

Effects of Access to Information Law on Print Media Journalism Practice in Rwanda

Jean Baptiste Hategekimana

Masters in Mass Communication, Option Media Studies

This research has been done under the supervision of Professor Hellen MBERIA and Doctor Margaret JJUUKO

Abstract: Rwanda established the law n° 04/2013 of 08/02/2013 relating to access to information to enable the public and journalists to access information possessed by public organs and some private bodies and to establish modalities and procedures to promote the publication and dissemination of information. Nevertheless some journalists and some people complained that they were not well informed although the access to information law was in force. This controversy situation pushed the researcher to undertake this study whose main objective is to assess the effects of access to information law on print media journalism practice in Rwanda precisely in Kigali City from 2014 until 2016. In accordance with the stratified random sampling technique 62 journalists have been taken as sample size. The interviews have been conducted with 1 sub-editor, 2 editors, 2 managers of newspapers, 4 decision makers in the journalism domain in Rwanda, the Director who is in charge of media issues in the Office of the Ombudsman and one expert in journalism. The study relies on primary and secondary data but mainly on the primary data. Thanks to the questionnaire and the interview guides data have been collected. The quantitative and qualitative approaches were used to analyze the data collected. The findings confirmed that the respondents are aware of the existence of the law but some of them do not understand its content. However a big number of journalists use the law in their daily tasks and confirmed its positive effects on the journalistic practice. All interviewees argued that the law is very useful in the print media journalistic practice but there was a big room for its improvement. The study revealed also that few journalists who faced the problems related to that law turned to the office of the ombudsman.

Keywords: Access to information law, print media practice

1. Problem Statement

The 34th article of the Rwandan constitution voted in 2003 and the 38th article of the modified constitution adopted in 2015 through referendum recognize freedom of the press and freedom of information and guarantee the access to information. Therefore the parliament of Rwanda adopted the law n° 04/2013 of 08/02/2013 relating to access to information to enable the public and journalists to access information possessed by public organs and some private bodies and to establish modalities and procedures to promote the publication and dissemination of information (Premature, 2013).

Even though the access to information law in Rwanda intends to help journalists improve their professional tasks by allowing them to access all information needed anywhere it is, many professional journalism criteria are not respected. For instance the researcher by reading different newspapers published in Rwanda from 2013 until 2016, noticed that some news stories are public relations articles and not journalistic news stories which must be accurate, balanced and clear. In addition the Rwandan journalists are afraid of publishing some information. This fear of publishing some information is pointed out by different organizations. For instance Freedom House indicates that press freedom in Rwanda deteriorated in 2014 as independent journalists were frequently harassed, threatened, and arrested or exiled and foreign journalists were increasingly subject to extralegal intimidation, violence, and forced disappearances for criticizing officials in their reporting. A culture of fear among journalists has led to widespread self-censorship. In October 2014, the government suspended indefinitely the British Broadcasting Corporation (BBC) Kinyarwanda-language radio service following the airing of a controversial

BBC television documentary about Rwanda's 1994 genocide (Freedom House, 2015). Thus, although the access to information law authorizes the journalists gathering and processing information from public and private institutions, reporting and disseminating news the researcher noticed that all information that related to public interest are not reported and disseminated. As a result this problematic aroused this main question: what are the effects of access to information law on the print media journalism practice in Rwanda? That is the reason the main objective of this study is to assess the effects of the access to information law on print media journalism practice in Rwanda. The specific objectives are to evaluate the effect of the awareness of the provisions of the access to information law on print media journalism practice; to determine the effect of access to all sources of information on print media journalistic practice in Rwanda, to examine the effect of disclosing all information related to public interest on print media journalistic practice in Rwanda and to describe the effects of publishing information related to public interest on print media journalistic practice in Rwanda. To achieve the those objectives the research formulated the following research questions 1) What extent are print media journalists aware of the provisions of the access to information law in Rwanda? 2) What are the effects of access to all sources of information on print media journalistic practice in Rwanda? 3) What are the effects of disclosing information related to public interest on print media journalistic practice in Rwanda? 4) What are the effects of publishing information related to public interest on print media journalistic practice in Rwanda?

