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AFRICAN MEDIA BAROMETER

The first home grown analysis of the
 media landscape in Africa



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*“This report is dedicated Noel Okoth,
who has been an important part of the African Media Barometer
in Kenya since its inception in 2005. His life was suddenly
cut short on February 28, 2010. We will greatly miss his
hearty laughter, invaluable stock of knowledge and friendship. We
shall endeavor to keep his memory alive.”*

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The media practise high levels of professional standards.

The African Media Barometer (AMB)

The Friedrich-Ebert-Stiftung's African Media Project (fesmedia Africa) took the initiative together with the Media Institute of Southern Africa (MISA) to start the African Media Barometer (AMB) in April 2005, a self assessment exercise done by Africans themselves according to homegrown criteria. The project is the first in-depth and comprehensive description and measurement system for national media environments on the African continent.

The benchmarks are to a large extent taken from the African Commission for Human and Peoples' Rights (ACHPR)¹ "Declaration of Principles on Freedom of Expression in Africa", adopted in 2002. This declaration was largely inspired by the groundbreaking "Windhoek Declaration on Promoting an Independent and Pluralistic African Press" (1991) and the "African Charter on Broadcasting" (2001).

By the end of 2008, 23 sub-Saharan countries have been covered by the AMB. In 2007 those countries which started the exercise in 2005, were revisited providing for the first time comparable data to measure developments in a country over a two to three-year period.






For 2009 the indicators were reviewed, amended and some new indicators such as those addressing Information Communication Technology (ICT) were added.²

Methodology: A panel of experts is formed in each country, including representatives of media and civil society at large in equal numbers. They are serving as panel members in their personal capacities, not as representatives of their respective organisations. The panel consists of ten to twelve members. They will meet in regular time intervals for two days retreats to go in a self-assessment process through the indicators in a qualitative discussion and determine (quantitative) scores for each indicator. The meetings will be chaired by an independent consultant to ensure comparable results. The resulting reports are made public.

Scoring system: Panel members are asked to allocate their individual scores to the respective indicators after the qualitative discussion in an anonymous vote according to the following scale:

1 The ACHPR is the authoritative organ of the African Union (AU) mandated to interpret the African Charter on Human and Peoples' Rights

2 Consequently, the comparison of some indicators of the 2005 and 2007 report is not applicable (n/a) in some instances in which the indicator is new or has been amended considerably.

- 1** Country does not meet indicator 
- 2** Country minimally meets aspects of the indicator. 
- 3** Country meets many aspects of indicator but progress may be too recent to judge. 
- 4** Country meets most aspects of indicator. 
- 5** Country meets all aspects of the indicator and has been doing so over time. 

Scores for each sector are determined as follows: Members of the panel will, after a qualitative group discussion, attach their individual point-score (1 – 5) to each sub-indicator of a sector. The sum of all individual scores will be divided by the number of panel members. The result will then be considered the final score for the sub-indicator.

This qualitative report, including the scores, serves the purpose of measuring over time (based on regular repetitions of the panel meetings) the progress or otherwise developments in the media landscape.

Rolf Paasch
Head of fesmedia Africa
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AFRICAN MEDIA BAROMETER KENYA 2009

Executive Summary

The Kenya Constitution under Section 79(1) provides for the freedom of expression which includes the right to receive and communicate ideas and information without interference. However, the same section 79 (2) of the Constitution provides for exceptions where the freedom may not be applied and states inter alia, the defense of public security, public safety, public order, public morality or health. These provisos are stated without definition or interpretation.

There is no firm recognition of the media in the Constitution but in practice it does exist. The “media freedom invariably thrives on the vagaries of political developments and shifting political interests” as one of the panelists suggested.

Freedom of expression is largely practiced by individual journalists and citizens with the former voicing the latter’s concerns. However, as Kenya is emerging from years of autocracy, there is “a degree of recklessness” in sections of media practice. This is evidenced by complaints forwarded to the Media Council of Kenya, the cases before the courts and the citizens’ discussions in the mass media.

Entry into the practice of journalism is not legally restricted. However, the Media Act (2007) specifically defines a “Journalist” and makes provisions for accreditation of journalists. The Act in the preliminary part (1) gives wide definition that can hardly be said to be restrictive.

Where public information is concerned, this is restricted by the structure and procedures in the public service, where a Permanent Secretary in a ministry is the only spokesman of the ministry, and yet s/he may not be accessible, and is at liberty as to what information can be provided. The office of the Official Government Spokesman was established in 2003, “to effectively facilitate communication between the Government, its citizens and global audiences”. However, from observations of its performance, it has turned out to be a public relations machinery. Restriction of public information is further reinforced by the culture of secrecy in the public service, based on the Official Secrets Act (Chapter 187). The Act places a responsibility of non-disclosure of information on all government officials and any other person who may come across such information. Civil servants are required to take an oath of secrecy under the Act.

Civil society and lobby groups are active in advancing media causes but there is no reciprocity on the part of the media. This is partly because of media self-censorship, cautiousness in the interests of media owners and other limitations. Engagement

between civil society, media lobby groups and the media is sporadic and issue-based. The intensity of engagement varies with issues to be advanced. However, media practitioners do not engage meaningfully in law making processes. They hardly even read media laws. At best, they only “cover” events discussing media law but do not participate in consultations. In this regard, they behave like “fire extinguishers” who rush to the “scene” of the issue when it has exploded in their own face. Examples are the street protests in early 2009 over the Communications Commission of Kenya Amendment Act, which by the time journalists took action, had already reached the final stage of presidential assent.

The last two years (2007–2009) have seen improvement in the level of consultations on media legislation. Apart from the Communications Commission of Kenya, the Permanent Secretary in the Ministry of Information and Public Communication has constantly involved stakeholders in consultations/discussions on media legislation.

Where information sources are concerned, there is a wide range of information sources accessible to citizens, as more print and broadcast outlets have come up. In the broadcast media there are around 80 radio stations plus some pirate radio outfits. Of the 372 radio frequencies allocated, 233 are being utilized. The entry of internet on the media scene has increased the range of information sources and accessibility.

Broadcasting legislation has been slow on reforms. It has now defined three tiers of broadcasting, namely public, private and community, and also differentiates the roles; identifies the license conditions and obligations of each category of broadcaster. The legislation designate Kenya Broadcasting Corporation as the Public Broadcaster established by an Act of Parliament CAP 221 of the Laws of Kenya, to undertake public services, and assume the government functions of producing and broadcasting programmes by sound or television. The KBC Act provides for balance and editorial independence. The 1997 Inter-parties Parliamentary Group (IPPG) reformed the law to provide for balance in the coverage of political parties. In practice editorial independence has not been visible.

After the Kenyan 2009 Media Barometer took place, the Ministry of Information and Communication enacted the Kenya Communications (Broadcasting) Regulations 2009 whose objectives include: protecting the rights of those who cannot protect themselves, as well as discouraging the incitement of the public as witnessed in post election violence, and are in tandem with political reforms. These Regulations have caused discontent among various stakeholders, with some calling for their revocation. The Media Owners Association (MOA) feel strongly that the restriction of a media house to one frequency in a region (not defined in the regulations), and quotas for local content should be withdrawn. MOA also says that the rule on cross media ownership is not in tandem with the global best practice and would stifle returns from present investments and discourage future

investments. The Editors' Guild have recognized the need for regulation in order to safeguard the profession and promote the inalienable rights of free expression, but feel betrayed by the Ministry for "not securing full consent and participation of the media industry stakeholders" in establishing a broadcast Advisory Council. The Guild is of the opinion that the government is seeking to exercise control of the media under the guise of regulating the media.

A positive development though is that the regulations in Article 13 (2) provide for the CCK, through the frequency plan, to ensure that an equitable number of frequencies or channels are reserved for community broadcasting.

The Statute Law (Miscellaneous Amendment) Act 2009 established the Broadcasting Content Advisory Council that will be responsible for the administration of the broadcasting content, and the mechanisms for handling complaints. The Act makes provisions for appointment of *inter alia*, two members by the Media Council of Kenya, one from the Law Society of Kenya and two nominated by CCK, one of whom shall be recommended by the inter-religious forum.

Broadcasting is regulated by what is supposed to be an independent body an outlook that represents diverse interests. However, the process of selection of membership is not open as it is left to the minister to decide. The relevant legislation does not spell out the qualifications e.g. gender, media expertise and ICT competency. Given the coalition government, the tendency has been appointments based on party and political expediency.

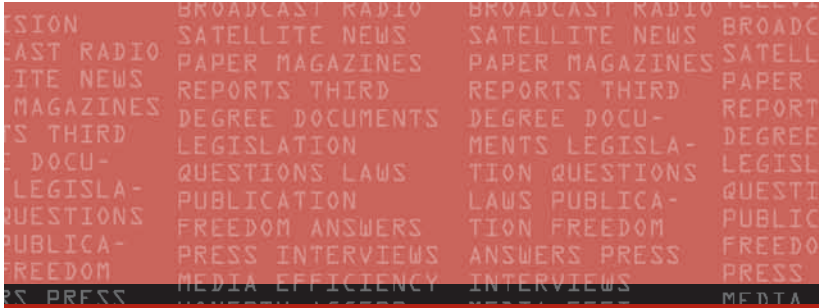
When it comes to standards or reporting, the principles of accuracy and fairness are not always adhered to. There is bias towards political coverage and little about the grassroots. There is bias in headlines giving hint to certain perception and images. Quality of reporting also depends on the editorial policy of the media house. In other words, fair and accurate reporting conforms to editorial interests of the media house. For example, there was a time a former Minister for Finance, Amos Kimunya, made a statement about the Stock Market not being a '*fish market or a potato market*'. But the media reported only on the bit about the stock market not being a 'fish market,' which was a deliberate slant and a case of lack of accuracy and fairness.

Women are not equally or adequately represented in the media although equal opportunity policies in terms of gender are in place in most media establishments. Indeed efforts are constantly being made towards this goal. However, biases are discernable in the prominence given to stories. The issue of sexual harassment has constantly come up in media houses, in stories and discussions.

In the last two years (2007-2009), the Kenyan media environment has witnessed positive developments. These include:

- Internet development that has allowed broadcasting stations to stream their content.
- Robust debates on the role of media in the 2007/2008 post-election violence.
- Skills/training in emerging areas e.g. conflict-sensitive reporting, and trauma counseling.
- State's recognition on the role of the alternative media.
- Media have filled in the position of official opposition in parliament.
- Increase in local content.





