first instance in handling media related complaints as opposed to government instituted regulatory system. Against this background, the media law (Art.2, point 20) instructs media professionals/journalists to establish a media self-regulatory body that will serve general/public interests and the media in general. Most journalists and media practitioners appreciated the creation and immediate operation of the media self-regulatory body-the RMC.²⁰ The body was going to represents the broader interests of journalists and defends media freedom and media consumers in general.²¹

²⁰ MINIJUST, Law N° 02/2013 of 08/02/2013 especially Article 2, paragraph 20.

²¹ Idem.

In August 2016, the RMC secretariat conducted a needs assessment of media self-regulation and reviewed the blueprint to develop a statute on which to anchor the functions and governance system of body. The current board of RMC (the board of commissioners in 2020) has validated and adopted the proposed statute. The statutes suggest that once it is signed by the board chairperson and published, it will be put to use and enforced accordingly. It also provides that RMC is an independent body with legal personality.

This development notwithstanding, some respondents challenged the name given to RMC, arguing that “commissions” are created by the state only. Media professionals defending the name of the RMC contend that the word “commission” can be used when referring to “a committee that has been granted with a mission to serve a particular public interest and purpose”. In this case, RMC board members as a committee have indeed been entrusted with administering media self-regulation services as a public interest mission. The general consensus was therefore that the use of the name “Rwanda Media Commission” is appropriate and was therefore retained in the proposed statute.

In the same vein, media professionals contend that in other countries, two names are used to refer to similar bodies as the RMC. These are Media Council/press council and Commissions. The other common structure that exist within regulatory bodies or within a media house particularly in Europe is the Media Ombudsman. The former could not be used because there exists a state institution with similar names- the Media High Council. Similarly the Terms Media Ombudsman could not be applied because of the existing office of the Ombudsman. To avoid potential confusion, the term Commission was retained.²²

However, some Key Informants noted that the media law only provided the right for journalists to regulate themselves and a possibility to establish their own self-regulatory body, but not establishing the body per se. They suggested three options to legally establish a self-regulatory body:

The first option would be for journalists to register the RMC as a non-governmental organization. However, this option had some drawbacks. First some respondents contended that RMC (the media self-regulatory body) should not be viewed as an association of journalists since (i) it is not a membership-based entity and, (ii) it cannot be constituted by any journalists since it is a public serving body instructed by an act of parliament. This implied that RGB’s competence to recognize and register the media self-regulatory body instructed by law and not associating members is legally not possible.

The LAF has supported RMC to bring on a board a team of lawyers to critically evaluate the conversation and contestations around the subject of RMC legal status. Their position is that RMC’s legal status is contemplated in the media law and thus as a fact, the body exists legally but the process was not exhausted to testify the actual set up stated in media law. They allude to the fact the draft statute

²²Article 2 point 20 of Media Law N° 08/02/2013 states: - Media Self-Regulatory Body is an organ set up by journalists themselves whose responsibility is to ensure compliance with the principles governing media and to defend the general interest.

developed upon reviewing the blueprint should be validated and adopted by journalists, as instructed by the media law.

4.2.Mission of RMC and Mandate in Promoting Media Self-regulation

In reference to the RMC blueprint, the administration of media self-regulation is analyzed at three levels: the individual, the media outlet and the general or collective levels. At the individual level, a professional media practitioner is guided by his or her conscience to serve the profession of journalism and mass communication ethically and has the obligation to the public as provided for in the code of ethics and standards for the practice of journalism in Rwanda. To this end, they are called upon to voluntarily operate within the standers of journalism in a responsible and accountable manner. Secondly, at the media outlet level, a media enterprise establishes in-house editorial guidelines, policies and standards which guides every day editorial decision making and which are enforced by editors and subeditors in their gate keeping process. In-house briefing and “Editorial meeting” becomes extremely important evaluation forums on how best journalists are operating within these standards. In-ward looking self-regulation based in media enterprises and responsibility of individual journalists are now gaining more traction given credibility concerns among regulatory bodies in many jurisdiction.

Thirdly, the general and collective levels of self-regulation of the media introduce the idea of an effective administration and enforcement of the code of ethics by an institution mandated to promote a free, responsible, and accountable ethics based media self-regulating system. It is on the basis of this third level of analysis that RMC was created to deliver that public based service.

Therefore, media self-regulation in Rwanda should be pursued both at media outlet and collective levels with a concerted effort to support and encourage the individual level through training and rewarding best journalism practices. From the foregoing, the media fraternity sign a collective commitment to enforce ethics at the above levels and resolve, where there is breach, support the media self-regulation body to hold the culprits to account. The RMC blueprint notes that the body should have a triple mission:

- i. Promote, nurture and protect ethical journalism practices;
- ii. Defend media freedom and;
- iii. Speaking on behalf of the media fraternity as a whole especially in as far as promotion and protection of ethical principles as well as media freedom are concerned.

4.3.The Structure of Rwanda Media Commission

The RMC blueprint recommended that the organization structure of the RMC should have two primary arms which are the Board of Commissioners and the Secretariat. The two arms have a complementary role that involves considering complaints, determining their merit and adjudicating cases, as well as representing the broader interests of the profession of journalism through enforcing the code of ethics and defending society or media consumers in general. In addition, it is responsible for defending media and journalistic freedoms. The board is also in charge of supervising the secretariat and ensures that it fulfils its mandate.

In terms of composition, the RMC blueprint recommends that the board should be composed of seven (7) members. Among them, four are credible journalists and editors and the remaining three are eminent citizens. The RMC blueprint further suggest that eminent citizens may include a well-respected and retired judge or a law professor/senior lecturer; a media professor or senior lecturer as well as a respected citizen from business, civil society or private sectors. Further, the seven members of the board should be elected to by the General Assembly of all registered journalists or accredited journalists, media houses and journalist associations through secret ballot.

