

# AFRICAN MEDIA BAROMETER

The first home grown analysis of the  
media landscape in Africa

## KENYA 2016





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## **KENYA 2016**

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# The African Media Barometer (AMB)






The African Media Barometer (AMB) is an in-depth and comprehensive description and measurement system for national media environments on the African continent. Unlike other press surveys or media indices the AMB is a self-assessment exercise based on home-grown criteria derived from African Protocols and Declarations like the Declaration of Principles on Freedom of Expression in Africa (2002) by the African Commission for Human and Peoples' Rights. The instrument was jointly developed by fesmedia Africa, the Media Project of the Friedrich-Ebert-Stiftung (FES) in Africa, and the Media Institute of Southern Africa (MISA) in 2004.

The African Media Barometer is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. Its results are presented to the public of the respective country to push for an improvement of the media situation using the AU-Declaration and other African standards as benchmarks. The recommendations of the AMB-reports are then integrated into the work of the 19 country offices of the Friedrich-Ebert-Stiftung (FES) in sub-Sahara Africa and into the advocacy efforts of other local media organisations like the Media Institute of Southern Africa.

## Methodology and Scoring System

Every three to four years a panel of 10-12 experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For 1½ days they discuss the national media environment according to 39 predetermined indicators. The discussion and scoring is moderated by an independent consultant who also edits the AMB-report.

After the discussion of one indicator, panel members allocate their individual scores to that respective indicator in an anonymous vote according to the following scale:

<b>1</b>	Country does not meet indicator	
<b>2</b>	Country meets only a few aspects of indicator	
<b>3</b>	Country meets some aspects of indicator	
<b>4</b>	Country meets most aspects of indicator	
<b>5</b>	Country meets all aspects of the indicator	

The sum of all individual indicator scores will be divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores which then make up the overall country score.

### **Outcome**

The final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus sector scores and overall country score. In the report panellists are not quoted by name to protect them from possible repercussions. Over time the reports are measuring the media development in that particular country and should form the basis for a political discussion on media reform.

In countries where English is not the official language the report is published in a bilingual edition.

Implementing the African Media Barometer the offices of the Friedrich-Ebert-Stiftung (FES) and – in SADC countries the Media Institute of Southern Africa (MISA) – only serve as a convener of the panel and as guarantor of the methodology. The content of the discussion and the report is owned by the panel of local experts and does not represent or reflect the view of FES or MISA.

In 2009 and again in 2013 the indicators were reviewed, amended, some new indicators were added and some were replaced.<sup>1</sup>

By the end of 2013 the African Media Barometer had been held in 30 African countries, in some of them already for the fifth time.

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<sup>1</sup> Consequently, the comparison of some indicators of previous reports is not applicable (n/a) in some instances in which the indicator is new or has been amended considerably. Furthermore sector scores are not applicable (n/a) as indicators have been moved.



*See above 30 AMB Countries (2005-2015)*

# African Media Barometer Kenya 2016

## Summary

Articles 33 and 34 of Kenya's 2010 Constitution provide for the exercise of freedom of expression and of the media. This has allowed both citizens and journalists to exercise their rights. However, even with these provisions, threats to these freedoms exist in the form of government pronouncements and some new laws being enacted. These new laws are meant to align earlier laws with the 2010 Constitution. Unfortunately, the Media of Act 2013 and the Kenya Information and Communications (Amendment) (KICA) Act of 2013 have ended up undermining these very articles as they contain proposals that will restrict media freedom and impose heavy penalties on journalists and media houses. The consequence is that their constitutionality has been challenged in court by media stakeholders and the outcome is still undetermined.

However, there is a perception that some citizens, and journalists and sections of the media are reckless in their exercise of freedom of expression and of the media; and law enforcement agencies have responded with attempts to criminalize speech. This is apparent in the way journalists and bloggers continue to be handled when accused of abusing their freedom of expression.

There is also a worrying trend of media ownership increasingly being concentrated in the hands of the political class. This is in itself a threat to freedom of expression, as it opens up avenues for manipulation and control of media content to favour the interests of owners.

Notably, despite the Books and Newspapers Act which contains provisions that seek to restrict media freedom and enforce heavy penalties on journalists and media houses, this Act has been used less over the last four years, resulting in new publications that have not necessarily gone through the legal process.

Confidential sources of information are protected under the Media Act of 2007 (amended in 2013), but law enforcers still use threats to force journalists to reveal sources. Sadly journalists are not protected under the Whistle Blower Act which only shields state witnesses.

The Bill on Access to Information awaits presidential assent – a move in the right direction as accessing government information has not been easy, particularly with documents labelled “secret” or “confidential”. The process for citizens and journalists to get government information is usually frustrating as it is entrenched in bureaucracy.

Online platforms – particularly blogs and social media platforms – continue to provide an avenue for expression but there have been calls for their regulation,



particularly by politicians and the corporate sector. The National Cohesion and Integration Commission (NCIC) has also been monitoring hate speech, which has moved to online platforms especially following the 2013 general election. Accordingly, there have been attempts to bring down some websites and blogs.

Efforts by civil society and media advocacy groups to intervene and safeguard media freedom and freedom of expression have been made, through the issuing of statements condemning the harassment and intimidation of journalists and bloggers. Unfortunately, media advocacy groups lack unity around a common voice, and often operate in silos even during critical moments. Further, mistrust exists between media and CSOs, though some progress has been made in engagement forums aimed at clarifying areas of misunderstanding and strengthening partnerships. In addition, the court cases on the Media Act of 2013 and KICA Act of 2013 have weakened the Media Council of Kenya, as it has been unable to reconstitute the Board as well as its Complaints Commission.

Consultations between the state and media stakeholders on the development of media policy and law have been viewed as superficial. Stakeholders have felt that their views are never taken on board. In addition, media advocacy bodies are often reactive and weak in sustaining meaningful engagement in the policy and legal dialogue processes.

The media landscape has continued to grow with impressive numbers of new radio stations, television stations and blogs starting up since the last AMB. However, Nation Media Group, Royal Media Services, Standard Group, Mediamax and Radio Africa Group remain dominant, accounting for around 70 per cent of both media consumers and advertising. The country lacks a deliberate policy of promoting media diversity and sustainability, but has set up a centralized agency for government advertising. Unfortunately, however, the agency has no special consideration for smaller media outlets. Consequently, intense competition for government advertising by the different media outlets has resulted in compromised editorial content. In relative terms, advertising revenue is considered sufficient with the only setback being that it is under the control of the government and cartels.

Affordability of media remains a concern, in particular for rural populations. Digital migration, which went into effect in June 2015, cut off some people who found the costs of purchasing the set top box and the monthly subscription charges too high.

The media tend to promote commercial and political interests, largely ignoring social and cultural factors, as well as minority groups. Further, media analysts feel that media's objectivity and impartiality has waned in the last three years. Investigative reporting has continued to decline, with most news stories being seen as negative, shallow and sometimes casual. The media seems to have lost its agenda-setting role, with social media taking on this role while many journalists

lack depth of knowledge on key issues. Further, the media seems to be leaning towards generating news content from social media, sometimes without verifying the information before publishing or broadcasting.

In regard to broadcasting, the Kenya Broadcasting Corporation (KBC) Act grants the government absolute authority in the appointment of the board. Consequently, the public perceives KBC as biased toward the government or the ruling party. Notably, panellists observed that even though constrained and extremely underfunded, KBC has endeavoured to provide a fair amount of coverage to both the government and the opposition. Most notable is that the broadcaster's news bulletins are more comprehensive than other television stations.

The media's quality of reporting has been in decline, with casual news reports that lack depth being the norm. In addition, journalists display inadequate interviewing skills, and stories with typographical errors have become a common occurrence. Further, some media houses have openly displayed bias and partisanship based on ethnic or political preferences. In fact, media houses appear to have an ever shrinking pool of news sources and lack diverse opinions in their news coverage. This is displayed in the rotation of the same interviewees, be they professionals or opinion pundits, around the various media houses on current affairs, politics and development.