SECTOR 1:

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



Freedom of expression, including freedom of the media, are 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.

Analysis

The Kenya Constitution under Section 79(1) provides for the freedom of expression which includes the right to receive and communicate ideas and information without interference. It states: “Except with his own consent, no person shall be hindered in enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence”.

However, the same section 79 (2) of the constitution provides for exceptions where the freedom may not be applied and states *inter alia*, the defense, public security, public safety, public order, and public morality or health. These provisos are stated without definition or interpretation. In addition the freedom is restricted by other pieces of legislation such as Official Secrets Act (Chapter 187), which is concerned with concealing information in the possession of the government. In practice this Act closes the very window the Constitution opens. Other Acts include the Defamation Act (Chapter 36), the Penal Code (Chapter 63), and the Public Order Act (Chapter 57).

“media freedom invariably thrives on the vagaries of political developments”

While there is no firm recognition of the media in the Constitution, in practice there is recognition. The “media freedom invariably thrives on the vagaries of political developments” and shifting political interests. This in the past has led to the formation of the Press Law Task Force, the establishment of the Media Council of Kenya, and more recently, the efforts that culminated in the Freedom of Information draft Bill. Latest developments in this sector include the enactment of the Media Act (2007), the Kenya Communications Amendment Act 2008, and the ICT Policy 2006.

Future development towards constitutional guarantees of freedom of expression including freedom of the media should take cognizance of relevant regional and international benchmarks.

Scores:

Individual scores:

1	Country does not meet 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"/>	<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"/>
2	Country minimally meets aspects of the indicator.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4	Country meets most aspects of indicator.	<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"/>	<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"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<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"/>	<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:

2.8 (2005=1.8; 2007=2.2)

1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

Analysis

There is visible expanding freedom space, with less government controls. With the Coalition Government, ministerial directives and pronouncements are often contradictory and they are at times influenced by different party interests. This often leads to confusion in the media as to which is the proper official position on given issues. In this connection it should be noted that even the politicians “are now telling off their bosses,” including the President and the Prime Minister.

...even the politicians “are now telling off their bosses” ...

Freedom of expression is largely practiced by individual journalists and citizens with the former voicing the latter’s concerns. However, it is noted that both operate with fear.

While journalists attempt to practice freedom of expression, they are limited by professional hazards, official threats and media controllers’ interests that lead to self-censorship by the media house gatekeepers. Therefore, while media space is

expanding, there is media control not necessarily because of the law, but because of ownership and commercial interests³.

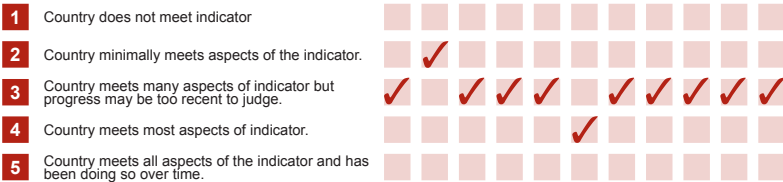
Kenyan citizens have been vocal on call-in shows on FM radio stations, and continue to express themselves freely on topical issues in the country. Television news programmes also provide a daily question where audiences are asked to text or vote or state their position(s). On this, citizens have been critical and have demonstrated a boldness that shows they are asserting their freedom of expression without fear.

...there is “a degree of recklessness” in sections of media practice.

It is noted that as Kenya is emerging from years of autocracy, there is “a degree of recklessness” in sections of media practice. This is evidenced by complaints forwarded to the Media Council of Kenya, and the cases before the courts and the citizens’ discussions in the mass media.

Scores:

Individual scores:



Average score: 3.0 (2005=3.0; 2007=3.7)

1.3 There are no laws restricting freedom of expression such as excessive official secret or libel acts, or laws that unreasonably interfere with the responsibilities of media.

Analysis

There are various laws that affect the media adversely, including the Official Secrets Act, the Law of Sedition which defines seditious acts as the intention to, among others, “bring into hatred or contempt or to excite disaffection amongst the inhabitants of Kenya”, the Defamation Act, and Section 77 of the Penal Code,

³ Sitting members of parliament have also acquired broadcast licenses and set up media outlets.

which prohibits acts exciting disaffection against any public officer. The Penal Code further provides for prohibition of publications by the ‘Minister’ without clearly stating the grounds and procedures for a ban.

Political reforms have hardly ameliorated the situation⁴. The Books and Newspaper Act (Chapter 111) was revised in the run-up to the 2002 general elections but it introduced harsher conditions for the registration of newspapers, including raising the security bond to be deposited from kshs. 10,000 to kshs. 1 million (US \$ 125 to 12,500) to be deposited with a bank, stipulating elaborate security and administrative processing and the bonding of vendors.

The biggest threat faced by journalists is libel suits. The Defamation Act remains rigid and leaves wide interpretation, for example, on “Public figure”, “injured reputation” and provides for limitless penalties. Thus hefty fines have been witnessed that are higher than the share capital of some of the affected media establishments. An example is that of Martha Karua Vs Mburu Muchoki of the *Independent* (alternative media) newspaper. In February 2007, Muchoki was jailed for criminal libel in a case that raised the question of the independence of the judiciary and the rule of law where the powerful are concerned. The Muchoki case set out a different precedent: It was a result of a private criminal prosecution filed by the then Justice and Constitutional Affairs minister Martha Karua in 2004⁵. It arose from an article published on the front page of the *Independent* on 28 June 2004 under a bold headline: “Karua’s Father in abortion scandal”. Initially the minister had filed for libel against Muchoki and company. She was awarded Ksh 25 million in damages in a case that was not defended. However, the matter went back to court when issues regarding service of papers and execution of the award were raised.

The mainstream newspapers ...usually attempt to “settle out of court”.

The mainstream newspapers particularly *The Nation* and *The Standard* usually attempt to “settle cases out of court”. The Media Council of Kenya has over 70 cases pending arbitration.

The libel and defamation laws are rooted in colonial history, where they were designed to suppress individuals and nationalist papers. According to the Defamation Act, the burden of proof is on the accused. In Britain the burden of proof is on the complainant.

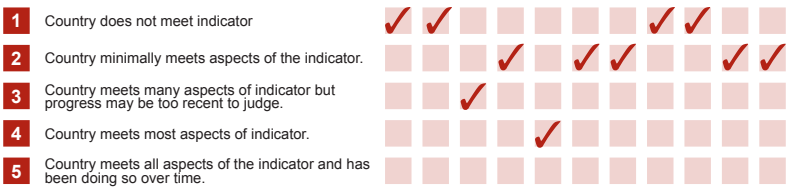
4 Africa Media Barometer, 2005 (indicator 1.1.)

5 “Independent editor’s case reeks of revenge” *Expression Today* April 2007.

The challenge is for journalists to be more professional and avoid mediocrity. For example, they make mistakes of captioning using colloquial language which is subject to varied interpretations. Journalists also need to be proactive in the ongoing sectoral reforms/regulations being spearheaded by the Communication Commission of Kenya (CCK), the Constitutional debate and the various relevant acts. They should engage lawyers through research and briefings for the necessary reforms.

Scores:

Individual scores:



Average score: 1.9 (2005=1.4; 2007=2.3)

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

Analysis

Kenya has ratified the relevant continental and regional legal instruments relating to freedom of expression and media. It has ratified the International Convention on Civil and Political Rights (ICCPR) 1972, from which the article 19 framework is drawn ⁶.

However, Kenya is still not bound by these legal instruments because it has a ‘dualistic legal system’— the international law and domestic law are treated as separate legal orders, existing independently of one another. As such regional and International instruments on freedom of expression are not automatically implemented. They may have been ratified but they have to be “domesticated” in the local legal regime and practice.

Regional and international instruments have largely been used by the civil society for reference and benchmarking the local practice.

6 Study by AfriMap on *Public Broadcasting in Kenya* (yet to be published).

Kenya is party to a number of international agreements including:

- UN Universal Declaration of Human Rights,
- International Conference on the Great Lakes Region, Protocol on Management of Information and Communication (2006), whose objectives include the promotion of freedom of opinion and expression; freedom of media to receive and impart information and ideas, foster the emergence of independent and responsible media by promoting media regulation and self regulation bodies etc.
- African (Banjul) Charter on Human and People's Rights (1981)
- Declaration of Principles on Freedom of Expression in Africa (2002)
- African Charter on Democracy, Elections and Governance (2007)
- Declaration on Information and Communication Technology (ICT) 2001.

Scores:

Individual scores:

1	Country does not meet indicator	✓	✓		✓	✓							✓	
2	Country minimally meets aspects of the indicator.			✓			✓	✓	✓	✓	✓	✓	✓	✓
3	Country meets many aspects of indicator but progress may be too recent to judge.													
4	Country meets most aspects of indicator.													
5	Country meets all aspects of the indicator and has been doing so over time.													

Average score:

1.5 (2005=n/a; 2007=n/a)

1.5 Print publications are not required to obtain permission to publish from state authorities.

Analysis

Print publications require permission to publish by way of registration. Under the **Books and Newspaper Act** (chapter 111), a publisher is supposed to sign a bond of Kshs. 1 million.

Part 111 No. 10 of the Act reads:

“No person shall print any newspaper in Kenya, and no person shall publish any newspaper printed in Kenya, unless there is in force, executed, registered and delivered by him to the Registrar as herein provided, a bond in the prescribed form in the sum of one million shillings, with one or more sureties as may be required and approved by the Registrar, as security for or towards

the payment of any monetary penalty or damages which may at any time be imposed upon or adjudged against him upon his conviction for any offence ... relating to the printing and publication of that newspaper or any other therein...”

This amounts to “anticipation of offence and the ensuing conviction and penalties”. This law is under review.

Scores:

Individual scores:

1	Country does not meet indicator	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	Country minimally meets aspects of the indicator.																			
3	Country meets many aspects of indicator but progress may be too recent to judge.																			
4	Country meets most aspects of indicator.																			
5	Country meets all aspects of the indicator and has been doing so over time.																			

Average score: 1.4 (2005=n/a; 2007=n/a)

1.6 Entry into and practice of the journalistic profession is legally unrestricted.

Analysis

Legally, the ability to practice as a journalist in Kenya remains unrestricted. However, the Media Act (2007) specifically defines a “Journalist” and makes provisions for accreditation of journalists.

The Act in the preliminary part (1) gives wide definition that can hardly be said to be restrictive.