The current composition and structure of RMC is no different from the current draft statute proposed by RMC albeit with three key propositions. First is the formation of the Board of the Commissioner, the process of appointment of the commissioners and raising the number of the Commissioners from the current 7 to 8. These proposals are based on the August 2016 needs assessment report that reviewed the RMC blueprint and validated by the media stakeholders.

On the composition of the Board of the Commission, the report has suggested that the members of the Commission be appointed as representatives of various constituents and that their number be increased from seven (7) to nine (9) so as to include an appointee of the Office of the Ombudsman to represent the public through the government. The proposed composing and representation of the Commission is give as follows; Five (5) members appointed by ARJ to represent the media fraternity (journalists and a media owner) and, the rest four (4) appointed from CSOs, RBA, School of Journalism of University of Rwanda (UR) and Office of the Ombudsman. All the nine Board members are obliged to collectively represent the general public interests as instructed by the media law. This appointed Board of Commissioners shall be the supreme organ of RMC with at least thirty percent (30%) of them being female.²³

This will cure the misunderstanding that most media practitioners have always had about the personality of RMC. They have treated the general assembly as the third organ of RMC reducing it to a membership entity or association yet it's a public serving and public interest driven institution as instructed by an act of parliament (the media law) subject to the media policy of May 2011.

The findings from stakeholders on the issue of appeals for cases filled with RMC, propose that the Board should function as an appellate organ on any decisions on complaints taken by the Ethics Committee. The statute also proposed that all stakeholders, including government, journalists, media owners and related stakeholders and development partners should support self-regulation. Reliable funding should be solicited to guarantee financial sustainable. That RMC should promote independence and fairness in all its activities.

²³ RMC, The Draft Statutes Governing Rwanda Media Commission [RMC], Kigali, June 2019.

4.4.RMC Funding and Staffing

The institutional funding of RMC is secured from UNDP through RGB. The funding covers mainly operational costs related mediation, reconciliation, adjudication, advocacy, accreditation, media monitoring, among others, which are served at both secretariat and ethics committee levels.²⁴

Additional project based support has been realised from media development partners such as the UNESCO, LAF, IPGL, Swiss Development Corporation and GIZ. Most of projects that are funded relates to promotion of ethical journalism and stakeholder engagements on emerging issues journalism in Rwanda. Despite the blueprint requiring media houses to financially support the institution, none of the media outlets has made any financial contribution.

In terms of staffing, the RMC secretariat has a team of five (5) officers comprising of the following staff: Executive Secretary, a Finance Manager, an IT and Accreditation Officer, a Legal Officer and an Administrative Assistant to the Executive Secretary who doubles up as the Public Relations Officer. RMC also has outsourced services for media content monitoring. However, given the expansive nature of its mandate, RMC is understaffed and has therefore resorted to outsourcing of some essential service which essentially should be provided in-house. Such services include media motoring which helps RMC to proactively identify media performance gaps allowing the Commission to give advisories to media concern even where complaints have not been lodged with the Commission. The other outsourced service is the Alternative Dispute Resolution (ADR) and mediation which is the base and fundamental role of the regulator.

Besides understaffing, the organisation has no resources to train its staff and the Commission on the various aspect of media self-regulation including mediation and ADR, organisational development and stakeholder management among other key functions of the Commission.

Some key informants suggest that RMC should be funded by the media to safeguard its independence from the government, political and commercial interests. They recommend that the draft statute of RMC should provide that every media house shall contribute one percent (1%) of its annual turnover to fund RMC. Some also recommend that the work of complaints handling at RMC should be supported by partners involved in promoting alternative justice mechanism given to its role of mediating and adjudicating complaints file.

4.5.Complaints Handling Mechanisms

In order to promote freedom of the media while ensuring the highest professional standards and accountability, RMC is mandated to (i) accredit media practitioners, (ii) monitor journalists' compliance

²⁴ UNDP RWANDA, UNDP support to media reforms in Rwanda, 2013 retrieved at <https://www.rw.undp.org/content/rwanda/en/home/presscenter/articles/2013/05/07/undp-support-to-media-reforms-in-rwanda.html> accessed on 10th September 2020.

with Code of Ethics, (iii) to handle complaints as they arise in an impartial and non-discriminatory manner.²⁵ While accreditation and monitoring of compliance with ethical standards give focus to journalists, complaints handling is concerned with public interaction with the media. The complaints handling gives the audience and the opportunity to reclaim their credibility when destroyed by the media. It's important as a process of defending individual rights even as the media pursue the rights of the public to know. Where such complaints are professionally handled, the media gradually build public trust and gains credibility. People eventually freely express themselves on the media platforms transforming media into a reliable public sphere for dialogue and conversation on diverse issues of public remit.

4.6.Design of Complaints Handling Procedures

In accordance with the Complaints handling procedure manual, the RMC receives complaints related to the breaches of Code of Ethics by journalists and examine such complaints to determine the appropriate resolution or sanction. RMC encourages filing cases against the media as the more people use the system, the more media practitioners are held to account for their publications. The RMC Complaint Handling Procedure Manual provides for three (3) kinds of procedures, detailed below.

4.6.1. Complaints Submission²⁶

Generally, the complainant (any person, legal or natural, association, body corporate, institution, organization or society) can lodge a complaint against any publisher and broadcaster for material printed, broadcast, or for conduct against any media house, entity or media practitioner. The complainant has the duty to mention the respondent and the proof justifying his/her claim. For a complaint to be received, it has to be against publication/incident made not later than three months equivalent to 90 days. The same laws also calls for RMC's intervention in case of violation of journalists' rights²⁷ and application of the right of reply, correction and rectification. Some of the decisions made calls for right of reply, correction and rectification or apology in format prescribed by the commission.