Online platforms – including those of more established media houses – frequently carry erroneous and incomplete information, mostly aimed at driving traffic to their sites and attracting adverts.

There is widespread corruption in the media, and even though some media houses – notably the Nation Media Group, Radio Africa Group, Royal Media Services and The Standard Group – have internal policies on integrity, this has not deterred their own journalists. To make matters worse, the media houses themselves have not taken punitive measures against errant journalists. For example, there are very few news sources that get press coverage without financially inducing media practitioners, sometimes at multiple levels (reporters, editors etc). The Media Council of Kenya is tasked with enforcing ethical standards, but seems slow to pursue media houses to highlight improprieties.

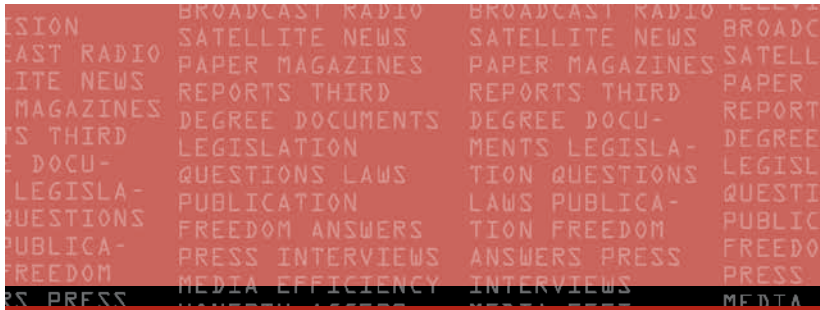
There is inequality in media houses with very few women in editorial positions. There is a lack of affirmative action and gender policies, as well as policies on persons with disabilities.

Some positive developments over the last four years include the increase in media outlets, the migration from analogue to digital, the rise of citizens' engagement through the media, and the unprecedented growth of social media, which now plays a major role breaking news and in keeping the country's leadership on its toes.

On the other hand, negative developments include the clamping down on media, and increased commercialization. This has weakened the media's role as a development and information tool. It is also unfortunate that the two main political coalitions – Jubilee and Cord – seem to dominate news, with moderate or alternative voices being given little or no space.

In as much as the expansion of online spaces has been a positive development, they have, on the contrary, also become a platform for hate speech and incitement.

Overall, media stakeholders should collaborate on joint activities and projects aimed at building a credible and sustainable media industry.



# SECTOR 1:

**Freedom of expression, including freedom of the media, is effectively protected and promoted.**



# Freedom of expression, including freedom of the media, is effectively protected and promoted.

## 1.1 Freedom of expression, including freedom of the media, is guaranteed in the Constitution and supported by other pieces of legislation.

The Constitution of Kenya, which was promulgated on August 27, 2010, provides elaborate guarantees to freedom of expression, including freedom of the media.

It has created a better framework for the exercise of freedom of expression and that of the media than the previous Constitution. Accordingly, both citizens and journalists have been using these provisions to exercise their rights.

These guarantees are provided for under the Bill of Rights, in articles 33 and 34.

Article 33 (1) states that: “Every person has the right to freedom of expression, which includes – (a) freedom to seek, receive and impart information or ideas; (b) freedom of artistic creativity; and (c) academic freedom and freedom of scientific research”.

Article 34 provides for “freedom and independence of electronic, print and all other types of media,” and emphasises that “the state shall not exercise control over or interfere with any person engaged in broadcasting, the production or circulation of any publication or the dissemination of information or the dissemination of information by any medium; or penalise any person for any opinion or view or the content of any broadcast, publication or dissemination.”

By and large, these provisions are being enjoyed by both citizens and the media. However, there are areas of contention – both in practise and in law – where these freedoms may be and are being undermined, in particular by the authorities.

“The constitution has given us a lot of freedom but there are some threats both from within government and through new laws being enacted, which tend to undermine the enjoyment of these freedoms.”

Some pronouncements by senior government leaders against critics of government policies and the media are viewed as an affront to the provisions of the Constitution.



However, there is a general feeling that despite this assertiveness, there is some fear creeping in, and many citizens have begun to be conscious of the environment in which they are operating. In the same breathe, however, it is also felt that some citizens, journalists and sections of the media are irresponsible in their exercise of freedom of expression and of the media.

There has been a general increase in attempts at criminalizing freedom of expression, especially by the police. This is especially evident in the way they deal with journalists and bloggers.

“While there is genuine concern that some bloggers may be taking advantage of social media, the level of harassment and intimidation of bloggers and other social media users, using section 29 of the KICA Act, is worrying.”<sup>2</sup>

However, it has been noted that some bloggers have “commercialized their sites by posting controversial messages, which gets them arrested, and this gives them recognition, and drives traffic to their sites. This way, they make money from the government and the corporate sector through adverts”.

Legal representation in Kenya is very expensive and many journalists and bloggers cannot afford lawyers when they are arrested. Some public spirited lawyers, acting pro bono, often step in to represent those arrested.

Since 2013, a number of bloggers and journalists have either been summoned and questioned by the police or arrested and charged. Blogger, Bogonko Bosire, disappeared in 2013, and has been missing since. This has created fear among citizens and social media users.

“Some people now fear to put their names out there and some journalists and newspaper columnists have been threatened or intimidated.”

There has been an increased use of the Defamation Act and the Penal Code section 94 against both citizens and journalists, while section 29 of the KICA Act which refers to “misuse of telecommunication gadget” has largely been used against bloggers.

The government and some of the more powerful commercial entities often use advertising to intimidate the media to censor some stories.

Further, media ownership is increasingly in the hands of the political class and their associates, a development which itself also threatens freedom of expression, as they control media content or slant content to favour their interests.

The increasing control of the mainstream media space by politicians and their business associates has denied space to the more critical voices who want to

<sup>2</sup> The Kenya Information and Communication (KICA) Act was in April 2016 declared unconstitutional by Justice Mumbi Ngugi, for not meeting the criteria set in Article 24 of Kenya’s 2010 Constitution which provides instances when rights can be limited. This was as a result of a case filed by freedom of expression advocacy groups and bloggers.





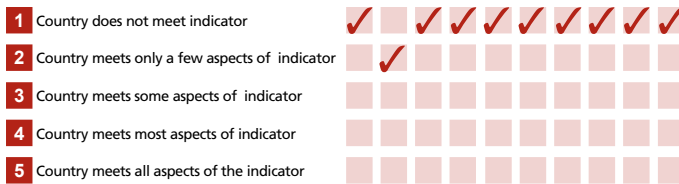
both the National Assembly and the Senate to restrict coverage of parliamentary proceedings, despite protests from media and freedom of expression advocacy groups.

Some County Governments have passed their own versions of the Powers and Privileges Act, in the process, curtailing media coverage of the County Assemblies and in effect, limiting freedom of expression in the regions.

There are no undue restrictions to entry into the journalistic profession except as provided for in the Media Act. The Media Council accredits journalists by issuing Press Cards based on college and university certificates and demonstrated practise as journalists. However, some panellists felt that this is a restriction as it means one cannot practise as a journalist without another body's authorisation – contrary to provisions in the Bill of Rights.

## Scores:

### Individual scores:



### Average score:

1.1 (2012 = n/a; 2009 = n/a; 2007 = n/a  
2005 = n/a)

## 1.4 The government makes every effort to honour regional and international instruments on freedom of expression and freedom of the media.

The Kenyan government is signatory to a number of regional and international instruments and conventions but does not make much effort to honour them. For instance, Kenya is part of the resolutions under the African Charter which call for the decriminalization of defamation laws. Yet, it still invokes these defamation laws to harass and intimidate media outlets, journalists and social media users.

“The government reacts to situations of criticism to defend itself, not to make effort to honour these obligations.”