“Journalist” means any person who holds a diploma or a degree in mass communication from a recognized institution of higher learning and is recognized as such by the Council, or any other person who was practicing as a journalist immediately before the commencement of this Act, or who holds such other qualifications as are recognized by the Council, and earns a living from the practice of journalism, or any person who habitually engages in the practice of journalism and is recognized as such by the Council”.

Article 36 of the Act gives the Media Council of Kenya the authority to accredit both foreign and local journalists to practice in Kenya.

Also many media establishments have their in-house systems of accreditation.

It should be noted that given the above flexibility of entry and practice, some artistes and comedians have taken liberties to masquerade as journalists. While the “spirit” of the law gives initiative to the Media Council, those who “habitually” engage in the practice should be introduced to greater levels of professionalism.

While there is control of channels of communication through licensing there is little control over individual journalists. Media establishments exercise this role internally through ethics and codes of practice.

Scores:

Individual scores:

1	Country does not meet 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<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 checked="" 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"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<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 checked="" 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: 3.8 (2005=5.0; 2007=5.0)

1.7 Confidential sources of information are protected by law and/or the courts.

Analysis

Confidential sources of information are not protected by the law, as evidenced by a recent case. Evelyn Kwamboka, a journalist with *The Standard* was ordered by the court to reveal her source of information on the story of (UK-based Kenyan preacher, Gilbert) “Deya miracle babies”. She invoked the Media Council of Kenya Code of Conduct and Practice, which provides for the journalists’ professional obligation to protect confidential sources of information. However, the court ruled that the code was not law and as such was not applicable in the case.

Scores:

Individual scores:

1	Country does not meet indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	Country minimally meets 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"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<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"/>
4	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"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<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: 1.0 (2005=1.0; 2007=1.7)

1.8 Public information is easily accessible, guaranteed by law, to all citizens.

Analysis

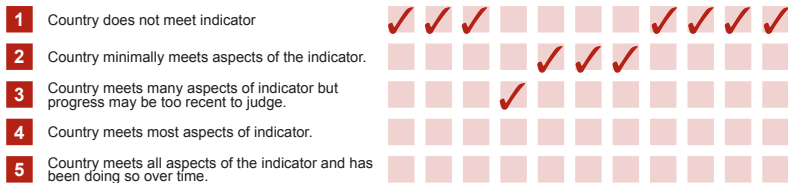
In practice public information (i.e. information in possession of the state to which the public should have access as it is in the public interest) is difficult to access by journalists and the general public. Public information is restricted by the structure and procedures in the public service, where a Permanent Secretary in a ministry is the only spokesman of the ministry, and yet s/he is not accessible, and is at liberty as to what information can be provided. The office of the Official Government Spokesman was established in 2003, “to effectively facilitate communication between the Government, its citizens and global audiences”. However, from observations of its performance, it has turned out to be a public relations machinery, a virtual “Government spin-doctor for official disinformation”. Restriction of public information is reinforced by the culture of secrecy in the public service, based on Official Secrets Act (Chapter 187). The Act places a responsibility of non-disclosure of information on all government officials and any other person who may come across such information. Civil servants are required to take an oath of secrecy under the Act.

[Official Government Spokesperson]... turned out to be “Government spin-doctor for official disinformation”

The Freedom of Information Draft Bill 2008 seeks to respond and address such concerns.

Scores:

Individual scores:



Average score: 1.5 (2005=1.5; 2007=1.5)

1.9 Websites and blogs are not required to register with, or obtain permission, from state authorities.

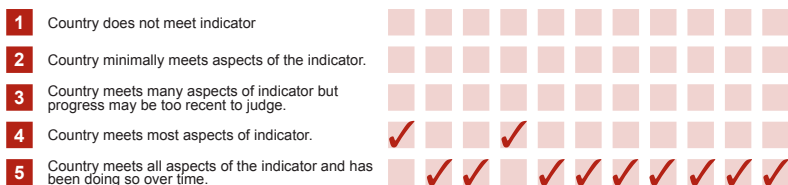
Analysis

Internet content is not regulated in Kenya and there are no restrictions or conditions in regard to registration of websites and blogs.

The market is open. However, there are concerns within government and the general public regarding unregulated internet content which gives access to pornographic sites, especially to the youth who constitute the majority of the more than 500,000 people in Kenya and who browse the internet daily. The government believes the internet needs to be “filtered” especially to schools, but find the technology for doing so- as used in China, expensive.

Scores:

Individual scores:



Average score: 4.8 (2005=n/a; 2007=n/a)

1.10 The state does not seek to block or filter internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society.

...“the government seems to be itching” to act and gain control [over the internet]

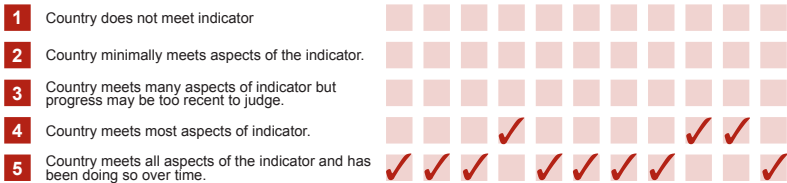
Analysis

There is no law or interference. However, concern has been expressed over issues such as pornography and sensational coverage of events.

It is noted that the internet is relatively new and a nascent sector where “the government seems to be itching” to act and gain some control, in the same way it has controlled the traditional media.

Scores:

Individual scores:



Average score: 4.7 (2005=n/a; 2007=n/a)

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

Analysis

Civil society and lobby groups are active in advancing media causes but there is no reciprocity on the part of the media. This is partly because of media self-censorship, cautiousness in the interests of media owners, and other limitations.

Engagement between civil society, media lobby groups and the media is sporadic and issue-based. The intensity of engagement varies with issues to be advanced. Early in 2009 civil society joined journalists in street protests over the Kenya

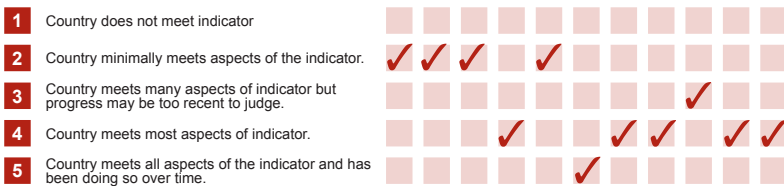
Communications Amendment Act 2008, to forestall the Presidential assent to the Act that was seen to be gagging the press.

Media give platforms to civil society to highlight issues of the day and articulate certain causes.

Some of the media lobby groups are: Association of Media Women in Kenya (AMWIK), Media Council of Kenya (MCK), Media Owners Association (MOA), Kenya Correspondents' Association (KCA), Kenya Union of Journalists (KUJ), Kenya Community Media Network (KCOMNET), Alternative Media Network (AMNET), Kenya ICT Network (Kictanet), African Women and Child Feature Service (AWC), and Kenya Editors' Guild.

Scores:

Individual scores:



Average score:

3.5 (2005=4.4; 2007=3.8)

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

Analysis

Civil society and interest groups (see sector 1.11) are actively involved in advancing the cause of media freedom and media legislation processes. However, media practitioners do not engage meaningfully. They hardly even read media laws. At best, they only “cover” events discussing media law but do not participate in the events. In this regard, they behave like “fire extinguishers” who rush to the “scene” of the issue when it has exploded in their own face. A good example is the street protests early in 2009 over the Kenya Communication Amendment Act of 2008, which by the time journalists took action, had already reached the final stage of

presidential assent. This identifies acute need for civic education to practitioners to stand for their rights.

The Communication Commission of Kenya (CCK) has in the last four years or so invited stakeholders to discussions on draft policies and legislation, for example, on broadcast legislation. Here it has been noted that media stakeholders make only “technical appearance” with little commitment and professional input.

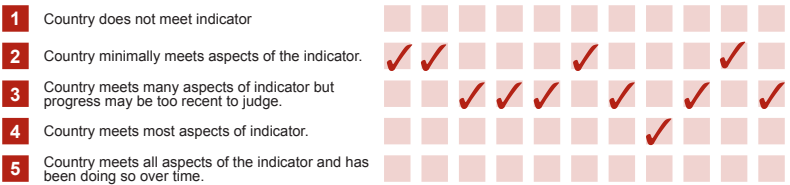
There is a fallacy that law making is for lawyers, and media practitioners take a backseat. There is lack of inter-sectoral/inter-professional interaction for focused attention to issues.

The last two years have seen improvement in the level of consultations on media legislation. Apart from the Communications Commission of Kenya, the Permanent Secretary in the Ministry of Information and Public Communication has constantly involved stakeholders in consultations/discussions on media legislation even though the end result has not been at times what stakeholders have proposed.

Citizens participate from disadvantaged position of lack of information on the relevant issues. Journalists hardly try to raise the citizens’ awareness to enlist greater involvement. There is a disproportionate attention given to politicians at the expense of the citizens.

Scores:

Individual scores:



Average score: 2.7 (2005=n/a; 2007=n/a)

Average score for sector 1: 2.7*

* For 2009 the indicators were reviewed, amended and some new indicators such as those addressing Information Communication Technology (ICT) were added. Consequently, the comparison of some indicators of the 2005 and 2007 report is not applicable (n/a) in some instances in which the indicator is new or has been amended. Evidently, this has to be taken into account too, when the overall sector scores are compared.

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) is accessible and affordable to citizens.

Analysis

There is a wide range of information sources accessible to citizens, as more print and broadcast outlets have come up. In the broadcast media there are 80 radio stations plus some pirate radio outfits.

Broadcasting

Of the 372 radio frequencies allocated, 233 are active while 138 are yet to commence transmission. Many universities and community organizations have been allocated frequencies and are already broadcasting. The main operators in the broadcast media remain the Kenya Broadcasting Corporation (KBC), which has a countrywide reach even though the quality of the signals may be wanting in some parts of the country, followed by Royal Media Services (RMS), owned by businessman Samuel Macharia. RMS operates thirteen (13) radio services in Kenya's main vernacular languages, as well as a television station. The other prominent media owner has been Rose Kimotho of Regional Reach Ltd, who made history as the first Kenyan woman to start a radio station. Her Kameme FM, broadcasting in Kikuyu language, was seen as a symbol of power of the wireless in rejuvenating indigenous languages. She also launched K24, a news television station. However, these two outfits have now been acquired by TV Africa Holdings, which has also acquired the *People Daily* and also owns Stellavision. Radio Africa Group which is owned by Ghanaian Patrick Quarcoo runs Kiss FM, Classic FM, Radio Jambo, East FM, Radio Maria and XFM. It has two television stations namely Classic TV and KISS TV. Nation Media Group (NMG), which runs Nation TV (NTV) and two radio services (Easy FM and QFM), is owned by the Aga Khan who holds majority shareholding. NMG is the largest media house in Eastern and Central Africa and is listed on the Nairobi Stock Exchange. The Standard Group, owners of the *Standard* (formerly the East African Standard) – established in 1902 – is reportedly owned by former Kenyan President Daniel arap Moi, his son Gideon and businessman Joshua Kulei. It owns the Kenya Television Network (KTN), and has in the recent past acquired a radio station.⁷

⁷ Study by AfriMap on *Public Broadcasting in Kenya* (yet to be published).