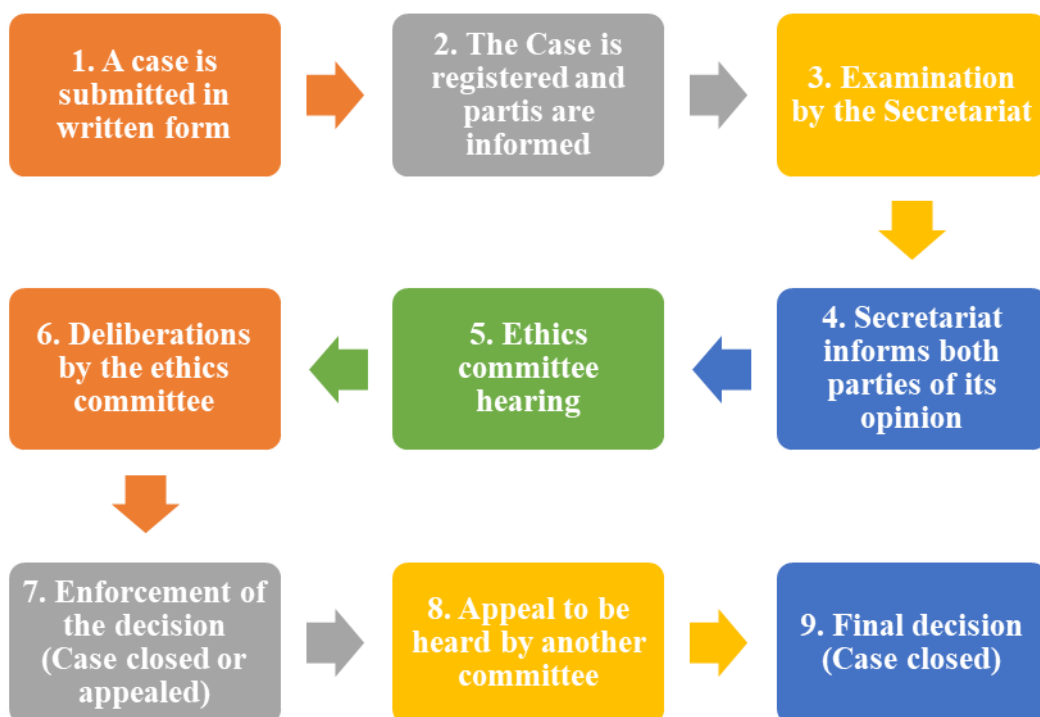
Figure 1 below shows a nine steps process starting from complaints submission to final decision made by the RMC ethics committee.

Figure 1: Steps of complaint handling process

²⁵ RMC, op.cit, Article 4.

²⁶ RMC Complaints handling procedure manual, August 2014, pp. 2-3.

²⁷ See article 15 of the media law: "Article 15: Remedies available to the journalist. A journalist whose rights recognized by this Law are not respected may lodge a petition with the Media Self-Regulatory Body or any other competent organs to amicably resolve any matter...



Brief processes of RMC complaint submission/reception and examination

RMC handles cases both at the level of its secretariat and its ethics committee according to mediation principles, thus targeting a common ground remedy to the filed complaint. While it is an opportunity for the media practitioners to learn some provisions of the code of ethics deeper, it is also an occasion for the complainants (mostly the general public) to learn how the media works. Thus, the process contributes to both media literacy and justice delivery.

4.6.2. Analysis of Complaints Procedures

As per the complaints handling procedures, RMC cannot receive a complaint where the matter is under investigations or under proceedings before a court. The complaints handling procedure manual provides that parties should be entitled to legal or other representation when appearing before the Committee.²⁸ Nevertheless, criticism to that entitlement is that RMC is not a judicial court and hence no complainant or either party should be assisted by an advocate/lawyer during the complaints handling process. Yet, legal representation is a binding constitutional right unless provided for by the law.²⁹

Similarly, the complaints handling procedure manual instructs that all complaints hearing and proceedings should be held in public, unless the Chairperson of RMC rules otherwise.³⁰ However, past experiences where journalists have been permitted to attend sensitive complaints hearing have often resulted in the interruption of the hearing process. Drawing from these experiences, the Committee has questioned the opening of the mediation cases to public hearing.

²⁸ RMC Complaints handling Procedure Manual, August 2014, p.6.

²⁹ Republic of Rwanda, Constitution of the Republic of Rwanda of 2003 revised in 2015, Article 29.

³⁰ Idem

Another arising issue in the RMC's handling complaints mechanism is the challenge linked to the kind of complaints the institution can receive and accept to handle relating to online media platforms content. The Internet has created opportunity for any-one interested to publish content online. Some of the content is viewed by the general public as unacceptable in both quality and taste. In such circumstances, RMC finds itself in dilemma as to whether its mandate should include handling of violations of media standards arising from online platforms. The current complaints procedure manual is silent about the scope of complaint RMC should handle in view of online published content mainly by non-accredited operators of YouTube channels.

Through the support of media development partners, RMC has acquired broadcast media content monitoring equipment that help to capture and archive broadcast content from media outlets. Such records are retrieved for use as evidence during the hearing. There is a need however to expand the system including the storage capacity and install new features to capture content from the new broadcasting stations including the digital televisions. To speed up the process of resolving disputes, RMC spends a maximum of 7 days between the period of receiving and processing of complaints, and the schedule for mediation or adjudication session.