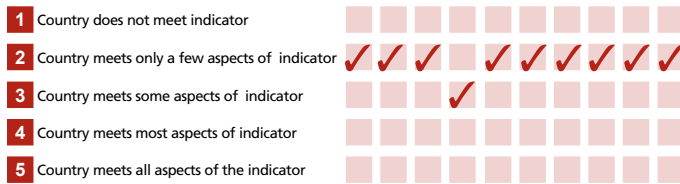


firmed this up. She declined to accept prayers by Nairobi Law Monthly – a media house – from being granted access to two contracts by Kengen, a government power generator. The Judge said the access would have been granted to their journalists (citizens), not the media house.

County Governments, brought into operation under the 2010 Constitution, are also required to enact access to information laws. Only a few county assemblies had drafted Bills on access to information by the time of preparing this report.

## Scores:

### Individual scores:



**Average score:** 2.1 (2012 = 2.5; 2009 = 1.5; 2007 = 1.5; 2005 = 1.5)

## 1.8 Websites, blogs and other digital platforms are not required to register with, or obtain permission, from state authorities.

There is no law on registering blogs and websites, and many of the more than 15,000 existing blogs (at the time of this report) had their domains hosted or registered abroad.

However, there are blogs registered in Kenya under a government operated domain .ke. Following threats and intimidation of bloggers and other internet users, many people operating blogs have opted to avoid the government hosting facility for fear that their sites can be hacked or brought down.

Government has made attempts to hack into or bring down some sites deemed “inciting”, or with mass followings posting comments critical of the state. There is a raging debate about the regulation of online media, and calls have been made by certain sectors – particularly politicians and the corporate sector who have been hit hard by the bloggers and other social media users – to regulate the internet and social media.



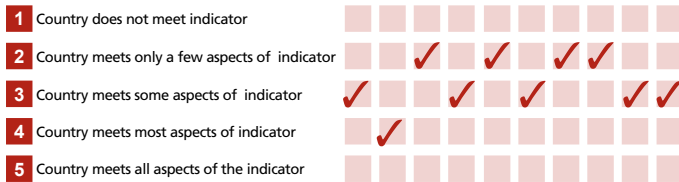
Intelligence agency officials are believed to “be trolling or jamming” some social media platforms and internet users. There are frequent statements from government officials complaining about social media users, and this has led to the intimidation and arrests of some of the influential bloggers.

There are no laws so far to regulate cyberspace, but the government is keen on this due to security threats from Al Shabaab, as well as to curb social and political activity bordering on ethnic hate and mobilization ahead of the 2017 General Elections.

The government has recently made several requests to users, or requested Google, to pull down content deemed “offensive” from some sites.

## Scores:

### Individual scores:



**Average score:** 2.7 (2012 = 3.1; 2009 = 4.7; 2007 = n/a; 2005 = n/a)

## 1.10 Civil society in general and media lobby groups actively advance the cause of media freedom.

There have been increased efforts by civil society and media advocacy groups to intervene and safeguard media freedom and freedom of expression.

Article 19, Kenya Section of the International Commission of Jurists (ICJ-K), Bloggers Association of Kenya (BAKE), Kenya Correspondents Association (KCA), Kenya Union of Journalists (KUJ) and Kenya Editors Guild (KEG), among others, have been active, issuing statements against the intimidation and attacks on bloggers and journalists.

KUJ, KCA, and KEG have been working closely with Article 19 and ICJ-K to lobby the government and the National Assembly on media legislation, and continue to do so over pending court cases. Article 19 and ICJ-K have been helping bloggers to challenge Section 29 of the KICA Act, which has since been declared unconstitutional.

Media advocacy groups are institutionally weak and often unable to speak with one voice at critical moments, or to engage meaningfully with CSOs, on whom they rely for help with advocacy on media issues.

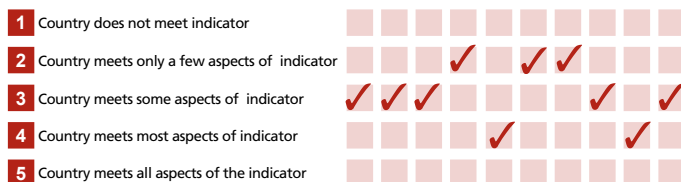
The Media Council of Kenya has been considerably weakened by the legal paralysis arising from the court case on the Media Act of 2013 and KICA Act of 2013, which have left it unable to reconstitute the Board and the Complaints Commission.

It has been noted that consultation and engagement between media advocacy bodies and CSOs has declined since 2013 -2014. Civic space for the media and CSOs is generally shrinking, and these organisations may further be affected by the Public Benefits Organizations Act 2013, which has not been implemented.

There is also general mistrust between media and CSOs, although there are ongoing forums to clarify areas of misunderstanding and to strengthen their engagement and collaboration.

## Scores:

### Individual scores:



### Average score:

**3.0 (2012 = 3.6; 2009 = 3.5; 2007 = 3.8  
2005 = 4.4)**

## 1.11 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

Although there are efforts at consultation between the state and media stakeholders and other interest groups, these are considered cosmetic and ineffective in evolving laws through consensus.

Stakeholders feel their views and petitions on various laws are either not taken seriously or ignored altogether, making the relationship largely antagonistic. The challenge to the two media laws – i.e. the Media Act and KICA Act, both of 2013 – is viewed within this context.

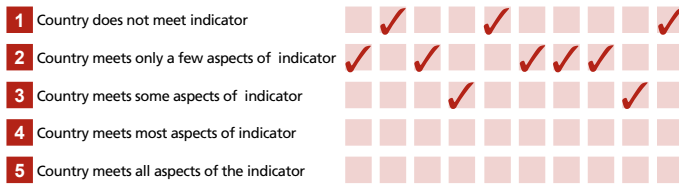


The executive and the National Assembly are often seen as “pushing through” unpopular laws in an effort to gag the media. The Media Council of Kenya is also viewed as generally weak and unable to effectively enforce its regulations and discharge its mandate.

Media advocacy bodies are also generally weak, are viewed as reactive, and they often fail to sustain meaningful engagement in the policy and legal dialogue processes.

## Scores:

### Individual scores:



**Average score:** 1.9 (2012 = 3.1; 2009 = 2.7; 2007 = n/a  
2005 = n/a)

**Average score for sector 1:** 2.8

# SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.

## The media landscape, including new media, is characterised by diversity, independence and sustainability.

### 2.1 A wide range of sources of information (print, broadcasting, internet, mobile phones) is accessible and affordable to citizens.

The media landscape has expanded rapidly. It is generally agreed that there is a wide range of sources of information available to the citizens.

At the time of this report (April-May 2016), there were four main daily newspapers with national reach, 147 radio stations and 67 television stations (Source: Communications Authority of Kenya, Media Council of Kenya). There were also 15,000 blogs, of which approximately were 3,000 active (Bloggers Association of Kenya -BAKE).

However, affordability remains a challenge for many citizens. Newspapers are expensive and remain unaffordable to most people, especially in the rural areas.

The distribution infrastructure is also poor outside the major towns, and in far-flung counties such as Turkana, Mandera and Marsabit, newspapers may arrive several days later and cost 10 shillings more than the set retail price of Ksh.60 and Ksh.70 for the weekend papers. This is much more than a 400gms loaf of bread which goes for around Ksh. 50. (marsabit weekday papers Ksh 70, weekend papers Ksh 80 – July 2015).

Access to television remains limited, although it has grown. The switchover from an analogue to a digital platform has made access more expensive, as users must buy set-top boxes from different suppliers based on channel preferences, and must pay a monthly fee to access the channels.

The average cost of a set top box is KShs 4,000 (approximately USD 40) and the monthly access fee is KShs 1,000 (USD 10) on average. This is unaffordable for most rural communities. The most affordable TV sets cost between KShs 5,000-15,000 (USD 50-150). Mainstream media houses owning both print and electronic outlets seem to lay large emphasis on their bottom-line at the expense of disseminating information to citizens. In fact, to these media houses, news and information are simply retail items on their shelves.