Most of these radio stations cover Kenya's major towns. Radio listenership, which is dominant and cheaper, has been enhanced by radio receivers in public transport and increased use of mobile phones that receive radio signals. It is the most dominant mass media in the rural areas.

There are 16 television stations but very few of them have countrywide reach, and the urban dominance remains.

The entry of internet on the media scene has increased the range of information sources and accessibility. About five–six million Kenyans have access to the internet. The introduction of cheaper modems by mobile service providers has increased accessibility. The cost is Kshs 1,000 (US \$ 12.5) per 300 to 400 MB. Internet at cyber café is on average Kshs. 60 (US \$ 0.75 per hour. It should however be noted that although these appear to be low costs, the slow speed owing to limited bandwidth end up raising the costs.

Print

Given the developments in the other media sub-sectors mentioned above, the circulation in the print media have stagnated and in some cases, gone down. A contributory factor is affordability, given the high production costs and heavy taxation of newsprint. Circulation and sales respond to the economy and the current situation is unfavourable.

The *Daily Nation*, the *Standard* and their Saturday and Sunday sister publications are the largest circulating newspapers in Kenya. The others are The *Kenya Times*, the *Sunday Times*, *Saturday Times* and the *People Daily* and the *People on Sunday*. There is also the *Business Daily*, a publication of the Nation Media Group and *The Star* (formerly the *Nairobi Star*), which are the recent publications on the Kenyan market⁸.

Nation Media Group also owns The East African, a regional weekly newspaper and Taifa (a Kiswahili daily newspaper that was established in 1959).

For the leading dailies, circulation figures in 2008 stood at:

Daily Nation – 180,000

The Standard – 110,000

⁸ Study by AfriMap on *Public Broadcasting in Kenya* (yet to be published).

Table 1: Newspapers in Kenya

Title	Circulation
	PE: Publisher estimate
	ABC: Audited Bureau of Circulation
Daily Nation	180,000PE
Sunday Nation	280,000ABC
The Standard	110,000PE
Sunday Standard	150,000PE
Kenya Times	38,000PE
Sunday Times	38,000PE
The People	65,000PE
The People on Sunday	66,000PE
Taifa leo	44,000PE
Taifa Jumapili	46,000ABC
Business Daily	15,000PE
Nairobi Star	10,000PE
Daily Metro	30,000PE
The East African	40,000PE
Coast Week	12,000PE
The Financial Post	60,000PE
Some of the newspapers that were in circulation but have been phased out:	
1. The Leader	2. The Weekly Advertiser
3. Daily Metro	

Source: *The Status of the Media in Kenya*. A report of the Media Council of Kenya, 2008.

Scores:

Individual scores:

1	Country does not meet indicator	□ □ □ □ □ □ □ □ □ □
2	Country minimally meets aspects of the indicator.	□ □ □ □ □ □ □ □ □ □
3	Country meets many aspects of indicator but progress may be too recent to judge.	✓ □ □ □ ✓ □ □ ✓ ✓ ✓ ✓ ✓ ✓
4	Country meets most aspects of indicator.	□ ✓ ✓ □ ✓ □ □ □ □ □ □
5	Country meets all aspects of the indicator and has been doing so over time.	□ □ □ □ □ □ □ □ □ □

Average score:

3.3 (2005=3.0; 2007=3.0)

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

Analysis

Overall, the Kenyan government has not banned or restricted access to local or foreign print or broadcast media. Our boundaries are porous. Besides, technology transcends physical boundaries. However, two cases of restriction have been recorded recently. In the wake of post-election violence in 2007/2008, the government restricted some stations from live broadcasts. In 2007, there was an attempt to restrict the circulation of an international magazine.

The National Press Board is also fighting relentlessly against illegal publications that have been created over the past months in violation of the 2004 Act (creation of a company, registration, taxes, etc...) and in contempt of professional standards. The Board accuses these illicit publications of being illegally present on an already fragile market with legally established media outlets that rigorously comply with the obligations of the profession. The CNP has instructed printers not to run these papers under threat of penalty. In June 2008, the CNP gave GEPEC (Group of Press Editors in Ivory Coast) a 45-day moratorium for these newspapers, which are mainly published by the group, to conform to the law.

Scores:

Individual scores:

1	Country does not meet 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"/>	<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"/>
2	Country minimally meets 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"/>	<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"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<input checked="" 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"/>	<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: 3.8 (2005=4.8; 2007=4.4)

2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.

Analysis

Mainstream dailies concentrate on national issues and the metropolitan region. Coverage of rural areas is limited to provincial or regional “Round-ups” or “Briefs”. Moreover, a significant percentage of content is corporate supplements which do not carry development issues like agriculture, which would interest rural-based readers.

Individual media houses have made some efforts to reach the rural communities. *The Standard* expanded their rural bureau for example to Nyeri, in the central parts of the country, but recorded low returns. *The Nation* started sending free copies of their Kiswahili newspaper *Taifa Leo* to schools under the project of “Newspaper in Education,” to increase literacy and in the long run, capture the market.

In this scenario, the alternative media have taken the opportunity to establish and expand their presence in both urban and rural areas. There are now 46 alternative media outlets. In addition, the post-election violence changed the patterns of readership, listenership and viewership, to a more discerning selection of national and regional media outlets and coverage.

Scores:

Individual scores:

1	Country does not meet 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"/>	<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"/>
2	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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"/>
4	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 checked="" 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<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"/>	<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:

2.7 (2005=4.0; 2007=2.9)

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

Analysis

Previously there was no print media by a public authority⁹. In August 2009, a weekly Kenya Today, was launched. It is published by the Department of Information of the Ministry of Information and Public Communications. The Editorial Director is the Director of Information and Public Communications in the Ministry. Contributions are mainly by the Kenya News Agency (KNA) in the Ministry. The weekly focuses on government activities especially those not widely covered by the privately-owned commercial media outlets.

The Kenya News Agency is the main information collection agent of the Ministry of Information. It collects stories mainly from the rural areas. The KNA Press Office, based in Nairobi, serves as the communication and editorial centre for the reception, processing and dissemination of news to subscribers¹⁰. It is noteworthy that the brief of KNA is to collect 'news' from 'rural' areas. The Ministry of Information policy document states that the rural press offices are strategically located to ensure narrow-casting in the coverage of development news to enhance information flow at the grassroots level. The main consumer of KNA news is the KBC, the *Kenya Times* and *Taiifa Leo* newspapers. Other media also subscribe to KNA for rural news.

⁹ There were no scores for this indicator in Media Barometer of 2005 panelists then felt that there was no print media published by public authority (defined as a state authority e.g. Ministry of Information)

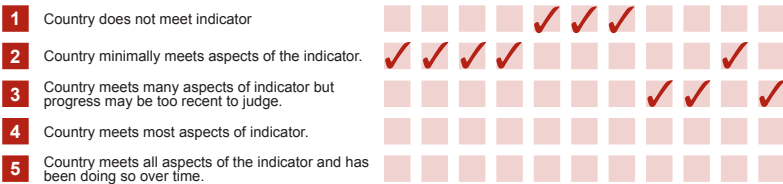
¹⁰ Study by AfriMap on *Public Broadcasting in Kenya* (yet to be published).

Towards the end of 2009, KNA received Kshs 80 million¹¹(US \$ 100.000) from the World Bank to set up twenty four (24) information resource centres.¹² The centres are meant to enhance the capacity of the department in processing, packaging and storage of information through modern technology. The centres will enable KNA to be vibrant in its supply of news from the different regions, provide information to the public and serve as a news bank for foreign media based in the country. The department has also through the Kenya Information Communication Technology (KICT) Board already received Kshs 19 million state-of the art equipment and Kshs 60 million has been spent on Local Area Network (LAN) and bandwidth connectivity.

At this point, it is still early to judge *Kenya Today* editorial independence.

Scores:

Individual scores:



Average score: 2.0 (2005=n/a; 2007=2.3)

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

Analysis

Trends indicate an upsurge of individuals seeking media concentration motivated by the quest of political control, influence and business gains.

The Media Owners Association has been keen to scuttle efforts and discussions towards media de-concentration. They argue that in free enterprise, those with the capacity should be free to invest. Business and political interests have seen the emergence of monopolies by a few individuals, families and other categories. This is the case with, for example, the Standard Group, the Royal Media Services, the

¹¹ Exchange rate is 1 US\$ is equivalent to Ksh. 70.

¹² “Exciting Times Ahead for State News Agency”. *Kenya Today*, November 16-22, 2009.

Nation Media Group, Radio Africa Group and a few others. The Royal Media for example owns over 60 broadcast frequencies.

The law has been largely reactive to these developments. The Kenya Communications Amendment Act 2008 tried to restrict concentration. It advocates “fair” competition. The ICT policy of 2006 proposes that in order to promote diversity of views and freedom of expression, concentration of ownership of print and electronic media in a few hands will be discouraged. Limits to cross media ownership will therefore be set through regulations to be issued from time to time and through competition laws¹³.

One of the very recent developments and which may be interpreted to be in line with the ICT policy of 2006 of ‘issuing regulations from time to time’ is the enactment of the Kenya Communications (Broadcasting Authority) Regulations 2009¹⁴ which in article 10 (1) on ownership and control points out that “no person other than the public broadcaster shall be directly, entitled to more than one broadcast frequency or channel for radio or television in the same coverage areas. Provided that CCK shall prescribe a time frame for existing stations to comply with this requirement”. And in article (10) (6) “a broadcaster shall not lease or transfer broadcast frequencies or channels assigned to it to any other person without the written authority of the CCK”.