Drawing from section III, it is advisable that the complaints procedure manual is reviewed and updated to accommodate new challenges and realities in the media industry. The review should provide clear guidance for example on the nature of complaints that should be handled at secretariat level and the adjudication procedures for guiding the Ethics Committee including the appeal processes. Any other best practice borrowed from other media self-regulatory bodies that Rwanda could learn from should be included in this review.

The work of the RMC of resolving in media related complaints through mediation has been inspired by the Instructions of the President of the Supreme Court governing court mediation in civil, commercial, labor and administrative cases. This has reinforced RMC mandate of handling public and media-related complaint for justice purposes. It's for this reason that RMC could probably request for a Memorandum of Understanding (MoU) with the Supreme Court to build its capacity in mediation and complaints handling for justice purposes.

4.6.3. Analysis of Complaints Received by RMC

Complaints are received by RMC Secretariat to conciliate the parties if possible and, if not, refer the matter to the Ethics Committee for mediation or adjudication. Normally, complainants would have the choice of either to have their disputes handled in a court of law, or to engage in a process of private arbitration. However, a person with a complaint sometimes has no choice, as the law mandates that the dispute must be handled by a specific and specialized body that was set up to deal with specific complaints.³¹

³¹ PFC, Report on Press regulation in South Africa, p.38.

Since its establishment in 2013, RMC has received and adjudicated in a total of 402 cases. As per the table below, a majority of the complaints received (over 66.3%) have been raised by the general public against journalists or media houses. This highlights the public's awareness about the RMC. In comparison only a few complaints against Journalists have been raised by Government institutions or Officials. Graphics below (2 through 7) provide summarized details on complaints received and handled by RMC from its inception to date.

Figure 2: Cases adjudicated and mediated by Rwanda Media Commission



Source: RMC Complaints Register.

As Figure 2 above illustrates, since the establishment of RMC in 2013, journalists and the general public were not aware of the services of RMC. That may explain why the number of complaints filed were few compared to gradual increase in the three subsequent years.

Figure 3: Cases adjudicated and mediated between general public and journalists

Cases adjudicated and mediated between General Public Vs Journalists

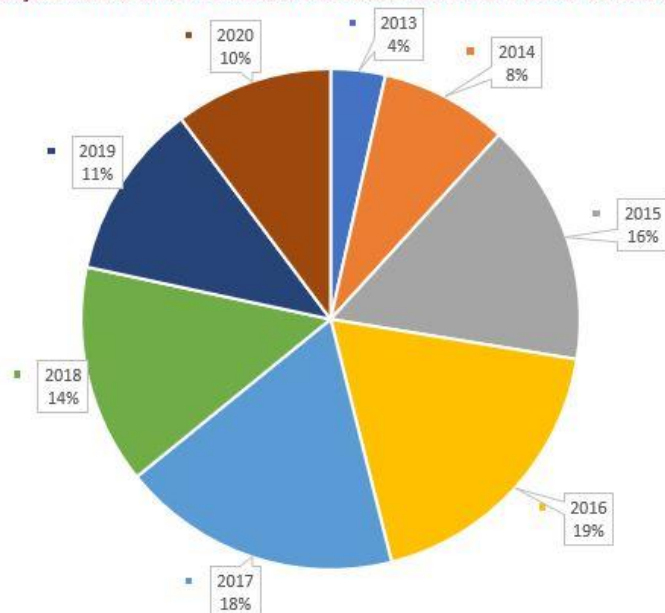
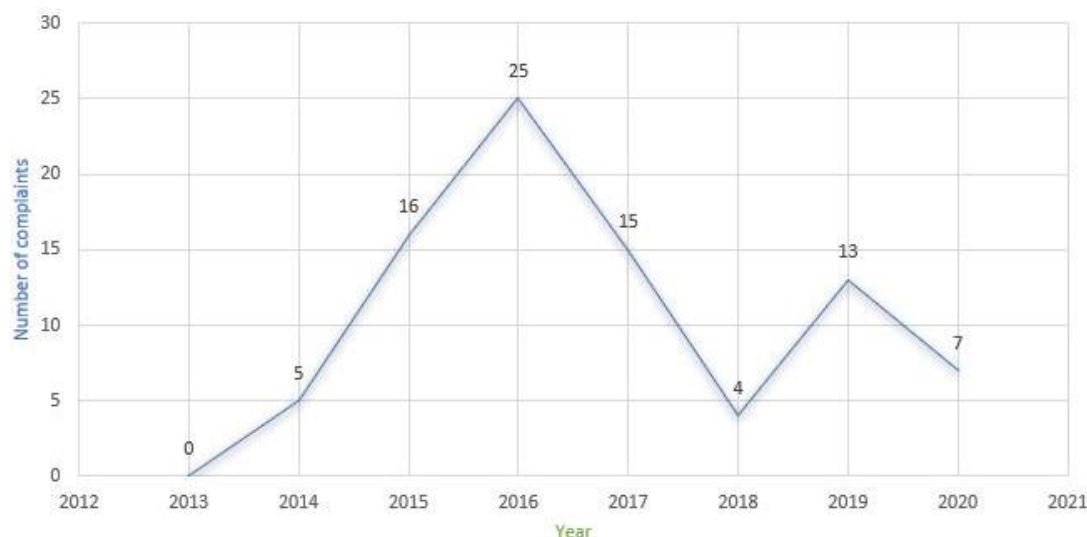


Figure 3 above illustrates the complaints filed to RMC by the general public against the conduct of journalists from 2013 to 2020. The highest number of complaints filed was in 2016, corroborating the data from Graph 2 that there was gradual increase of public awareness about the existence and function of RMC.