Radio remains the most accessible media channel for most rural communities. Digital media is changing the dynamics of media access and consumption, and in the process, affecting traditional media.

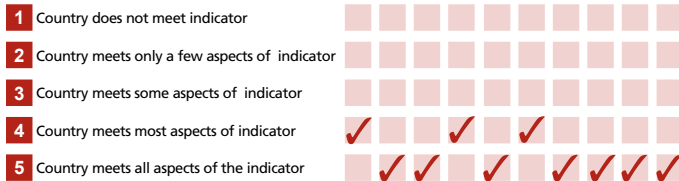


## 2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.

There is no restriction on access to domestic and international media under any law by the state, and media consumers are free to make their own choice of what to access and consume. The only limiting factor in this choice is the cost of access.

### Scores:

#### Individual scores:



**Average score:** 4.7 (2012 = 4.6; 2009 = 3.8; 2007 = 4.4  
2005 = 4.8)

## 2.3 The editorial independence of print media published by a public authority is protected adequately against undue political interference.

The country does not have a state/public print publication.

This was not scored

### Scores:

#### Individual scores:

Average score:

## 2.4 Transparency of ownership of media houses in print/broadcasting is guaranteed by law and enforced.

There is no law in the country that deals with the transparency of media ownership. The ownership patterns are generally known but the company registration details do not always reveal the real owners.

Since there is no access to information law, it is difficult to compel company registration authorities to reveal who the owners are.

Research conducted in 2012 by a US based media organization with offices in Nairobi, Internews, entitled: *Factuality True, Legally Untrue*, pointed out that most of the media outlets were owned by politicians and their associates.

While in fact it was known that the politicians owned the media outlets, it is difficult to establish this legally as the company registration regime tends to shield owners from scrutiny.

### Scores:

#### Individual scores:

<b>1</b> Country does not meet indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2</b> Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b> Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b> Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b> Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Average score:

1.4 (2012 = n/a; 2009 = n/a; 2007 = n/a  
2005 = n/a)

## 2.5 Adequate competition legislation/regulation seeks to prevent media concentration and monopolies.

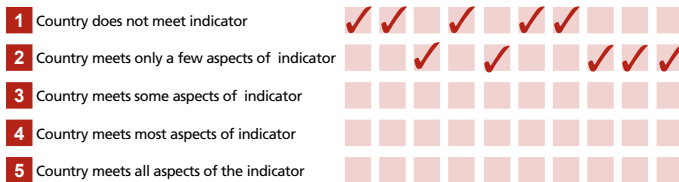
Kenya's media outlets are concentrated in the hands of a few people. This includes major media houses which are not prevented from owning multiple media platforms.

Nation Media Group, Royal Media Services, Standard Group, Mediamax and Radio Africa Group are considered the big four, taking more than 70 per cent of both media consumers and advertising. As a result, smaller media entities are struggling to survive.

The Competition Authority, which came into force through its Act in 2010, is generally viewed as weak, and cannot apply competition laws and regulations retroactively to remedy the situation.

### Scores:

#### Individual scores:



#### Average score:

1.5 (2012 = 1.5; 2009 = 1.5; 2007 = 2.3  
2005 = 1.5)

## 2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

The government largely deals with licencing, frequency distribution and registration of media outlets. There is no policy or law that deliberately deals with the promotion of media diversity and sustainability.

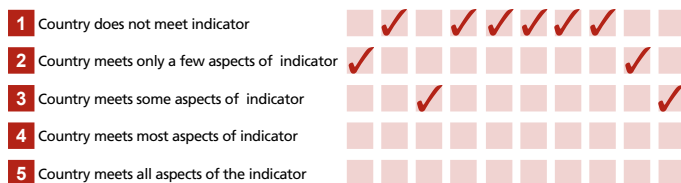
Diversity is allowed, in accordance with the law, but the purpose is not to enhance economic sustainability and independence of the media. Quite on the contrary, the government often flexes its muscles with media outlets through advertising and licensing processes.

Increasingly, bigger private media have been taking over and smaller media outlets have been bought out, thereby promoting concentration of the media in a few hands, with little or no restraint.

The government has set up a centralized advertising agency. However, it has no special considerations for smaller media outlets and provide no guarantees for access to advertising spend.

### Scores:

#### Individual scores:



#### Average score:

1.6 (2012 = 3.2; 2009 = 1.5; 2007 = n/a  
2005 = n/a)

## 2.7 All media fairly represent the voices of both women and men.

Kenya has many media outlets, some of which are now owned by women. But coverage of women's issues remains negative and stereotypical, portraying them as victims and weak.





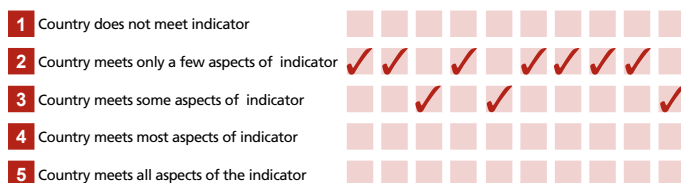
With respect to religious diversity: there are now many religious media, including print, radio, TV and online platforms, which offer the space for different voices to be heard on topics related to religion.

For the most part, the media focus primarily on (re)presenting political and commercial interests, and tend to ignore social and cultural issues.

Media impartiality and objectivity has generally declined over the last three years.

## Scores:

### Individual scores:



### Average score:

2.3 (2012 = 2.4; 2009 = 2.2; 2007 = n/a  
2005 = n/a)

## 2.9 Media cover the full spectrum of economic, cultural, political, social, national and local perspectives and conduct investigative stories.

Most media outlets in Kenya tend to focus on politics for their main stories. There are economic, social and cultural stories but these are not given as much prominence as politics.

There is not much diverse local content, although some of the mainstream media outlets have begun devoting special pages to cover the regions, especially the devolved units of government. In this regard, they focus on their mandates and roles in the provision of services. Stories from the regions, however, are given less prominence.

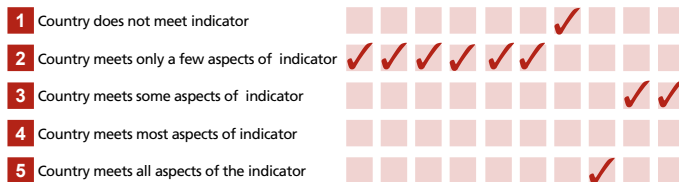
Some of the country's rural areas only feature in the media if there are dramatic or negative events, such as cattle rustling, floods, communal conflicts and violence. Local human interest stories are rarely the focus.



Social media platforms such as *Maskani ya Taifa*, among others, are now setting the agenda.

## Scores:

### Individual scores:



### Average score:

2.4 (2012 = n/a; 2009 = n/a; 2007 = n/a  
2005 = n/a)

## 2.11 The country has a coherent ICT policy and/or the government implements promotional measures, which aim to meet the information needs of all citizens, including marginalised communities.

Kenya has an ICT policy, but it cannot be described as “coherent”.

Political and economic interests have slowed down progress in growing the ICT sector. Many rural areas remain unreached by the fibre optic cable the government has rolled out, making it difficult for many Kenyans to access faster, more affordable internet.

There were serious contestations between the government and some media players over digital migration for most of 2014-15, which brought acrimony and confusion to the sector. The big media houses (Citizen, Nation and Standard) wanted the digital migration process halted as the government had put a cut off date within which to migrate. They also wanted the sector Regulator the then Communications Commission of Kenya (now the communications Authority of Kenya) compelled by the court to issue them with a signal distribution licence. But they lost and in retaliation, they switched off their signals cutting off their viewers including those who had purchased the digital set top boxes.

When the digital migration finally happened, it disadvantaged many communities as it made access to TV viewing very expensive. The introduction of digital television means that consumers must pay for one or more set-top boxes to access different free to air television channels and more for pay television.