Scores:

Individual scores:

1	Country does not meet indicator	✓					✓						✓	✓	✓
2	Country minimally meets aspects of the indicator.		✓	✓	✓		✓	✓	✓						
3	Country meets many aspects of indicator but progress may be too recent to judge.														
4	Country meets most aspects of indicator.														
5	Country meets all aspects of the indicator and has been doing so over time.														

Average score:

1.5 (2005=1.5; 2007=2.3)

¹³ Study by AfriMap on *Public Broadcasting in Kenya* (yet to be published)

¹⁴ The Regulations were gazetted in January 2010. The Media Barometer 2009 had already taken place.

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

Analysis

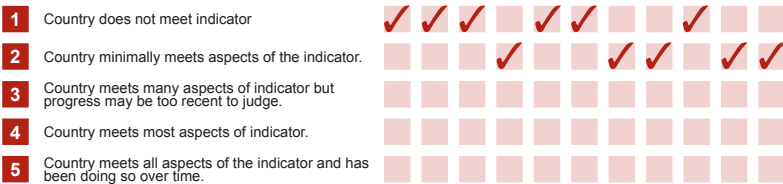
For some time in the past the allocation of the limited broadcast frequencies was haphazard, leading to some monopolists acquiring what they did not need. They ended up “hoarding” for speculation.

The Kenya Communications Amendment Act 2008 provides for the withdrawal of unused frequencies, and this has been effected.

For the future there are prospects of increased diversity and more independent media outlets, given the installation of the fibre optic cable and the migration to digital broadcasting.

Scores:

Individual scores:



Average score:

1.5 (2005=n/a; 2007=n/a)

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

Analysis

All media do not fairly reflect the voices of both men and women. Women in particular are portrayed in stereotypes. Even when serious issues are to be raised, sexist imagery accompanies the coverage.

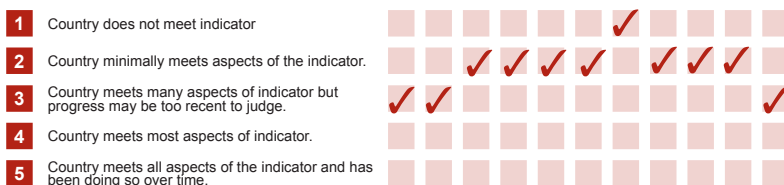
In April 2009, the Group of 10 (G10), a coalition of women groups and organizations called for one-week sex boycott. This was in a bid to oblige the

President and Prime Minister to settle their differences and address urgent national issues, including insecurity, sexual violence, poverty, constitutional reforms and national reconciliation. The mass media treated the event with sexist vilification and cynical trivialization which ended up detracting audiences from the real concerns that the group was raising.

Unfair portrayal of women can also be seen in reporting which is mainly judgmental, and where the coverage is made, the story will only be used as a filler.

Scores:

Individual scores:



Average score:

2.2 (2005=n/a; 2007=n/a)

2.8 All media fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

Analysis

All registered media espouse editorial fairness in reflecting national diversity. However, media discriminates rural communities and marginalized groups. Nevertheless, recent developments have increasingly made it imperative for media to act fairly.

Because of competition for consumers, media outlets are making efforts at fairness, wide coverage, ethics and diversity. Market segmentation and business interests have similarly focused on diversity.

There is still a disproportionate focus on politics and the urban sector. It is said that economic survival hinges on political coverage. This for example, was the experience of the Nairobi Star (now The Star) newspaper which has had to shift to increased political content.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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"/>
4	Country meets most aspects of indicator.	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<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"/>	<input type="checkbox"/>

Average score:

2.2 (2005=n/a; 2007=n/a)

2.9 The country has a coherent ICT policy, which aims to meet the information needs of all citizens, including marginalised communities.

Analysis

The ICT policy (2006) is in place. Its vision is to have a prosperous ICT driven Kenyan society, while its mission is to improve the livelihoods of Kenyans by ensuring the availability of accessible, efficient, reliable and affordable ICT services. This is recognition of the move towards convergence of technologies. It makes provision for universal access fund (Article 8) aimed at facilitating communication to disadvantaged areas even those that do not make economic sense but are important in terms of development. Specifically, the fund is meant at leveraging the provision of communication services to rural un-served and high cost areas. The fund will support projects that may not be economically feasible but critical to development. The key components of universal access are¹⁵:

- Accessibility – non-discriminatory in terms of geographical location, religion, race and sex
 - Affordability – affordable to all citizens in terms of pricing
 - Availability – nationwide coverage or availability of communication services.
- Internet penetration in the country is now at 6 million (out of the estimated country's population of 43 million). With the laying of the fibre optic now on course, it will be important to examine how the policy broadens ICT penetration and the lowering of costs.

¹⁵ www.cck.go.ke

Scores:

Individual scores:

1	Country does not meet 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"/>	<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"/>
2	Country minimally meets 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"/>	<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"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input 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"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4	Country meets most aspects of indicator.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<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"/>	<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 checked="" type="checkbox"/>

Average score:

3.5 (2005=n/a; 2007=n/a)

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

Analysis

The government being the heaviest advertiser uses its power to interfere with content. For example, towards the end of 2007 it withdrew advertising with the Standard Group for being anti the Party in power. When the Nation Media Group carried some stories on the Kenya National Examinations Council (read government), the Council withdrew advertising from the *Daily Nation* and turned to *The Standard*.

However, trends indicate more accommodation on the part of the Government, although perceived threats are still there.

Scores:

Individual scores:

1	Country does not meet 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"/>	<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"/>
2	Country minimally meets aspects of the indicator.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	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"/>	<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 checked="" type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<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"/>	<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:

2.5 (2005=1.7; 2007=1.5)

2.11 The advertisement market is large enough to support a diversity of media outlets.

Analysis

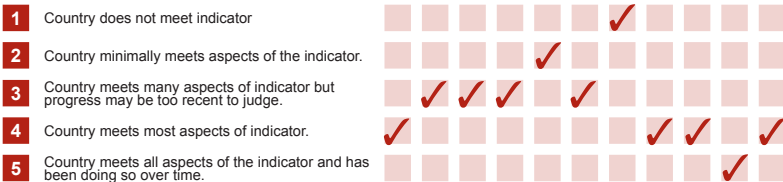
Although the advertising market is large enough to support a diversity of media outlets, advertisers favour the mainstream outlets, supposedly for wider reach. A survey conducted in the months of January and February 2008 by the Steadman Group¹⁶ showed advertising expenditure to television, radio, print and cinema as having risen steadily since 2003 when it stood at KShs 6.6 billion to 2007's 17.4 billion (US \$ 80-220 mio.).

There is the emerging issue of globalization and homogenization of advertizing content, for example by multinationals like Coca-Cola. The multinationals also target the large advertising agencies leaving out the smaller outlets.

However, it is to be noted that the small media outlets are beginning to have a niche in the advertising market. This is through new packaging of products and market segmentation. Examples include advertising in moving passenger vehicles, scenes at hospitals, and use of mobile phone advertising, park seats, and money transfer.

Scores:

Individual scores:



Average score: 3.3 (2005=4.6; 2007=2.8)

Average score for sector 2: 2.6

¹⁶ "10.7m homes own TV or radio", *Daily Nation* 19 March 2008.

SECTOR 3:

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

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

3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

Analysis

Broadcasting legislation has been slow on reforms. It has now defined three tiers of broadcasting namely public, private and community, and also differentiates the roles. The Kenya Communications (Broadcasting) Regulations 2009¹⁷ defines the roles, the license conditions, and obligations of each category of broadcaster.

The Kenya Broadcasting Corporation is designated as the Public Broadcaster established by an Act of Parliament – CAP 221 of the laws of Kenya – to undertake public services, and assume the government functions of producing and broadcasting programmes by sound or television.

The Broadcasting regulations in article 13 (2) provide for CCK through the frequency plan, to ensure that an equitable number of frequencies or channels are reserved for community broadcasting.

The Statute Law (Miscellaneous Amendment) Act 2009 established the Broadcasting Content Advisory Council that will be responsible for the administration of the broadcasting content, and the mechanisms for handling complaints. The Act makes provisions for appointment of *inter alia*, two members by the Media Council of Kenya, one from the Law Society of Kenya and two nominated by CCK, one of whom shall be recommended by the inter-religious forum.

¹⁷ The regulations became law in January 2010, after Media Barometer 2009 had taken place.

Scores:

Individual scores:

1	Country does not meet 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

2.5 (2005=1.0; 2007=1.5)

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

Analysis

The management of the Communications Commission of Kenya (the regulatory body) is vested in a Board of Directors that consists of a Chairman who is appointed by the President, a Director-General appointed by the Information Minister and Permanent Secretaries from the ministries responsible for Information and Communications, Finance, and Internal Security. The board also consists of seven other persons who are not public officers and who are appointed by the Minister by virtue of their knowledge or experience in matters relating to law, postal services, broadcasting, radio communications, information technology or computer science, telecommunications, and consumer protection matters.¹⁸ The Director-General is the chief executive of the commission and is responsible for its day- to-day management.

CCK is accountable to the Ministry of Information and Communication which happens to be the appointing authority. Even though section 5B of the act provides for CCK to “*exercise its functions independent of any person or body,*” the likelihood of influence from the government cannot be ruled out since the Chairman is appointed by the President, while other appointments are by the Minister, who also is a Presidential appointee. Moreover, the permanent secretaries who sit on the commission could easily consider themselves government representatives. The

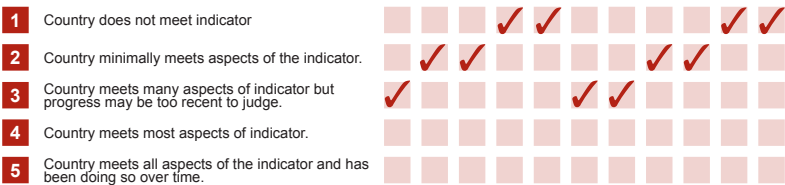
¹⁸ Kenya Communications (Amendment) Act of 2008, section 6 f (i) to (vii)

Kenya Communications (Amendment Act) 2008 did not amend the appointment process, which is a critical part of the independence of such statutory bodies.

However, the Board is independent in outlook, and represents diverse interests. But, the process of selection of membership is not open as it is left to the minister to decide. The relevant legislation does not spell out the qualifications e.g. media expertise, gender, ICT competency etc. Given the coalition government, the tendency has been appointments based on party and political expediency.