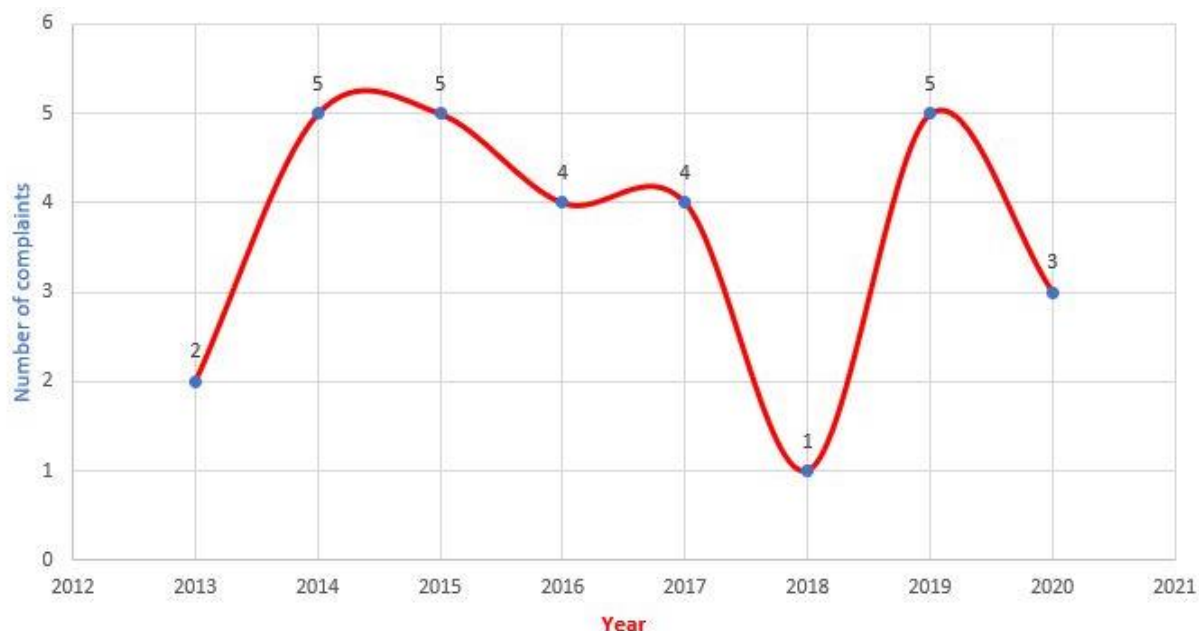
Graph 4: Cases adjudicated and mediated between journalists or Media Houses and Journalists or Media Houses



In 2016, RMC registered a big number of complaints as result of public awareness campaigns regarding media ethics complaints mechanism. These campaigns were also aimed at increasing the institution visibility. As result, citizens became aware of where to lodge complaints, in case they had an issue with

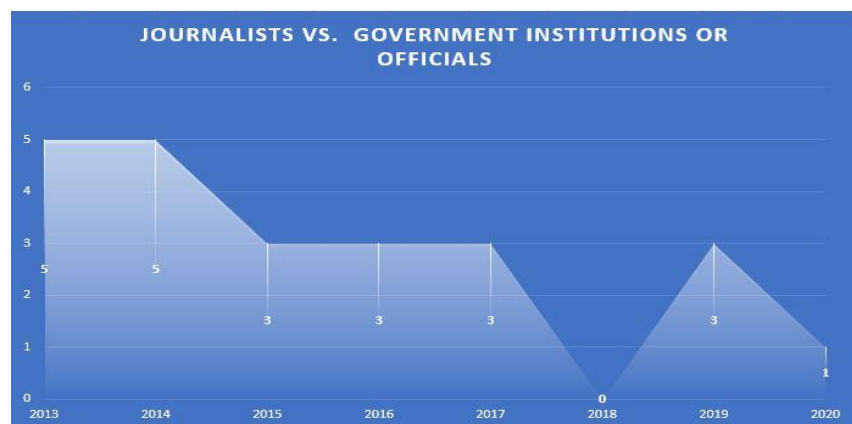
the media. Most of the complaints received were linked to defamation, non-payment of journalists' wages (contract and remuneration), breach of contract, free access to sources, access to information, copyright, breach of truth, plagiarism, violation of privacy, use of wrong picture, right of reply, and violation of journalists' rights.

Graph 5: Cases adjudicated and mediated between government institutions or officials and journalists



Graph 5 above indicates that among the complainants made to RMC against journalist's performance were public serving institutions or officials. It shows that two years after the creation of RMC, the number of complaints from government institutions and officials increased from 2 to 5 complaints, highlighting the recognition of the role of RMC in handling media related complaints.

Graph 6: Cases adjudicated and mediated between Journalists and Government Institutions of Officials