There have been on-going consultations to consider proposed laws on data protection and cyber-crime, among others, but the process has been slow.

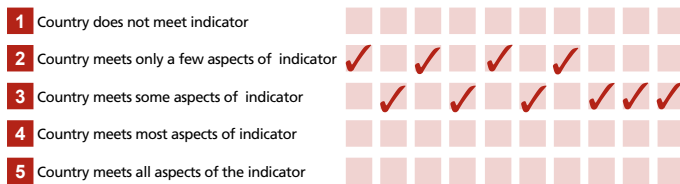
Government interventions aimed at dealing with terror threats and other related security surveillance activities undermine citizens’ privacy as they are not conducted under any recognized law.

Infrastructure for telephone and television services remains poor or non-existent in many historically marginalized regions. “There does not appear to be much willingness by the government and the private sector to invest in those regions.”

Government portals are not updated and do not offer adequate information to the citizens.

## Scores:

### Individual scores:



**Average score:** 2.6 (2012 = 4.5; 2009 = 3.5; 2007 = n/a; 2005 = n/a)

## 2.12 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

The national government has increasingly been using its advertising power to influence media content. The government is the biggest advertiser, and the 47 county governments also have advertising / public service announcement budgets.

There is intense competition for government advertising by the different media outlets. This often results in editorial content being compromised in order to secure the adverts.

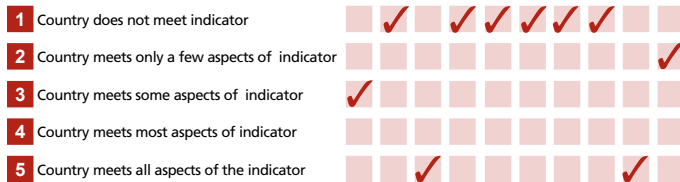
The National Government has created a centralized agency to handle all ministry and departmental advertising. The media have complained of delays in receiving payment for advertisement messages from the government, with the agency being accused of “too much bureaucracy”.

“Consolidating advertising in one department is likely to intimidate media into toeing the government line.”

County governments have also begun to exert their power on the media, and even discriminate against those that carry “critical stories or negative reports”.

## Scores:

### Individual scores:



### Average score:

2.1 (2012 = 2.1; 2009 = 2.5; 2007 = 1.5  
2005 = 1.7)

## 2.13 The advertising market is large enough to support a diversity of media outlets.

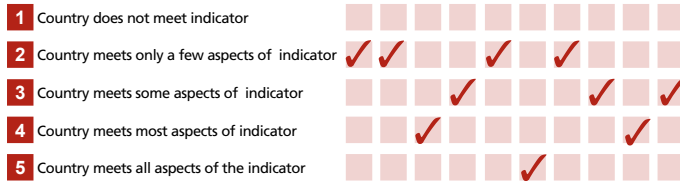
The advertising pie is reasonably big, and has grown from about KShs 50 billion (USD 500 million) annually about four years ago, to approximately KShs 80 billion (USD 800 m) now, both from the government and the private sector.

“Advertising revenue is large enough but the mechanics of distribution is controlled by government and cartels.”

New entrants into the media industry struggle to get advertising, both from the government and the private sector, as the space is currently dominated by the big players.

## Scores:

### Individual scores:



**Average score:** 3.0 (2012 = 3.9; 2009 = 3.3; 2007 = 2.8  
2005 = 4.6)

**Average score for sector 2:** 2.4

# SECTOR 3:

**Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.**





### 3.2 Broadcasting is regulated by an independent body that is adequately protected by law against interference and whose board is not dominated by any particular political party and is appointed – in an open way – involving civil society and not dominated by any particular political party.

The body charged with regulating broadcasting is the Communications Authority of Kenya (CAK), formed under the KICA Act of 2013. Panellists questioned the body's independence, noting that it is appointed by the Minister of ICT and Communications, and its chair is appointed by the President.

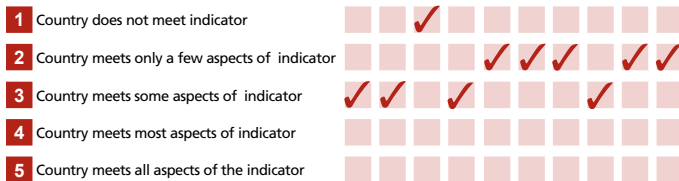
Civil society and other non-state actors have no role in the appointment of the board.

"The CAK is not independent and is heavily government dominated so it cannot be insulated from domination or interference by the state or the ruling political party."

The constitutionality of the law has been the subject of a court case since 2014 and the appointment of the board has been mired in controversy and legal battles for the better part of 2015 and the first quarter of 2016.

#### Scores:

##### Individual scores:



##### Average score:

2.3 (2012 = 1.7; 2009 = 1.8; 2007 = n/a  
2005 = n/a)

### 3.3 The body, which regulates broadcasting services and licenses, does so in the public interest and ensures fairness and a diversity of views broadly representing society at large.

The broadcasting regulatory regime has been less than transparent over the years, and despite the passage of the new constitution with provisions for transparency and fairness, the process has not changed significantly.

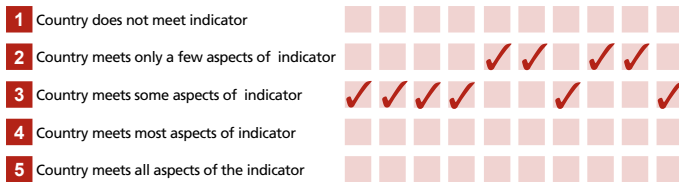
“The information about licencing and frequency allocation process is not in the public domain so there is no fairness in offering services.”

Powerful political and commercial cartels are believed to control the distribution of frequencies and to hoard them. While the environment is slowly changing and more players are entering the media landscape for both radio and TV, most frequencies are still held by a few players who wield clout.

CAK has proposed that county governments be issued with radio and television frequencies. If this happens, there will be an increase of government controlled radio broadcast in all the 47 counties, in addition to the national broadcaster Kenya Broadcasting Corporation, KBC. CAK is currently in the process of reviewing broadcasting policies and proposes a review of the law to ensure that newly created county government media are aligned to regulatory frameworks for public broadcasting. This process has, however, been fairly politicised.

#### Scores:

##### Individual scores:



##### Average score:

**2.6 (2012 = 1.5; 2009 = 2.1; 2007 = 1.6  
2005 = 1.7)**

### 3.4 The state/public broadcaster is accountable to the public through an independent board which is representative of society at large and selected in an independent, open and transparent manner.

The KBC Act gives the government complete authority in the appointment of the board, with no room for an open public participatory approach. The Board Chairman is appointed by the President, and the Cabinet Secretary/Minister in charge of ICT has a big say in the appointment of the rest of the board members and their role. The appointment process is largely political and not necessarily on the basis of skills and competence of those appointed to the board.

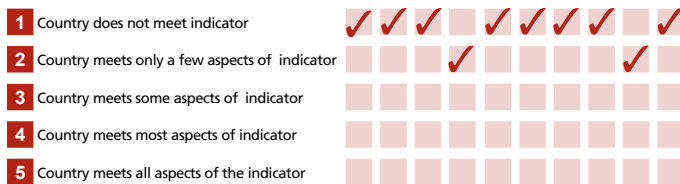
As such, the board is not independent.

There have been various attempts to review the KBC Act to make it a “public broadcaster”, in line with the provisions of the constitution, as well as to reduce government control in the appointment of the board. These attempts have not been successful.

There is no structure in place to guide the appointment of state/public broadcasters at county government level.

#### Scores:

##### Individual scores:



##### Average score:

1.2 (2012 = 1.6; 2009 = 1.5; 2007 = 1.0  
2005 = 1.0)



### 3.6 The state/public broadcaster is adequately funded in a manner that protects it from political interference through its budget and from commercial pressure.