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2. Theoretical Framework

This study finds expression in the libertarian theory. The theory, also known as the free press theory, prescribes that an individual or organization including the press should be free to publish and express information freely (Umechukwu, 2001). The central tenets of the libertarian theory are located in John Milton's notion of the "self-righting process of the free market place of ideas." This means that good ideas would drive out bad ones if all ideas were guaranteed free expression (McQuail, 1987). Also, the ideas of John Stuart Mill were the central foundation of this theory. Mill wrote: The libertarian theory is very relevant to my study because the Rwandan Access to information Law is intended to guarantee freedom of expression, freedom of speech, freedom of the Press which involves freedom of gathering and processing information, freedom of reporting news and freedom of publishing all information related to the public interest. Furthermore according to this law every source of information is free to deliver information to the journalists for the public interest. By providing all information needed by the journalists they facilitate the journalism practice. In addition this theory encourages the journalists to overcome fear because it stipulates that "Publication should be free from any prior censorship by any third party. The act of publication and distribution should be open to a person or group without permit or license" So the journalists operating for print media outlets in Rwanda should apply the access to information law without fear or extreme self-censorship so that this law should affect positively the journalism practice in Rwanda. Thus the findings of this study therefore expressed what extent the Rwandan access to information law guarantees the free access of information and the free publication of information and consequently how it facilitates the print media journalism practice.

The second theory that underpins this study in the Political Economic theory of Mass media which involves the idea of media ownership, the production context of media content, the funding of media, the concentration of media, merge of media, globalization of media content, the media environment, the media market and financial support. Even though this theory is in contradiction with the libertarian theory it fits with this study because based on this theory the researcher evaluated the negative effects of the access to information law on print media journalism practice and the different challenges faced by the print media journalists when they implement the Rwandan access to information law.

3. Literature Review of variables

Rwandan access to information law

The independent variable of this research is the law n° 04/2013 of 08/02/2013 relating to access to information in Rwanda that the reason why the researcher provided its provisions in order to help the readers to understand how this law should have effects on the print media journalistic practice. This law focuses on its purpose, definitions of terms, access to information, confidential information, information that may destabilize national security, public interest in disclosure of information, disclosure of vital

information to the public, information officers in public organs, request for information, fees required to provide information, examining an application for information, correction of personal information, compliance with this law by private organs, miscellaneous and final provisions (premature, 2013). The purpose of this law is to enable the public and journalists to access information possessed by public organs and some private bodies. It also establishes modalities and procedures to promote the publication and dissemination of information. Its 3rd article indicates that every person has the right of access to information in possession of a public organ and some private bodies. The right of access to information includes the following: assessing activities, documents or records, taking notes, documents, extracts or copies of official documents or records, taking documents or extracts of notified copies, obtaining information stored in any electronic form or through print-outs copies of information stored in a computer or in any other device.

Concerning the confidential information the law stipulates that without prejudice to the provisions of article 3 of this law, information withheld by a public organ or private body to which this law applies shall not be published when it may: destabilize national security, impede the enforcement of law or justice, involve interference in the privacy of an individual when it is not of public interest; violate the legitimate protection of trade secrets or other intellectual property rights protected by the law, obstruct actual or contemplated legal proceedings against the management of public organ. If the request for information relates to record containing information in two parts one part being not allowed to be published and the other part contains information that can be published as provided by this law, the requesting person shall be provided with information allowed to be published. Regarding the information that may destabilize national security the law reveals that without prejudice to the provisions of article 4 of this law, the minister, in consultation with the concerned organs, shall issue an order determining which information could destabilize national security.

The article 6 of this law emphasizes on the public interest for disclosure of information where it indicates that a public organ or a private body to which this law applies shall disclose information where the public interest in disclosure outweighs the interest of not disclosing such information. In considering what constitutes the public interest, particular emphasis shall be put on the following: to promote in public and private organs to which this law applies the culture of informing the public about their activities, to ensure that the expenditure of public funds is subject to effective management and oversight, to promote founded public debate, to keep the public regularly and adequately informed about the existence of any danger to public health or safety or to the environment; to ensure that any public authority with regulatory mission properly discharges its functions. It specifies that the disclosure of vital information to the public in these terms: Every public and private organ to which this law applies shall proactively disclose the vital information to the public. A ministerial order shall determine in details the information to be disclosed. In regards with requesting and obtaining information the law stipulates that a public organ

shall appoint or designate an information officer for that organ and its branch, if there is any, to enable it to provide information to persons requesting for it in accordance with this law. If the officer in charge of information is absent, the organ or its branch shall designate someone as substitute. It adds that information shall be requested by an individual or a group of persons in any of the official languages provided for by the Constitution of the Republic of Rwanda verbally, in writing, by telephone, internet or any other means of communication without prejudice to the provisions of this law. The person applying for information shall determine the means in which he/she wants to obtain information. However, if the means chosen for obtaining the information requested exceeds the capacity of the requested organ, the applicant shall bear the cost. The provision of information is an obligation without fee. However, depending on the means for providing the information, charges for making copies or sending information may be charged to the applicant. A ministerial order shall determine the procedure thereof. To examine an application for information the law reveals that the information officer, to whom the information is requested, shall take decision according to priorities. When the request of information is not accepted, explanations based on the law shall be provided. A ministerial order shall determine the procedure thereof.