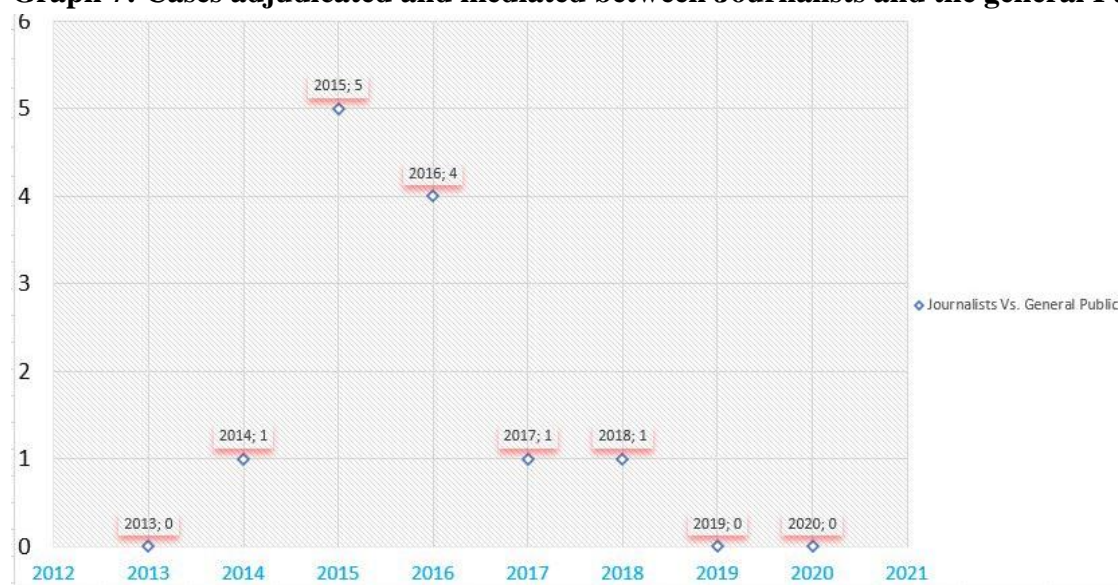


Graph 6 above indicates complaints that were field by journalists against government institutions or officials. Their complaints were mainly concerned with abuse of the right to access information and, in

particular on the authenticity of information sources. Following large-scale awareness campaigns on access to information laws by all concerned institutions, the number of complaints reduced to zero in 2018. This may be linked to the fact that most government officials came to understand their obligation to provide information.

Furthermore, public relations officers were urged to regularly update the websites and social media platforms of their respective institutions so that journalists can get up-to-date information from these platforms. This would in return reduce frequent meetings with local government officials on information requests. These information access interventions may have contributed in reducing journalist's complaints against public officials for violating their rights, especially in instances where they are denied access to information.

Graph 7: Cases adjudicated and mediated between Journalists and the general Public



Graph 7 above, shows that the number of cases adjudicated on journalist's complaints against violation of their rights by the general public were highest in 2015 and 2016 at 4 and 5 cases respectively. From 2017 onwards, the number of cases declined to one. This may partially be explained by the many campaigns and dialogues with different institutions and talk shows aired on radio and TV regarding journalists' rights, privileges and obligations.

In conclusion, the successful resolution of almost all complaints filed with RMC since 2013 with few appeals to courts demonstrates its successfulness as an alternative to courts.

4.6.4. Challenges related to enforcement of the Code of Ethics

The following challenges faced by the RMC in handling and resolving complaints:

1. Lack of power by the RMC to enforce the decisions made by the Ethics Committee;
2. Some media outlets do not comply with the decisions of the Ethics Committee and continue with the same trend of unethical reporting;
3. Some Managing Directors of media houses use their editorial influence to settle personal differences reducing media houses into spaces of fighting personal battles. This compromises media professional performance.
4. The Code of Ethics has some gaps, or some provisions regarding enforcement that are vague. Article 29 for example speaks about the General assembly's power in the enforcement of sanctions yet it's not a "formal organisation" with structures to handle such a function.
5. RMC noted that there is a challenge on how to claim for unprotected publication under copyright laws and procedures. This is an area that requires further special regulatory guidance to safeguard copyrighted content;
6. Since the media sector, mainly the online media, is open to everyone wishing to express themselves, there is exponential increase in number of complaints arising from social media. This problem has been compounded by the tendency of the media houses to hire artists and social media influencers as opposed to professional journalists or those that have a fair understanding of media ethics.
7. As the technology advances, online media platforms and publishers including websites and blogs that are hosted in different countries and serving global citizens have increased raising the question of jurisdiction and dilemma in accountability. RMC has for example no control over unethical content published from platforms abroad and consumed by Rwandans, which poses regulation challenges. As such, RMC recommends that all news media operating online use a Rwandan domain name (.rw) for authenticity purposes and to be registered for authentication and verification purposes. This may serve as a solution in helping the public choose to consume ethical content on verified news media platforms.

4.7. Key Findings

1. The validation and adoption of the RMC blueprint by the media fraternity in August 2013 brought into existence the Rwanda Media Commission (RMC)- an umbrella body in charge of media self-regulatory system in Rwanda as contemplated and provided for in the Media Law of 2013. It provided for its mandate and governance to serve the general public interest and the media sector.
2. LAF has supported RMC to bring on a board a team of lawyers to critically assess the legal status of the RMC. Their position is that RMC is a legal entity and legally constituted as contemplated in the media law.

3. That individual media practitioner(s) and media houses/outlets are not fully involved nor given prominence in the practice of self-regulation yet they are expected to uphold ethical practices in the newsroom as well as own and support media regulatory system.
4. The media fraternity fails to demonstrate individual and collective commitment to enforce the code of conduct and to, where there is breach, support the media self-regulation body (RMC) by honouring and implementing the decision of the commission.
5. The RMC blueprint recommended that the organization structure of RMC should have two primary organs, which are; the Board of Commissioners and the Secretariat. This has not been translated into reality, causing ambiguity.
6. The RMC blueprint further suggests the RMC be answerable to an umbrella Council of eminent and well respected including retired judge or a law professor/senior lecturer, a media professor or senior lecturer, as well as a professional personalities from other fields.
7. Most media practitioners have hitherto considered the general assembly as being the third organ of RMC which as a consequence treats RMC as a membership entity or association as opposed to public serving and public interest driven institution provided for in the media law 2013 and media policy of 2011.
8. Focus Group Discussants and Key Informants raised the concern that there is no public representative in the current seven (7) members who should ordinarily be appointed by the Office of Ombudsman. They therefore proposed that the number of board members be increased to 9 which will provide for appointment of a public representative by the Office of the Ombudsman.
9. The draft statute proposes to amend the procedure of electing the Board of Commissioners as well as the Chairperson and Vice Chairperson.
10. In terms of human resource, RMC is understaffed affecting their ability to discharge their mandate media self-regulation effectively and sustainably. This coupled with lack funds for capacity building activities for its staff and the members of its ethics committee, compromises its effectiveness as a regulator.
11. Funding of the RMC should go beyond government to include, journalists, media owners and media development partners. It was proposed that every media house should contribute one percent (1%) of its annual turnover to fund the body.
12. The RMC doesn't directly discharge its most basic function of complaints handling though ADR or mediation processes and has instead outsourced for these services. This is an indictment on the part of the Commission and an indication of a failed system of media self-regulation. Such services should as a standard practice be discharged by a competent committee of the Commission.