KBC is funded through government grants, dividends from its stake in Multichoice Kenya, and from advertising. The Auditor General's report of 2015 pointed out that the broadcaster received KSh 480 million (USD 4.8 million) from their 40% ownership of Multichoice Kenya and KSh1.084 billion (USD10.84 million) grant from the government.

However, this is insufficient, and the broadcaster is currently in huge debt estimated at billions of Kenya shillings, and suffers from both political and commercial pressure leading to editorial interference.

Due to the political appointment of its board, the station suffers from management gaps as most of the board and senior staff lack the requisite skills to manage the media station. There have been mismanagement claims, which have also affected the financial situation of the station.

#### Scores:

##### Individual scores:

1	Country does not meet indicator	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	Country meets only a few aspects of indicator			✓																
3	Country meets some aspects of indicator																			
4	Country meets most aspects of indicator																			
5	Country meets all aspects of the indicator																			

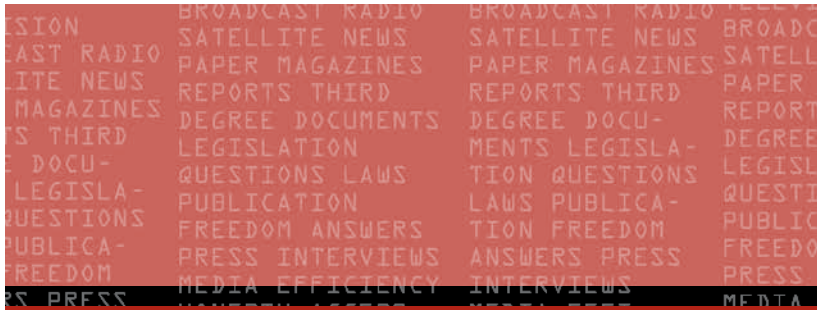
##### Average score:

1.1 (2012 = 1.9; 2009 = 1.1; 2007 = n/a  
2005 = n/a)

### 3.7 The state/public broadcaster offers diverse programming formats for all interests including local content and quality public interest programmes.

The state broadcaster is limited in its coverage of sensitive political topics, and steers away from serious investigative reporting that touches on corruption and governance.





# SECTOR 4:

**The media practise high levels of professional standards.**





## The media practise high levels of professional standards.

### 4.1 The standard of reporting follows the basic principles of accuracy and fairness.

Panellists noted that the standard and quality of reporting has declined in recent years, leading to serious questions regarding accuracy and fairness.

Journalists and media houses are inclined to casual reporting of news with little depth, spiced up with drama. Many journalists lack interviewing skills and routinely misreport, or report with little regard for accuracy and fairness.

Most media houses – print, television and radio – report the same type of news daily with little or no variety. Sometimes, the news is stale and repeated.

There have been increased cases of misreporting or misrepresentation of facts in some of the media channels, leading to increased libel cases. Some of the journalists and media houses show open bias and partisanship based on ethnic or political leanings.

Most journalists are young, inexperienced and lack a sense of history. Alongside this, is a lack of mentorship within the media industry.

“There is an increasing tendency to retire old experienced journalists in favour of young inexperienced ones who are considered more affordable to hire.”

In the print media, there are attempts at fair coverage and some of the columns are in-depth and informative. However, news stories are poorly packaged and lack background research. Media houses are reported to be unwilling to invest in training for their journalists, including on investigative reporting.

Online media platforms – including those of the more established media – also have many inaccuracies, often carrying sensational news to drive traffic and attract advertisement.

Most media platforms lack fairness, balance and diversity, with political reporting being narrowed to two dominant opinions characterised by accusations and counter accusations between the ruling party – Jubilee - and the opposition - Cord - Coalitions.

Most news stories focus on national politics and politicians, and there is little coverage of the regions or counties. Although the four main newspapers, and even the TV and radio stations, have segments devoted to the counties, the news is not well-researched.

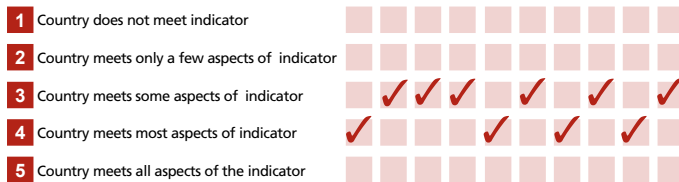
Increasingly, there are news reports that clearly violate the code of ethics, such as the privacy rights of news subjects, including children.

There is increasing promotional and advertising content which is often undeclared and passed on to media consumers as news.

“The traditional divide between advertising and editorial departments and the necessary balance has virtually collapsed, exposing the editorial content to manipulation and reduction.”

## Scores:

### Individual scores:



**Average score:**

**2.4 (2012 = 2.7; 2009 = 2.6; 2007 = 3.1  
2005 = 3.4)**

## 4.2 The media follow voluntary codes of professional standards, which are enforced by independent/non-statutory bodies that deal with complaints from the public.

The Media has an industry-developed Code of Conduct for journalists, which is part of the Media Act of 2007 (with amendments in 2013). This is the basic guideline for media practitioners.

Some media houses have also developed in-house policies for their staff, but it is not clear if these are updated to be in accord with the changing environment and demands of the profession.

The Code of Ethics is enforced by the Media Council through its quasi-judicial Complaints Commission. Complaints are received from both individuals and institutions and are processed through the Commission, mostly through mediation and conciliation, to avoid the lengthy and costly formal judicial processes. However, the enforcement mechanism is viewed as weak. Even within the industry, some

media houses and journalists routinely ignore its rulings or challenge them in the formal courts. This has severely undermined the Council.

Furthermore, over the past two years, the credibility and authority of the Council has suffered due to the protracted court cases challenging the constitutionality of the Media Act and the KICA Act, both of 2013.

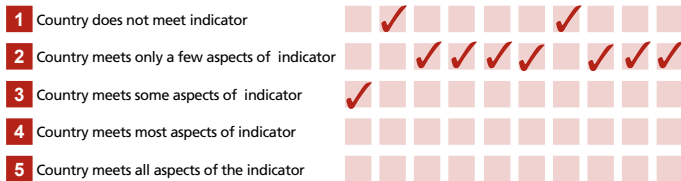
At the time of compiling this report, the Media Council did not have a Board and the Complaints Commission had no members as their terms expired at different times during the last two years. These boards cannot be reconstituted until the court case is dealt with conclusively. As a consequence, certain critical decisions cannot be made, leaving the Council in near paralysis.

Media stakeholders believe that the two laws currently in court have provisions that undermine the principles of independence and self-regulation. The contention is that the two laws violate Article 34 of the constitution, which provides for an independent body to regulate the media, which should be free from state, political and commercial interference.

The two laws allow the government to constitute panels to interview and appoint the board members and Complaints Commissioners. The Appeals and Multi Media Tribunal envisaged in the KICA Act - to be part of the Communications Authority of Kenya - will be dominated by permanent secretaries of powerful ministries, bringing in a heavy representation of the government.

## Scores:

### Individual scores:



### Average score:

**1.9 (2012 = 3.5; 2009 = 2.6; 2007 = 3.7  
2005 = 3.3)**

### 4.3 Salary levels and general working conditions, including safety, for journalists and other media practitioners are adequate.

The media industry has no common remuneration policies or salary guidelines. Different media outlets pay their journalists at different levels and often poach staff from one another by offering higher salaries and benefits.

Remuneration levels and benefits have improved significantly for permanently employed journalists thanks to a collective bargaining agreement signed between the Kenya Union of Journalists and media houses such as *The Nation*, *Standard*, *The People* and *Royal Media Houses*. Average entry level salaries for trainee journalists at these media houses range between KShs 50,000 - 60,000 (USD 500 - 600) with senior managers earning about KShs 300,000 (USD 3,000). The highest paid editorial managers earn from KShs 500,000 - 1,000,00 (USD 5,000 -10,000) per month.

However, journalists engaged on casual or temporary terms as correspondents or freelancers – often without contracts – earn much less: between KShs 10,000 -20,000 (USD 100- 200) per month.