Scores:

Individual scores:



Average score:

1.8 (2005=n/a; 2007=n/a)

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

Analysis

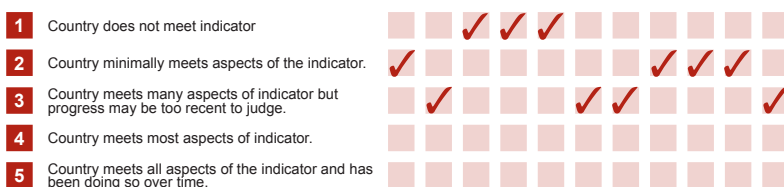
The Kenya Communications (Amendment) Act, 2008 section 46 (a and c) provides for “public interest” where CCK in its functions in relation to broadcasting services will (a) *“promote and facilitate the development, in keeping with the public interest, of a diverse range of broadcasting services in Kenya”* and in (c) *“promote the observance at all times of public interest obligations in all broadcasting categories”*.

The Act also provides for a clear application and licensing procedure stipulating licensing fees at various levels, allocation of frequencies and an Appeals Tribunal. In practice, allocation of frequencies has been haphazard and hardly taking into account the public interest.

The Kenya Communications (Broadcasting) Regulations 2009¹⁹ in article 6 on obligations relating to broadcasting services, provides that CCK shall (1) (a) ensure that broadcasting services reflect the national identity, needs and aspirations of Kenyans; (c) develop a frequency plan which sets out how the frequencies available for broadcasting services in Kenya will be shared equitably and in the public interest among various tiers of broadcasting, and (d) ensure that every applicant secures relevant permission or entered into agreements or arrangements necessary for the operation of the broadcasting service.

Scores:

Individual scores:



Average score:

2.1 (2005=1.7; 2007=1.6)

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

Analysis

In its long existence, the Kenya Broadcasting Corporation has suffered from ambivalence in definition, outlook and functions. It has invariably acted as a public broadcaster, state broadcaster and a public service. Indeed, it has carried out these roles at various times at the behest of the political regime. Current studies show that there are reforms underway to clearly define its role and future direction.

KBC is governed by a Board of Directors appointed by the Minister for Information and Communication. The chairman of the Board is appointed by the President²⁰. The board consists of the chairman, the managing director, who is appointed by the Minister, the Permanent Secretaries in the Ministries of Information and Communication as well as Finance and Office of the President. The rest of the

¹⁹ The regulations became law in January 2010, after Media Barometer 2009 had taken place

²⁰ The Kenya Broadcasting Corporation Act chapter

members, who should not be more than seven, can be public officers, but they must not be employees of the corporation. Of these seven, four should at least have specialization or experience either in *“matters connected with radio communication and radio communication apparatus; radio or television programme production; print media; and financial management and administration.”*²¹ However, this requirement has not always been followed and KBC has even at some point had board members who had no inkling of specific tasks of the broadcaster.²²

But perhaps what is disturbing is the fact that as currently comprised, the KBC board is wholly appointed by the executive. The chairman is appointed by the President, three of the members are Permanent Secretaries (who are presidential appointees) and the remaining seven are ministerial appointees. There is exclusive control by the government over the appointment of directors and senior management of KBC. The KBC board also reports to the Minister for Information and Communication, who happens to be the appointing authority for a majority of the members, including the Managing Director. The minister also determines the terms and conditions of service for the Managing Director.

According to the regulations governing statutory corporations, the Minister is supposed to consult the board before appointing a chief executive through a process of “competitive bidding” but this rarely happens at KBC. Moreover, in some other jurisdictions the board appoints the managing director. The implication of KBC’s system of appointment is that the managing director is answerable to the minister as opposed to the board. This could mean that chances of implementing board decisions that are not in line with the minister’s vision may be minimized.

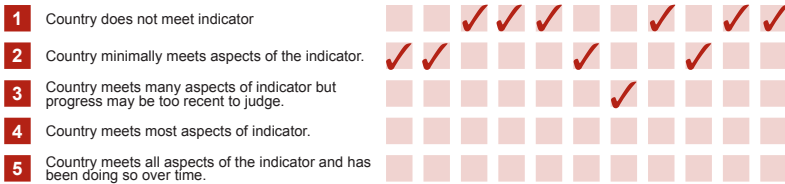
KBC has a feedback mechanism through its public relations department and through its programming where audiences are asked to give comments through emails, letters, text messages or calls. It is not clear though how regular for example the public relations office responds to public complaints.

²¹ *ibid*

²² Study by AfriMap on *Public Broadcasting Kenya* (yet to be published)

Scores:

Individual scores:



Average score: 1.5 (2005=1.0; 2007=1.0)

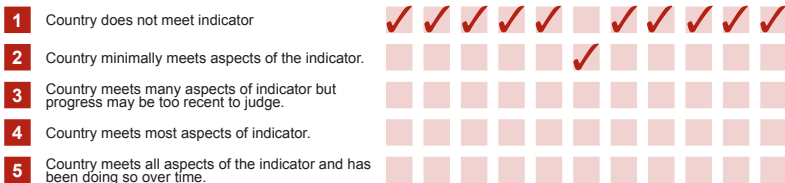
3.5 Office bearers with the state and political parties as well as those with a financial interest in the broadcasting industry are excluded from possible membership on the board of the state/public broadcaster.

Analysis

There is such no provision.

Scores:

Individual scores:



Average score: 1.1 (2005=1.0; 2007=1.0)

3.6 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practiced.

Analysis

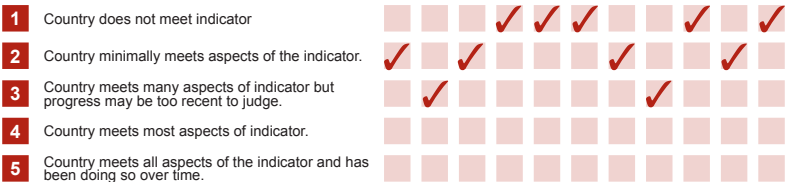
The Kenya Broadcasting Corporation (KBC) Act provides for balance and editorial independence. The 1997 Inter-parties Parliamentary Group (IPPG) reformed the law to provide for balance in the coverage of political parties. As part of the IPPG²³ KBC was required to stop its partisan ways and give fair and equitable coverage to all political parties, but this remained a hollow undertaking as KBC soon lapsed into its old ways.

In practice editorial independence has not been visible. A former Managing Director, Wachira Waruru, who attempted to assert the editorial independence, was removed. Earlier Koigi wa Wamwere, then Assistant Minister for Information and Broadcasting, constantly sought to control and influence the proceedings at the establishment.

Official influence at KBC is still visible.

Scores:

Individual scores:



Average score: 1.6 (2005=n/a; 2007=n/a)

²³ The Inter-Party Parliamentary Group (IPPG) brought together parliamentarians from both sides of the political divide who agreed to break a political deadlock by agreeing to a series of legal and political measures, deemed as a minimum requirement, intended to open up political space to ensure free and fair elections in 1997.

3.7 The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from all commercial pressure.

Analysis

Kenya Broadcasting Corporation (KBC) is not funded by the Treasury. It gets revenue from commercial advertising. While it is treated as a state corporation, the government itself owes the Corporation large sums of money in debts. Similarly, KBC has debts with other state corporations including Kenya Power and Lighting Co, the Postal Corporation of Kenya and bodies dealing with copyright and royalties. These old debts are up to the tune of Kshs 20 billion. It continues to operate on obsolete technology whose maintenance costs continue to skyrocket. This old technology uses high power which translates to more costs.

However, the year 2010²⁴ will bring a sigh of relief to KBC's financial pressures, as the Kenya Communications (Broadcasting) Regulations 2009, now provide that KBC (11) (2) shall be supported by revenues from the exchequer, grants, donations and its commercial services but shall not draw from advertising and sponsorship. However, CCK may on application by KBC (4) grant a private/commercial broadcasting license, and may require KBC (5) to maintain separate accounts in respect of its Public broadcasting services and private/commercial broadcasting services. KBC may when providing its commercial services enter into public private partnership: provided that the public private partnership complies with the law relating to public procurement.

KBC is the designated signal carrier as Kenya enters into digital broadcasting. It is anticipated that the tariffs for signal distribution will contribute to its budget.

²⁴ The new regulations took effect after Media Barometer 2009 had taken place.

Scores:

Individual scores:

1	Country does not meet indicator	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	Country minimally meets aspects of the indicator.	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
3	Country meets many aspects of indicator but progress may be too recent to judge.	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
4	Country meets most aspects of indicator.	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
5	Country meets all aspects of the indicator and has been doing so over time.	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□

Average score: 1.1 (2005=n/a; 2007=n/a)

3.8 The state/public broadcaster is technically accessible in the entire country.

Analysis

Kenya Broadcasting Corporation (KBC) radio and TV channels have countrywide reach even though the quality of the signal may be poor in some areas due to terrain and weather interferences.

The Corporation is the designated signal carrier in the on-going migration from analogue to digital broadcasting and has formed a separate company *Signet* for this purpose. Kenya’s timetable for the migration is the year 2012 while ITU set it for 2015. Kenya launched the digital terrestrial television (DTT) on December 9, 2009.

KBC is on-line on www.kbc.co.ke

Scores:

Individual scores:

1	Country does not meet indicator	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
2	Country minimally meets aspects of the indicator.	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
3	Country meets many aspects of indicator but progress may be too recent to judge.	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
4	Country meets most aspects of indicator.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5	Country meets all aspects of the indicator and has been doing so over time.	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□

Average score: 3.8 (2005=4.0; 2007=3.4)

3.9 The state/public broadcaster offers diverse programming formats for all interests.

Analysis

Kenya Broadcasting Corporation (KBC) offers diversity in programmes for many interests. These include various formats/genres namely news bulletins, current affairs, documentaries/features, drama/comedy/serials, movie, music shows, talk shows (mainly political/social/topical issues), Chat shows (mainly human interest and lifestyle topics), quiz/game/ reality shows, education, children's programmes, youth programmes, women, sports, culture/media/arts, and on faith. This variety of programs, with a wide range of subjects is meant to address and reach out to different audiences.

The broadcaster also uses Kiswahili and English languages as key languages and nineteen vernacular stations targeting different communities of Kenya, including in marginalized areas for example the semi arid and arid lands (ASAL)²⁵.

KBC is persistent in content and programmes pay attention to human values. KBC has also been persistent on issues of decency, morality and avoids sensationalism.

Scores:

Individual scores:

1	Country does not meet 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"/>	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<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"/>	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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"/>	<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"/>
4	Country meets most aspects of indicator.	<input checked="" 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"/>	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Average score:

3.7 (2005=4.5; 2007=n/a)

²⁵ Githaiga, Grace. 2009. *A Preliminary Survey of Available Technologies for Distance Learning Through Radio*. London. Institute of International Education and Development.