13. Since its establishment in 2013 to date, RMC has received four hundred and two (402) complaints from the public and media practitioners all of which have been adjudicated on without any appeal in the high court
14. Small percentage of complaints handled by RMC are linked to plagiarism and labor issues. Others are raised by journalists against fellow journalist or media house against another media houses. This shows the wide range of issues handled by the RMC
15. The tendency by media houses to hire artists and comedians as opposed to trained and professional journalists has lowered the quality of journalism and is directly associated with increased breaches of the code of conduct among this category of media practitioners
16. RMC draws attention to the insufficient use of the Rwandan domain name (rw.) by news media operating online, resulting in issues of authentication and verification.
17. Media self-regulation compared to governmental regulation has been successful in terms of efficiency, increased flexibility, increased incentives for compliance, and reduced cost compared to judicial approach in handling cases.
18. Complainants are also satisfied with the speed and efficiency at which cases brought before the commission are resolved including those filed from abroad
19. Journalists are being denied access to information and are detained. RMC's mostly successful interventions. This was not fully done, as some categories are not represented, which may affect inclusiveness resulted into journalists' rights being respected and observed accordingly. RMC must thus continue to advocate for journalists' rights.

CONCLUSION AND RECOMMENDATIONS

From the in-depth interviews and the analysis of the legal and institutional framework for media self-regulation (section II), RMC as provided for by the Media law 2013 is apparently as a co-regulatory body. A co-regulatory body first because it's defined by the law where government plays part in regulation of the media industry particularly through a directive to collaborate with RURA, itself a state agency. Secondly, it's indirectly funded by the government through UNDP while the appointment of the Executive Director and the Commission is covertly influenced by the government. Thus while the part of the government in the regulation process is clear, there is minimal involvement of journalists and professional bodies in the management and administration of the industry yet MRC is supposed to regulate the same industry. To this extent the institution almost boarder state regulator. Equally the popular reference of RMC as a voluntary self-regulatory similarly defies the global standard and best practices. To qualify under this broad category, journalists must voluntarily commit themselves to operate within the edict of the code of conduct and therefore hold the highest level of professional conduct. Its regulation and decision making on conduct of journalists is therefore based on ethical systems. Secondly journalists and professional associations are responsible for funding their own body while the appointment of the board/commission is done by the industry independent of the state. This also includes the appointment of all staff and especially Executive Director. There is therefore a need to clearly define media regulatory framework in Rwanda because this will effectively determine its administrative procedure, institutional development and its relationship with the state and media industry. It will also determine its role in promoting independent journalism and in serving the Rwandan citizenry.

The philosophy underpinning media self-regulation is based on the commitment of the scribes to practice journalism within the edict of the code of conduct governing their practice. From the assessment, it was apparent that only a few of the journalists observe the code of conduct for the practice of journalism with more breaches of the code reported among the online media platforms. The findings recommended updating of the code to incorporate certain guidelines for online media and at the sometime mainstream the aspect of gender with the guidelines. Though there has been tremendous effort by RMC to enforce media ethic, handling complaints, and defending the rights of journalists. There is a need for more awareness creation and training particularly among online news outlet to promote ethical journalism.

One the operational and institutional capacity of the RMC to regulate the practice of journalism Rwanda, there is a need to address the gaps of understaffing, financial resources and operational procedures and the attendant challenge of sustainability. For example there is a need to explore multiple sources of funds while at the same time safeguard the RMC independent from government, political and commercial interests.

While RMC demonstrated remarkable and substantive progress on quality of handling complaints and advocacy for journalists' rights of access to information and press freedom and employment of mediation as an alternative mechanism to justice, it has to demonstrate its effectiveness in promoting ethics journalism. Its decision must be independent and useful to journalists in helping them to improve their performance and conduct. Decisions must be respected by editors because of quality and not because of enforced compliance.

Media regulation is multifaceted and there is a need to foster collaboration between MRC and RURA to avoid the common problem of double jeopardy and solve the problem of the overlap of mandate. It should equally promote good working relations with justice-based institutions and partners in solving complaints through Alternative Dispute Resolution (ADR) processes.

RMC has been accepted and gained traction among journalist and members of the public sole regulator of journalism practice in Rwanda. It should leverage on this acceptance to enhance its credibility, streamline its operation and let the media industry drive its self-regulation affairs independently. It must for example review its complaint handling procedure to make it more accessible and flexible while at the same time raise awareness of its mandate among the media.