Many correspondents and freelancers are paid per story published and earn much less. In some media houses, especially emerging radio stations, some journalists go without pay for months. Further, they have no insurance and health cover even though many of them work in risky and conflict-prone environments.

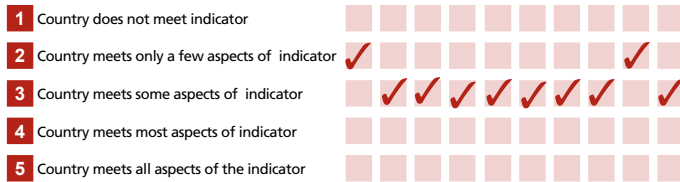
Due to its funding constraints, KBC does not pay its staff competitive salaries, and statutory deductions are rarely remitted on time, leading to low staff morale. About three years ago the workforce went on strike over working conditions, which have still not been addressed satisfactorily.

There is a lack of willingness within media houses to address the issue of poor salaries of correspondents and journalists on temporary terms, as well as the security and safety of journalists. This undermines media freedom as it may lead to the manipulation of journalists by news sources.

There are journalists who have been attacked, intimidated or harassed with little effort being made to address their plight by their media houses. Also, there are a number of journalists at various levels who have been sacked unfairly and some have reported intimidation within the news rooms.

## Scores:

### Individual scores:



### Average score:

**2.8 (2012 = 1.5; 2009 = 1.7; 2007 = n/a  
2005 = n/a)**

## 4.4 Journalists and other media practitioners are organised in trade unions and/or professional associations, which effectively represent their interests.

Several media associations – including Kenya Correspondents Association (KCA), Kenya Editors Guild (KEG) and Association of Media Women in Kenya (AMWIK) - as well as a journalists union, the Kenya Union of Journalists (KUJ), exist.

KUJ has a mandate to represent workers in labour issues and has been trying to discharge its mandate amid challenges. The Union faced challenges in the past and has been rebranding itself, with membership growing from a mere 47 four years ago to over 1,000 by April 2016. The union successfully negotiated a pay raise for its members within Nation Media Group, BBC, Standard Media Group and Mediamax through collective bargaining agreements.

KCA also advocates for the rights of journalists, including favourable working conditions and safety and security, by engaging media houses and other stakeholders. The Association offers professional development to its members through training and skills development programmes.

KEG represents the interests of the editors in the mainstream media through engagement with industry stakeholders and government; while AMWIK is involved in advocacy for gender rights and equality within the media sector and offers training to women journalists.

Some of these organizations are institutionally weak, undermining their capacity to effectively organize and advocate for the rights of journalists. They complain that journalists have been reluctant to join them, although their membership would add to solidarity in and the clout of the media industry, and would enhance their power to negotiate with the employers and generally improve their welfare.

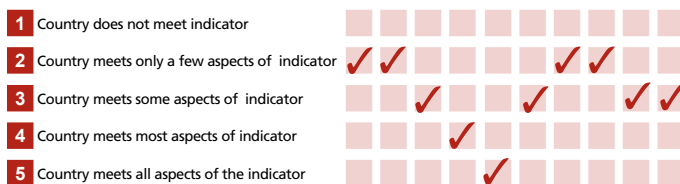
Most journalists operate outside these bodies, but still expect representation and intervention when they encounter problems or danger.

“Journalists do not appreciate the need to organize and show apathy when it comes to membership unless they are in problems.”

Despite these challenges, however, media organisations and unions have made some impressive gains, especially in engaging with the government and other media stakeholders on media laws and on the professional development of their members.

## Scores:

### Individual scores:



### Average score:

**2.9 (2012 = 4.1; 2009 = 2.5; 2007 = 2.6  
2005 = 4.7)**

## 4.5 Journalists and media houses have integrity and are not corrupt.

Intense debate continues on the issues of integrity and corruption in Kenya's media. The Media Council, journalists' advocacy groups and media houses have held forums and training sessions on ethical conduct, but there has been little improvement.

Some media houses – notably the Nation Media Group, the Radio Africa Group, Royal Media Services and The Standard Group – have internal policies on integrity, while the Media Council of Kenya handles the broader mandate of enforcing ethical standards.

“There is rampant corruption in the media. You can't address a press conference without parting with some money and in some cases, there is plain extortion.”

Journalists out on field work make demands on politicians and other news sources for a variety of things, including “transport or facilitation”. This has forced many

organizations to incorporate a “media coverage budget” in their work in order to get media coverage.

“A press conference may cost up to KES 40,000 (USD 400) or more, making the media very expensive and this extends to demands for payment from those invited as panellists on talk shows.”

Members of Parliament have reported being victims of extortion from both field journalists/correspondents and editors in newsrooms.

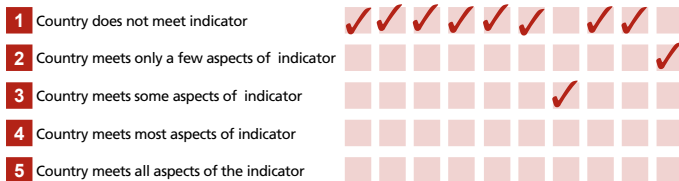
“Corruption in the media is a culture, and cannot be blamed on poor pay alone as even well-paid editors partake in it.”

Some of the major media outlets have policies on transport and other forms of ‘facilitation’ for their journalists, but this is done for those in Nairobi and a few based at the bureaus in the regions. The rest are on their own and often hike rides from politicians and other news sources.

Some news sources and organizations have also begun to promote the culture of corruption by proactively giving out money to journalists at press conferences and meetings.

## Scores:

### Individual scores:



### Average score:

1.3 (2012 = 1.3; 2009 = 2.0; 2007 = n/a  
2005 = n/a)

## 4.6 Journalists and editors do not practise self-censorship in in the private broadcasting and print media.

Kenyan media is generally viewed as robust and critical, but in recent times, there have been noticeable challenges on the media landscape, which point to increasing self-censorship in newsrooms and the field, both by journalists and editors.

“Censorship is rife in the newsrooms and this is brought about by commercial and political interests.” Big corporate companies with huge advertising budgets are known to put pressure on media houses.

The violence following the 2013 General Election and the subsequent cases at the International Criminal Court (ICC), have made many journalists cautious in reporting events.

“Journalists had to toe the line on reporting with messages on the need to maintain peace, accept the poll results and move on”.

A veteran journalist and founder of the *Weekly Mirror* based in Eldoret, John Kituyi, was killed on April 30, 2015 over stories linked to the International Criminal Court (ICC) cases in which Kenya’s President and Vice President had been charged with crimes against humanity as a result of the disputed Presidential election of 2007 and the violent repercussions in 2008. It is believed that his killing has instilled fear in journalists both nationally and at the county level.

Government has made threats and attempts to introduce legislation to induce censorship on reporting terror and security related activities. For example, it threatened to prosecute some journalists over stories related to Al Shabaab attacks, both at home and in Somalia where Kenyan Defence Forces have been stationed since 2011.

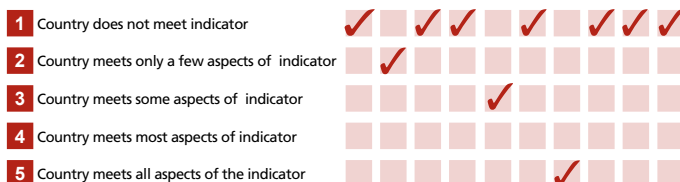
Pronouncements from senior government officials, which included summons on journalists to record statements to reveal their sources of information, have added to the trend of fear and contributed to self-censorship. The police’s handling of journalists covering security issues and conflict situations has, in general, been intimidating and meant to cow journalists to induce self-censorship.

On news and current affairs broadcast programmes, there are cases where intimidated editors/managers insist on knowing or determining panellists before talk shows.