3.10 The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

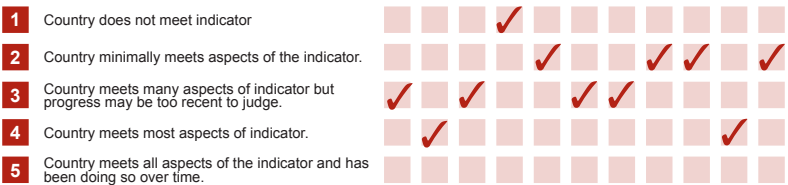
Analysis

Kenya Broadcasting Corporation (KBC) reports on diverse interests. There has been marked improvement in the attempt at balancing between patriotism and balanced coverage. However, there are times when KBC appears too cautious on certain issues to avoid “exciting audiences” in particular in its news, unlike others who thrive on deliberate sensationalism. Generally, KBC airs more stories from the countryside and remote parts of the country. This can be attributed to the fact that the broadcaster receives stories from KNA – the government supported News Agency.

Admittedly because of its history of government control it continues to be seen as a tool of an authoritarian regime in the country. It continues to suffer harsh judgment despite the progressive changes made.

Scores:

Individual scores:



Average score: 2.4 (2005=2.7; 2007=n/a)

3.11 The state/public broadcaster offers as much diverse and creative local content as economically achievable.

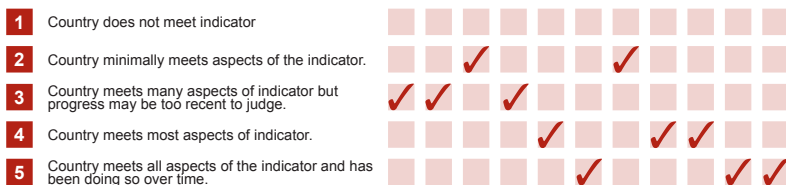
Analysis

The Kenya Broadcasting Corporation (KBC) largely observes media ethics in content and language. It has higher local content than other broadcasters. It also

has a long history and structure and capacity for wider reach. The broadcaster has a history of live coverage of national events with little digressions. Having the best Outside Broadcast (OB) infrastructure has enabled the Corporation to collaborate with other broadcasting outlets in broadcasting in real time, events of national importance.

Scores:

Individual scores:



Average score: 3.3 (2005=3.8; 2007=3.3)

3.12 Community broadcasting enjoys special promotion given its potential to broaden access by communities to the airwaves.

Analysis

The Kenya Communications (Amendment) Act 2008²⁶, in the amendment of second 2 (4) (interpretation), defines a community broadcasting as a service that: (a) is fully controlled by a non-profit entity and carried on for non-profitable purposes; (b) serves a particular community; (c) encourages members of the community served to participate in the selection and provision of programmes to be broadcast in the course of such broadcasting service; and (d) may be funded by donations, grants, sponsorships or membership fees, or by any combination of the aforementioned.

The Community broadcasting sub-sector has not been given due attention. There are no incentives for the sector despite the fact that proponents have demanded for such, for example, tax rebates, scaled annual frequency fees, a dedicated number of frequencies on the spectrum etc. Kenya compares unfavourably with some African countries that have affirmative action where community radio is concerned. Such countries include:

²⁶ The Kenya Communications (Amendment) Act 2008 that amended the Kenya Communications Act, 1998

Mali, with over 300 Stations
 South Africa – Over 100 Stations
 Mozambique – with 30 Stations
 Kenya, with 8 Stations.

A new development is that of the enactment of the Kenya Communications (Broadcasting) Regulations 2009²⁷ which in 13 (2) provides that CCK will through the frequency plan, ensure that an equitable number of frequencies or channels are reserved for community broadcasting and (5) community radio stations will be allowed to advertise, on their stations, adverts that are relevant and specific to that community within the broadcast areas.

Scores:

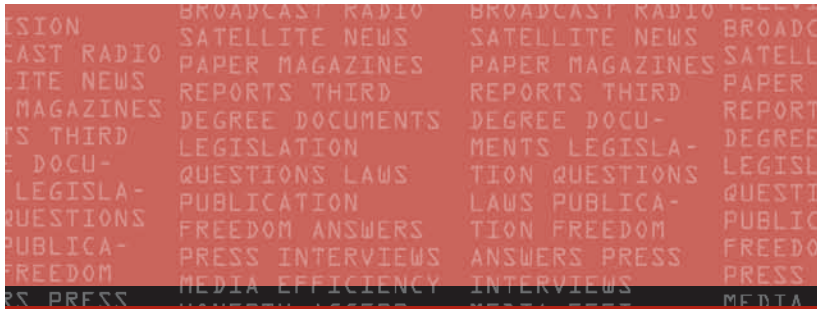
Individual scores:

1	Country does not meet indicator	
2	Country minimally meets aspects of the indicator.	
3	Country meets many aspects of indicator but progress may be too recent to judge.	
4	Country meets most aspects of indicator.	
5	Country meets all aspects of the indicator and has been doing so over time.	

Average score: 1.4 (2005=1.1; 2007=1.5)

Average score for sector 3: 2.2

²⁷ The Regulations became law in January 2010.



SECTOR 4:

The media practice high levels of professional standards.



The media practice high levels of professional standards.

4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.

Analysis

The Media Council of Kenya (MCK) is in place as a statutory body (The Media Act, 2007). It was founded by the media industry after wide consultations on self-regulation, but entrenched by law for enforcement of its mandate. It deals with complaints received from the aggrieved parties. Currently, it has 40 cases before the Ethics Commission. In place is also the MCK *Code of conduct and practice of Journalism in Kenya* (2nd ed.repr.2007).

The first edition of the Code of Conduct was published by MCK in conjunction with the Media Industry Committee in 2001. The major goal was to ensure that the country's media is free from government interference. A self regulatory mechanism guided by the code and enforced by a non statutory media council were key to this endeavour. The code of conduct was to serve as a foundation for the practice of ethical journalism in the country. Different media houses also have internal guidelines which are reviewed from time to time. Enforcement of such guidelines often depends on the leadership of the media house.

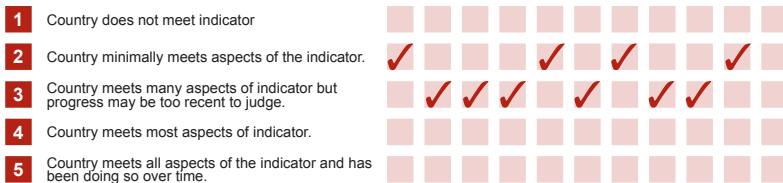
As far as professional standards are concerned, the MCK made this tentative step of developing the code of ethics, and it has been vocal in promoting ethics. So far, over 4000 copies have been distributed. MCK has mounted trainings on this code for it to be used as a basis for ethics and professionalism. MCK also brought stakeholders together and highlighted the code as a basis for questioning the media and lodging complaints.

Arbitration is mainly reconciliatory with little monetary awards. Complaints of technical nature e.g. equipment and airwaves go to the Communications Commission of Kenya (CCK) while those of content go to MCK.

The MCK has to evolve a balance as a strong media self-regulating body. It has the challenge to be proactive and initiate cases in public interest.

Scores:

Individual scores:



Average score:

2.6 (2005=3.3; 2007=3.7)

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

Analysis

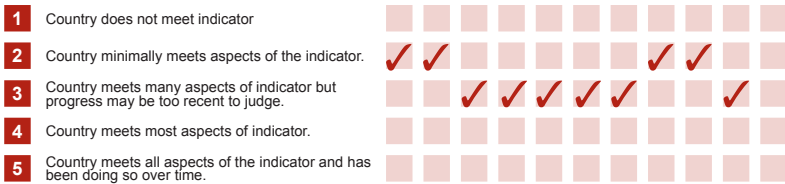
Principles of accuracy and fairness are not always adhered to. There is bias towards political coverage and little about the grassroots. There is bias in headlines giving hint to certain perceptions and images. Quality of reporting also depends on the editorial policy of the media house. In other words, fair and accurate reporting conforms to editorial interests of the media house. For example, one time the former Minister for Finance Amos Kimunya made a statement about the Stock Market not being a *fish market or a potato market*. But the media reported only on the bit about the stock market not being a ‘fish market,’ which was a deliberate slant and a case of lack of accuracy and fairness.

Also, some stories lack follow-up to a logical conclusion. This has at times been attributed to time pressure to meet deadlines and the ‘newsworthiness’ of such ongoing stories. As such, media practitioners have failed to exhaust all possible sources of information. The coverage tends to adhere to “facts” and not necessarily “truth”. Selection of the “news” is therefore the prerogative of the reporter and editor. These two it is said, argue that the society itself has its practice and expectations, and that the “news” is therefore not a conspiracy in the media house.

On the whole from studies conducted, standards are wanting and there is need to improve journalistic standards in Kenya. One way to improve the situation is through more training.

Scores:

Individual scores:



Average score: 2.6 (2005=3.4; 2007=3.1)

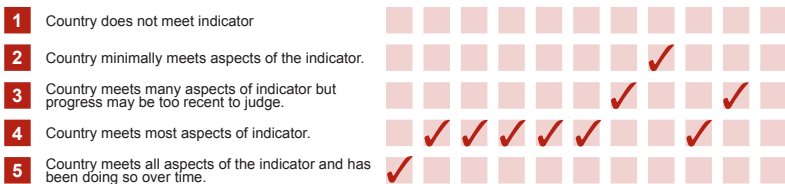
4.3 The media cover the full spectrum of events, issues and cultures, including business/economics, cultural, local and investigative stories.

Analysis

The media²⁸ cover full spectrum of events and issues. There has been notable interest in investigative stories/series. However, this seems to be motivated by desire to win Awards rather than to interrogate issues, and add to the variety and diversity of content.

Scores:

Individual scores:



Average score: 3.7 (2005=4.4; 2007=4.1)

²⁸ Media is defined as the entire spectrum of the media i.e. print, dailies, weeklies etc, broadcasting, and local websites.

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

Analysis

Women are not equally or adequately represented in media although equal opportunity policies in terms of gender are in place in most media establishments. Indeed efforts are constantly being made towards this goal. However, biases are discernable in the prominence given to stories. The issue of sexual harassment has constantly come up in media houses, in stories and discussions.