On the other hand the law indicates that upon the request by the concerned person or his/her authorized representative, a public or private body shall, at its own expense, correct any personal information held by it relating to the applicant who is inaccurate, incomplete or irrelevant. A person requesting for the correction of the information shall write to the head of the public or private organ that has the information. However, in case of emergency, a person requesting for correction may do so verbally. Regarding the compliance with this law by private organs the law stipulates that private organs to which this law applies are those whose activities are in connection with public interest, human rights and freedoms. A ministerial order shall determine private organs to which this law applies. It adds that any interested person may request a competent court to order that a private organ to which this law does not apply provides some information required in the interest to preserve the life or liberty of persons. A private organ shall appoint or designate an information officer for that organ and its branch, if there is any, to enable it to provide information to persons requesting for it in accordance with this law. If the officer in charge of information is absent, the organ or its branch shall designate a substitute. Concerning the miscellaneous and final provisions that law stipulates that without prejudice to the provisions of article 4 of this law, no person shall be punished as a result of having made a disclosure of information obtained when people who were supposed to disclose failed to do so within the time limits provided for by the law, if the person believes on reasonable grounds that the information is accurate and if its disclosure is in the public interest. The Office of the Ombudsman shall particularly monitor the enforcement of this law. All prior legal provisions contrary to this law are hereby repealed.

This Rwandan access to information law is clarified by five ministerial orders published in the Official Gazette No02 of

13/01/2014 namely the ministerial order No 005/07.01/13 of 19/12/2013 determining which information could destabilize national security, the ministerial order No 006/07.01/13 of 19/12/2013 determining in details the information to be disclosed, the ministerial order No 007/07.01/13 of 27/12/2013 determining the time limit for the provision of information or explanations of not providing it ,the ministerial order No 008/07.01/13 determining the procedure of charges of fees related to access to information and the ministerial order No 009/07.01/13 determining private organs to which the law relating to access to information applies .

The Rwandan access to information law contains some restrictions which are clarified by the ministerial order No 005/07.01/13 of 19/12/2013 which stipulates the information which could destabilize national security as followed: top Secret as the highest level of classification of information of national security interest including vital State Secrets whose disclosure would cause extremely serious harm to national security and interests. The possible impact must be great, immediate and irreparable. Secret including important State Secrets whose disclosure would cause serious harm to national security and interests. Confidential Including State Secrets whose disclosure would cause harm to national security and interests. Restricted including such material that would cause undesirable and limited effects to national security. Even though the Rwandan access to information law authorizes journalists and public to get all information needed those restrictions mentioned about should have a negative impact on the print media journalism practice in Rwanda.

The independent variable has four components which are awareness level of Rwandan access to information by the journalists, access to all sources of information, disclosure of information related to public interest and restriction of publishing some information. Thus in the following part the researcher presents the literature review related to every component.

Print media practice

According to De Maeseneer (1995) News publication depends on gathering, sorting, analyzing and verifying information .It depends on the ability to recognize news and an understanding of news value and readers' interests. News stories are based on the facts gathered by reporters. Journalists do not make things up out of thin air .No journalist can fashion a news story without gathering relevant information ,getting details ,findings examples and then plan the story . The factual base of news stories distinguishes them from fiction. Reporting is a journalist's word for research, for the collection of data, for the gathering of facts. This is topical. It deals with current events and contemporary issues and people. Reporting is that art, the skill, the business of gathering information for immediate use. News is gathered and distributed and finally delivered to the news hungry public in a variety of ways and by a number of different organizations and agencies.

According to Berner (2007) not all sources are equal, and the reporter who believes he has written a balanced story

merely by quoting all sides of an issue could be wrong. A reporter has to evaluate all sources for knowledge and credibility. What is the source's reputation? A congenital liar is useless. Ward and Hansen quoted by (Berner 2007, 38) also suggest that the reporter ensure that the information has been provided in its true context and that any statistics be validly derived. That means checking the original document. Also, does the information have one unmistakable meaning? Is it recent? Is it relevant? The same author clarifies that a reporter must interview not only the people who speak up the most or the loudest, but also the people who are silent. Beware of people who claim to represent a segment of the community and who sound as though they might. Check with other people in the community to see if the spokesperson is self-appointed or really representative. In researching stories, reporters need to appreciate that their best sources may not be the people at the top but the people at the middle level. People at the top feel the need to hoard and guard information, for they believe that to share it is to diminish their power and authority. A reporter who relies on such people will be their servant, which is not a good position for a journalist to be in. Reporting requires journalists to be aware of themselves and their sources. Good reporters are curious; they want to know everything. They examine many sources (Berner, 2007).