## Scores:

### Individual scores:



### Average score:

**1.7 (2012 = 1.7; 2009 = 1.9; 2007 = 3.1  
2005 = 2.5)**

## 4.7 Media professionals have access to training facilities offering formal qualification programmes as well as opportunities to upgrade skills.

There are many reputable universities and colleges offering Journalism and Mass Communications courses.

These include the University of Nairobi, Kenyatta University, Multi-Media University, Maseno University, Daystar University, Kenya Methodist University (KeMU) and a number of middle level colleges including the Kenya Institute of Mass Communications (KIMC).

Most of these have qualified lecturers, but their institutions lack the requisite equipment/facilities, especially for broadcasting. This is seen as compromising the quality of training. Students acquire very little in the way of practical skills, and in some cases, the media industry has become 'showbiz', with celebrities and comedians being employed to man radios stations to attract audiences.

There has been concern regarding the quality of training offered by some of the middle level colleges. The Media Council of Kenya has developed a curriculum and an inspection framework to address these concerns.

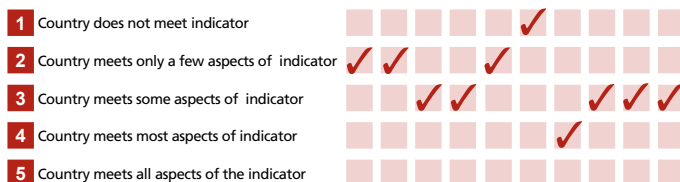
Media professionals have opportunities for further studies and skills upgrading, but this is rarely ever paid for by media houses. Instead, individual media practitioners have to fund themselves or seek funding from professional journalists associations, with support from civil society organizations and their partners.

A few media houses, including the Nation and the Standard, have set up internal training programmes for their staff. KBC has a training policy to offer in service courses for its staff.

A huge transition within the media sector has been noted, where older and more experienced journalists have been leaving the newsrooms and younger ones are being hired, without proper mentorship and investment by most media houses for staff development.

## Scores:

### Individual scores:



### Average score:

**2.6 (2012 = 2.5; 2009 = 2.5; 2007 = 2.8  
2005 = 4.4)**

## 4.8 Equal opportunities regardless of race or ethnicity, social group, gender/sex, religion, disabilities and age are promoted in media houses.

The media sector has not done very well in creating equal opportunities and including various sectors of the society. Huge gaps remain in the inclusion of women in senior positions, as well as in creating gender equality friendly policies and work environments to promote women. As a result, there are few women in senior editorial positions in Kenya's media houses.

Some efforts and improvements have been made, but progress has been slow and is not backed by progressive and affirmative policies. The same can be said with regard to people with disabilities.

Increasingly, there is more integration of people with diverse religious and racial backgrounds in the media. Younger people are being employed in the media industry. In the process, however, this is edging out older and more experienced journalists.

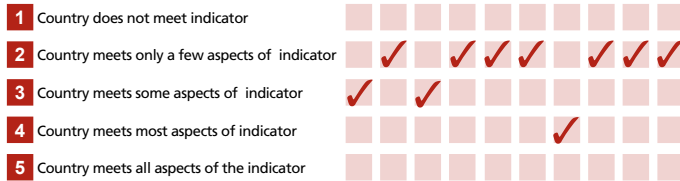
“Some older journalists have experienced discrimination within the newsrooms, especially on TV and editorial positions with an increasing preference for younger faces.”

While some senior journalists have been reluctant to take up courses to upgrade their skills, there is a general lack of mentorship programs to manage the growing transition between older and younger journalists.

“The media sector is actually violating the constitution on gender mainstreaming, affirmative action and minorities”.

## Scores:

### Individual scores:



**Average score:** 2.4 (2012 = 3.6; 2009 = 2.2; 2007 = n/a; 2005 = n/a)

**Average score for sector 4:** 2.3

# The way forward

## 1. What were the developments in the media environment in the last three/four years?

A number of developments have been witnessed in the media sector over the recent past.

### Positive

- There has been an increase in the number of media outlets, with print media witnessing the start of more regional publications outside the capital, the number of radio stations growing to 147 across the country, and TV stations growing to 67 by April 2016.
- Kenya has successfully migrated from analogue to digital, thereby helping in the setup of many TV stations and provided added variety to media consumers.
- There has been an increase in citizen engagement on accountability through radio and TV talk shows.
- Devolution has changed the media landscape in the counties, resulting in more regional reporting compared to the past.
- More experts' voices are now on the media, especially on TV and radio.
- There is increased partnership between local and international media: Nation TV, KBC, Kenya Television Network (KTN) – with VOA, BBC, CCTV. This has resulted in benefits such as training and skills transfer for local media personnel.
- Social media has grown and has great influence, driving the process of breaking news and improving citizens' engagement with leaders and the government.
- Journalist organizations such as KUJ, KCA, KEG and AMWIK, among others, have increased their organizational and advocacy capacity and are engaging more among themselves and with the government to influence policy and law making processes.

## Negative

- The change of government regime in 2013 has increasingly brought a new clampdown on the media.
- Increased commercialization of the media has undermined the media's role as a development and information tool.
- Security and terrorism concerns have affected the way media and journalists report, inducing more state interference and censorship within the media.
- There is greater political capture of the media and “propaganda news” than before. The media's reporting pattern appears to revolve around the two main political coalitions – Jubilee and Cord, leaving no space for other, more moderate voices or alternative opinions.
- The role of social media has sharply increased, but with concerns of increased online hate speech and political incitement. This has also affected the mainstream media as the traditional sources of news.
- The migration from analogue to digital platforms for TV has cut off many viewers as access is now more expensive.

## 2. What kinds of activities are needed over the next 3-4 years?

- There is need for more research and documentation of the activities and programs in the media sector, to create a credible and sustainable body of knowledge and information for use by the sector.
- More training for journalists, focussing on emerging issues aimed at improving journalists' skills. This should be done through a collaborative approach between the media/journalists organizations and CSOs.
- The media and CSOs should work together and harness their synergies to strengthen freedom of the media and freedom of expression; as well as to positively impact policy and legal reforms.
- Strengthen the institutional and advocacy capacity of the various journalist organizations to discharge their role more effectively;
- Journalist groups – KUJ, KCA, AMWIK, KEG, among others – need to engage and create direct linkages with citizens as part of efforts

to educate them on the role of the media, which is currently not well understood.

- There is need to scale up reporting on the counties to get citizens to push for accountability to detoxify national discourse and reduce focus on national politics.

### **Role of stakeholder groups in implementing these recommendations:**

- Training/capacity building of journalists: This should be done through a partnership between CSOs and media organizations.
- CSOs and media organizations should partner/collaborate in influencing policy and legislative reforms; this should include capacity building to the journalists groups in advocacy on policy and legislative reforms. It is proposed that the Kenya Section of the International Commission of Journalists (ICJ-K) lead this process.
- There is need to strengthen internal dialogue, consultation and networking among media sector players to improve research and advocacy for media and freedom of expression. It is proposed that the Media Policy Research Center (MPRC) lead the process.
- fesmedia Africa (head office) and Article 19 are proposed to lead the campaign on access to information and media freedom, while FES Nairobi Office should lead in political, climate change and labour related programs.

*The panel discussion took place at lake Elementaita, Kenya on 15-17 April 2016.*

## **Panellists:**

### **Media:**

1. Rose Lukalo – Media Policy Researcher
2. Shitemi Khamadi – Blogger, Journalist
3. Mercy Odada – Journalist
4. Toepista Nabusoba – Journalist
5. Christine Nguku – Media Practitioner, former media owner
6. Eric Oduor – Editor

### **Civil Society:**

1. Mirriam Bomett – Legal Practitioner
2. Edwin Kiama – Human Rights Defender/Organizer
3. Rev. Anthony Jami – Religious Leader
4. Dr. Friedrich Oluga – Trade Union Activist

**Rapporteur:**

William Oloo

**Moderator:**

Grace Githaiga







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