More emphasis seems to be placed on portraying women as victim in most stories and discussions yet women's engagement and participation in development and policy decision making is not given prominence.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<input checked="" 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

2.2 (2005=n/a; 2007=n/a)

4.5 Journalists and editors do not practice self-censorship.

Analysis

Self-censorship exists among the journalists and editors and is prompted by the following factors:

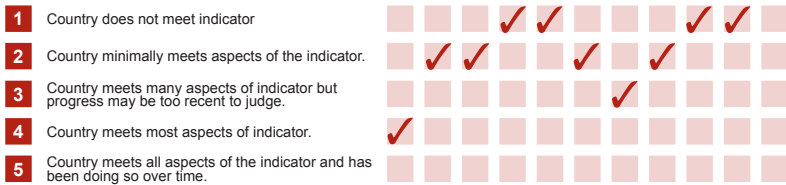
- Media ownership and their other interests.
- Business interests and cheque-book journalism.
- Political interests, pressure and criminal intimidation.
- Professional ethics, moral interests and in-house practice on the selection of stories.

- Legal issues.
- Personal relationships between editors and news sources.
- Advertisers’ arm-twisting.

The result is slanting stories to please certain sections of society or killing the story altogether. However, journalists have learnt how to go round the “story-killers.”

Scores:

Individual scores:



Average score: 1.9 (2005=2.5; 2007=3.1)

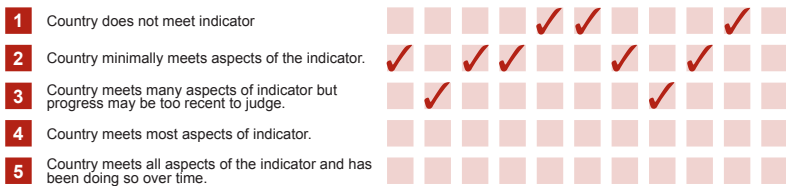
4.6 Owners of established mainstream private media do not interfere with editorial independence.

Analysis

Editorial independence from ownership exists only in theory. Changes in ownership/directorship directly lead to changes in the editorial teams. An example is the Standard Group where the editorial department was overhauled in 2008 following changes in ownership.

Scores:

Individual scores:



Average score: 1.9 (2005=2.0; 2007=1.5)

4.7 Journalists and media have integrity and are not corrupt.

Analysis

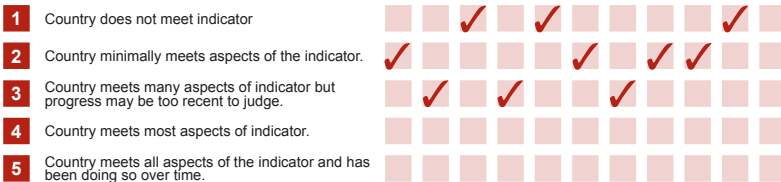
There are widespread allegations of bribery of journalists to cover stories. There are also allegations that there are editors on the “payroll” of some politicians for being gatekeepers of story selection and treatment. The situation is made worse by the fact that media houses have very few permanent staff. They depend on correspondents who form 70% of editorial workforce. The poorly paid correspondents depend on “newsmakers,” namely the politicians and provincial administrators, for such facilitation as transport and lunches, who in turn expect favourable coverage. Forms of corruption include transport for journalists by newsmakers, lunches, “sex for stories,” compromise of media houses by sources etc.

Forms of corruption include... “sex for stories”...

It is noted that despite these allegations and the picture painted, few cases have been brought to the Media Council of Kenya.

Scores:

Individual scores:



Average score:

2.0 (2005=n/a; 2007=n/a)

4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate.

Analysis

Salaries are low, with wide discrepancy between the senior and junior journalists. Sample indications of earnings in Kenya Shillings per month.

Top editors (Electronic)	----	500,000	-	700,000
Top editors (print)	----	200,000	-	300,000
Editors (print/electronic)	----	70,000	-	150,000
Reporters	----	40,000	-	60,000
Retainers (2-year contract)	----	9,000	-	15,000 with an insurance cover for 2 years.
Correspondents	----	No salary		
	----	200	-	500 per published story
KBC--- Managers	----	200,000		
Senior Editors	----	28,000	-	50,000
Editors	----	21,000	-	25,000
Reporters	----	15,000	-	18,000

Many employees both senior and junior are now hired on contract. Journalists working in public relations in the corporate sector earn more and enjoy insurance benefits and pension schemes.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	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"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

1.7 (2005=n/a; 2007=n/a)

4.9 Media professionals have access to training facilitates offering formal qualification programmes as well as opportunities to upgrade skills.

Analysis






In Kenya today there are wide opportunities for professional journalism training and skills upgrading at all levels. A number of institutions offer certificate, diploma and degree programmes. Those that offer degree courses include University of Nairobi, Egerton University, Masinde Muliro University of Science and Technology, Daystar University, Kenyatta University, St. Paul's University, Jomo Kenyatta University of Agriculture and Technology, Tangaza College of Catholic University of Eastern Africa, Moi University, Multi Media University College and United States International University.

Diploma and certificate courses are offered by many colleges and schools, including Kenya polytechnic, Kenya Institute of Mass Communication, Mombasa Polytechnic, and East African School of Journalism.

In addition to formal training, some media establishments have internal induction and training for upward mobility. The Media Council of Kenya has a Training and Accreditation Committee and also conducts trainings in selected areas to enhance professionalism.

Scores:

Individual scores:

1	Country does not meet indicator	
2	Country minimally meets aspects of the indicator.	
3	Country meets many aspects of indicator but progress may be too recent to judge.	
4	Country meets most aspects of indicator.	
5	Country meets all aspects of the indicator and has been doing so over time.	

Average score:

2.5 (2005=4.4; 2007=2.8)

4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations.

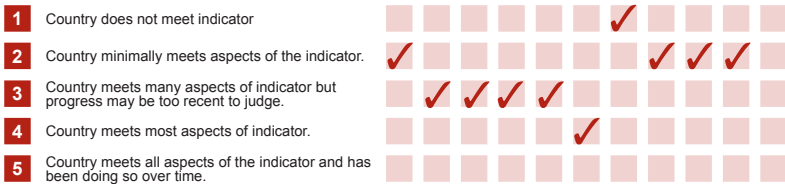
Analysis

The media professional associations and interest groups (see sector 1.11) have largely been focused when it comes to training needs and opportunities in the industry. These have also been active in advocacy for media interests. But it should also be noted that some have emerged as “Brief case” associations limited to self-interests.

The Kenya Union of Journalists (KUJ) is not well organized. It has been steeped in leadership wrangles, thus rendering it weak and ineffective.

Scores:

Individual scores:



Average score: 2.5 (2005=4.7; 2007=2.6)

Average score for sector 4: 2.4

Overall Country Score: 2.5 (2005=2.7, 2007=2.9)

Developments since 2007 and the Way Forward

Positive developments in the media environment in the last two years:

- Internet development that has allowed broadcasting stations to stream their content.
- Robust debates on the role of media in the 2007/2008 post-election violence.
- Skills/training in emerging areas e.g. conflict-sensitive reporting, and trauma counseling.
- State's recognition on the role of the alternative media.
- Media have filled in the position of official opposition in parliament.
- Increase in local content.

Negative developments in the media environment in the last two years:

- Wages decreasing in media. Huge layoffs and a thin workforce.
- Media owners spearheading media debates.
- Continued concentration of media ownership.
- Polarization of media along ethnic lines.
- FM radio stations have gone overboard in terms of sexual matters. One would think Kenya is in a relationship crisis.
- Journalists threatened and one killed.
- Marked media-government hostility in post election violence.

Positive changes: who or what has been the main cause?

- Wages decreasing in media. Huge layoffs and a thin workforce.
- Media owners spearheading media debates.
- Continued concentration of media ownership.
- Polarization of media along ethnic lines.
- FM radio stations have gone overboard in terms of sexual matters. One would think Kenya is in a relationship crisis.
- Journalists threatened and one killed.
- Marked media-government hostility in post election violence.

Main drivers/actors for positive change:

- Government on local content.
- Private investors in media.
- Citizens/wananchi in fearless debates.

Possible obstacles for further development:

- Monitoring and accountability framework by media to ensure policies are being implemented.
- Media owners should engage with like minded organizations e.g. ICJ..
- Awareness programmes on digital migration.
- Plurality of views in media discourse.
- Design edutainment programmes for youth to communicate in the country.
- Rally and advocate for funding for KBC.

- Media education for the public.
- Build capacity of new journalists and alternative press.
- Promote regular internal dialogues in the media and government/parliament.
- Training of journalists on digital migration.
- Training on content development for internet.
- Engage with civil society to build journalism as a profession.
- Distribute AMB report widely.
- Deliberate efforts to build capacity and strengthen community media in this country.

Dissemination:

- 1. Through Public Forums
- 2. Through the media

The panel meeting was held on 20-22 November 2009, Hotel Cathay, Nakuru

Panel members:

1. Ms Christine Nguku, Alternative Media Manager. christinenguku@yahoo.com christinenguku@africadmo.com
2. Ms Rebecca Wanjiku, Kenya ICT Network (Kictanet). rebecca.wanjiku@gmail.com or rebecca@wanjiku.co.ke
3. Ms Mary Njeri – Human Rights Lawyer, Executive Director of the Coalition on Violence Against Women (COVAW). marynjeri@covaw.or.ke
4. Ms Susan Kariuki, Programme Manager – The Youth Agenda (YAA). susan@youthagenda.org

5. Ms Consolata Migowa, League of Kenya Women Voters. consoyambo@yahoo.com
6. News Editor, Broadcasting Station.
7. Mr. Ken Njiru, Political activist, Ungwana Resource Centre. njiruken@yahoo.com
8. Mr. Noel Okoth (veteran journalist) noelokoth@lycos.com
9. Mr. Martin Masai – Editor/ Publisher of the Anchor, Secretary, Alternative Media Network (AMNET) martinnmasai@yahoo.com martinmasai@gmail.com
10. Mr. Oloo Janak – Specialist on rural media; Chairman, Kenya Correspondents Association (KCA). williamjanak@gmail.com, williamjanak@yahoo.com
11. Mr. Joseph Nyanoti, Lecturer, University of Nairobi, School of Journalism josephnyanoti@gmail.com

Coordinator:

Ms Grace Githaiga – gracegithaiga@yahoo.com

Rapporteur:

Mr. Hudson A. Liyai – hliyai@yahoo.com