Stovall (2005) indicated that journalists have to avoid dishonesty, double-dealing, plagiarism, fabrication of information, altering photographs, working for separate publication without the Editor's knowledge. So journalists operating in Rwanda cannot avoid all that without implementing correctly and completely the professional criteria of journalism, deontology of journalism and journalistic ethics.

In regard with what is described above the Access to information law in Rwanda should help journalists operating in Rwanda to access all sources they need and to report accurate and well verified information.

However Akimana (2017) indicates that Rwanda adopted the law of access to information in Rwanda in 2013 No04/2013 of 08/02/2013 and the situation of nowadays has many obstacles and some journalists has difficult way of accessing to information and among 83 respondents that have been selected, 93.7% of them said that there was no easy access to information in Rwanda and only 3% of the respondents said that they have access to information where they search for news for audiences. He added that 57.83 % of respondents said that due to the fact that a number of journalists sometimes distort the information they have been given, the sources of information are afraid to see the information distorted by the media. Hence they prefer to keep it since they are not sure it will be exactly published. He also indicated that for 10.84% of respondents, journalists are denied access to information because the informers are afraid journalists always want what is wrong. On the hand the news holders do not easily provide information to journalists its away of hiding what is wrong with them.

Concerning the impact of access to information law on journalism practice Akimana stipulates that for 92.8% of the

respondents, when journalists don't have the first hand information this leads to some extent to rumors and 80.7% of respondents said that with lack of information, reporters content with what they are able to access to and this leads to biased reports, they may plagiarize from other media so as to have contents. The lack of access to news may also lead to publication of second hand information because of none has information they need to publish (Akimana, 2017)

4. Methodology

Study population is 160 media people from 30 newspapers based in Kigali City. The sample size: 62 journalists from 20 newspapers, 10 key decision-makers in the domain of media and one expert in print media journalism. The sampling technique is stratified random sampling. Data collection instruments are questionnaires for practicing journalists and interviews for 10 key decision-makers (1 sub-editor, 2 editors, 2 managers of newspapers, 4 authorities in journalism domain, 1 director who is in charge of media in the Office of the Ombudsman) and 1 expert. The period of study is from January 2014 - December 2017. Data analysis approaches are Quantitative and qualitative analysis

5. Findings

Awareness of access to information law: 100% of respondents knew the existence of such law

Regarding how print media journalists managed to know about the law for the first time 46.8%: indicated via Official Gazette of the Republic of Rwanda, 33.9% stated through training courses organized by MHC, 8.1% declared through meetings organized by RGB, 8.1%: revealed through instruction (at the School of Journalism) and 3.2%: through other means.

Concerning how the journalists took benefit from accessing sources of information 74.2% indicated that it helped them balance news stories, 71% stated it helped them gather and process all information needed quickly, 27.4% revealed that it helped them access information hidden by the public and private institutions.

About how sources behaved while disclosing public interest information to print media journalists 19.4% revealed that the sources had fear to disclose real or sensitive information (e.g. local government employees), 17.7% indicated that sources delayed to provide information, 11.2% specified authorities see in a journalist a judge and they don't want to tell them anything and that some journalists are intimidated. They added that authorities are selective and only disclose the information to those they assume that they will only report positive things, 6.5% declared that information held by security organs is not easily accessible.

According to these findings the access to information law helped print media journalists overcome the problems they encountered as revealed by the respondents. 59.7% indicated that there was no more delayed feedback from the information sources, 50% declared that there was no more lack of accurate and balanced information, 43.5% indicated that the lack of accessing to some critical information has

been solved, 35.5% revealed that the extreme self-censorship of print media journalists has been reduced, 35.5% indicated that interesting and diversified news stories needed to market newspapers were obtained, 24.2% declared that information was easily obtained because public institutions have recruited communication officers.

Concerning the how the restrictions stipulated in access to information law affect print media journalism 77.4% indicated that some sources find it as a good pretext to refuse to deliver some public interest information, 77.4% revealed that people are not well informed about the crucial issues that concern their country and their life, 51.6% indicated some topics related to public interest are subjected to extreme censorship and 43.6% confirmed that some news stories are not balanced due to lack of information.

6. Discussion

Print media journalists are aware of the existence of access to information law, access to information law affects positively print media journalism practice but there are still some barriers to the implementation of the access to information law both on the side of the sources of information and the journalists. The law presents some restrictions which affect negatively the practice of print media.

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