REFERENCES

1. Accountable Journalism, Press Council: Switzerland: *Autorité indépendante d'examen des plaintes en matière de radio-télévision*, Independent Complaints Authority for Radio and Television.
2. Akinfeleye (2003) cited by ONAYINKA TOYIN SEGUN, Media Accountability Systems and Journalism Practice in Nigeria, 2015, p.54.
3. Article 19 of the Universal Declaration of Human Rights (UDHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR). It is also protected in regional treaties by Article 9 of the African Charter.
4. Article 19, *Rwanda: Media law does not go far enough*, 18 March 2013, available at: <https://www.refworld.org/docid/5149bdfc2.html>
5. Caryl, C., McCauley, S., Applebaum, A., Wójcik, J., Gicheru, C., *Let There Be Speech: Reforming the Media in Rwanda*, Legatum Institute, 2014.
6. Civil Society Coalition on UPR, Final Assessment Report on the Implementation of 2015 UPR Recommendations by the Republic of Rwanda, Kigali, 2020.
7. Declaration of Principles on Freedom of Expression and Access to Information in Africa, drawn up by the Special Rapporteur on Freedom of Expression and Access to Information in Africa of the African Commission on Human and People's Rights, 2002.
8. Haraszti, M., "The merits of media self-regulation Balancing rights and responsibilities" in OSCE, *The Media Self-Regulation Guidebook All questions and answers*, 2008 on <https://www.osce.org/files/f/documents/1/d/31497.pdf> p.9.
9. Kimumwe, P., *Media Regulation and Practice in Uganda: A Journalists Handbook*, Clear MarK Publications; Kampala Uganda, 2014, p.23 on https://www.academia.edu/7413904/Media_Regulation_and_Practice_in_Uganda_A_Journalists_Handbook.
10. Law N° 69/2019 of 8/11/2019 amending law No. 68/2018 of 30/08/2018 determining offences and penalties in general (Penal Code)
11. Law N°09/2013 of 01/03/2013 of establishing Rwanda utilities regulatory authority (RURA) and determining its mission, powers, organisation and functioning states, , Article 5.
12. Media Diversity Institute, International Federation of Journalists, 2009 retrieved on <http://www.rjionline.org/mas/code-of-ethics/journalists-union-declaration>.
13. MINIJUST, Law N° 02/2013 of 08/02/2013 especially Article 2, paragraph 20.
14. Moldovan, Gratian. "*Media Ethics in the Ideological Context of the Twentieth Century*". *Contemporary Readings in Law Social Justice*, 2014 retrieved on <https://www.questia.com/library/journal/1P3-3389870961/media-ethics-in-the-ideological-context-of-the-twentieth>.

15. PFC, Report on Press regulation in South Africa, p.38
16. Prime Minister's office and the Ministry in Charge of Cabinet Affairs, cited by Noah from, A New Media Reform. A Field Study on the New Rwandan Media Reform, Mid Sweden University, sd, p.7; retrieved on
17. <https://www.diva-portal.org/smash/get/diva2:901389/FULLTEXT01.pdf>
18. Puddephatt, A., *The Importance of Self-Regulation of the Media in Upholding Freedom of Expression*, vol. 9 (Brasilia: UNESCO Office Brasilia, 2011); at www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/the-importance-of-self-regulation-of-the-media-in-upholding-freedom-of-expression.
19. Republic of Rwanda, Constitution of the Republic of Rwanda of 2003 revised in 2015, Article 29.
20. RMC, Complaints handling procedure manual, August 2014.
21. RMC, Monitoring Report on Online Media Content with Focus on Youtube Channels/Online TVs, Kigali, 2019.
22. RMC, Rwanda Journalists and Media Practitioners 'Code of Ethics, Introduction to the Rwanda Journalists and Media Practitioners' Code of Ethics Training package content list, 2014.
23. RMC, The Draft Statutes Governing Rwanda Media Commission [RMC], Article 11, Kigali, June 2019.
24. RMC, The State of Media Freedom in Rwanda, May 2015, p. 2 on https://rsf.org/sites/default/files/6_5_2015_ib_-_final_report_on_state_of_the_media_freedom_in_rwanda_00.00.pdf
25. See article 15 of the media law: "Article 15: Remedies available to the journalist. A journalist whose rights recognised by this Law are not respected may lodge a petition with the Media Self-Regulatory Body or any other competent organs to amicably resolve any matter...
26. The Constitution of the Republic of Rwanda of 2003 revised in 2015. Article 38.
27. The project, Rwanda Media Initiative: Transforming the Information Landscape, ran for 20 months from July 2014 to March 2016, and was implemented in partnership with the Rwanda Governance Board (RGB) under the authority of the Ministry of Local Government (MINALOC).
28. UNDP RWANDA, UNDP support to media reforms in Rwanda, 2013 retrieved at <https://www.rw.undp.org/content/rwanda/en/home/presscenter/articles/2013/05/07/undp-support-to-media-reforms-in-rwanda.html>.
29. Wolfgang Closs,(ed), Co-Regulation of the Media in Europe, European Audio-visual Observatory, Strasbourg 2003 on <https://rm.coe.int/16807834a7>.

30. http://j647commethics.weebly.com/uploads/6/4/2/2/6422481/enforcing_media_codes_christians_copy.pdf)
31. <https://en.sipiapa.org/contenidos/history.html> History of Inter American Press Association.
32. https://www.researchgate.net/publication/274082938_Journalism_Ethics_in_a_Digital_Environment_How_Journalistic_Codes_of_Ethics_Have_Been_Adapted_to_the_Internet_and_ICTs_in_Countries_around_the_World
33. RMC, The State of Media Freedom in Rwanda, May 2015, p. 2 on https://rsf.org/sites/default/files/6_5_2015_ib_-_final_report_on_state_of_the_media_freedom_in_rwanda_00.00.pdf visited on 16th June 2020.
34. Rwanda Civil Society Coalition on UPR: Final Assessment Report on the Implementation of 2015 UPR Recommendations by the Republic of Rwanda, Kigali, LAF 2020. https://legallaidrwanda.org/IMG/pdf/upr_assessment_report_2020_rwanda_cso_coalition.pdf
35. Denis McQuail, Media Regulation, Module 2, Unit 11, Department of Media & Communication, University of Leicester, February 9, 2010
36. Leveson Inquiry, An Inquiry into the Culture, Practices and Ethics of the Press, November 2012.