



Guidelines for **Election Coverage**



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PREAMBLE

We editors, journalists, practitioners, media owners and managers,

Recognising the importance of general elections,

Guided by the desire to facilitate a free, fair and democratic election process,

Aware that our Constitution provides for freedom and independence of all types of media; and guarantees all citizens the right to freedom of expression, which includes freedom to seek, receive or impart information or ideas,

Acknowledging that media freedoms come with responsibilities,

Determined to assist voters make informed choices,

Resolve to adopt and abide by the following guidelines during the coverage of the General Election:



SUMMARY OF THE GUIDELINES

These guidelines are the result of collaborative efforts among media and various organisations that have a stake in ensuring a credible, valid, free and fair, acceptable, peaceful and democratic general election and its proper coverage by the media. They include: the Independent Electoral and Boundaries Commission (IEBC), the National Cohesion and Integration Commission (NCIC), the Kenya Union of Journalists (KUJ), the Kenya Editors' Guild (KEG), the Association of Media Women in Kenya (AMWIK), the Kenya Correspondents Association (KCA) and the United Nations Development Programme (UNDP). The process was driven by the Media Council of Kenya (MCK).

The guidelines reflect the Code of Conduct for the Practice of Journalism in Kenya, the requirements of the Constitution of Kenya 2010 and other pieces of legislation. The booklet is arranged in a simple and logical format for ease of reference.

The guidelines cover a wide range of issues, which include:

- ☐ Balance and fairness
- ☐ Corruption (as it affects media practitioners)
- ☐ Gender responsiveness
- ☐ Diversity and inclusion of people and ideas
- ☐ Conflict-sensitive journalism
- ☐ Opinion polls
- ☐ Equitable coverage
- ☐ Voter education
- ☐ Phone-ins
- ☐ Social media
- ☐ Safety and security
- ☐ Fake news
- ☐ Reporting on people with disabilities and the youth

The guidelines are aimed at helping journalists and media practitioners to provide comprehensive, accurate, impartial, balanced and fair coverage of elections, thus enabling the voter to make informed choices. The guidelines will apply to all media enterprises — whether private, community or State-owned — as well as the authorities involved in or policing the electoral process and, that have voluntarily adopted them.

RIGHTS AND RESPONSIBILITIES

At the heart of every election are three interlocking sets of rights:

- ❑ The right of the voter to make informed choices;
- ❑ The right of the candidates to put their ideas across; and
- ❑ The right of the media to report freely and express opinion on matters of public interest.

1. Duty to the citizen

The role of the media in an election is to ensure that the citizen is empowered to make an informed choice. The media, therefore, have a duty to provide coverage that gives the citizen sufficient, accurate and reliable information on electoral matters. These include electoral laws, the process of voting, campaign issues, political parties and candidates, and safety and security. This information will also help to ensure that the voters know and understand their right to exercise their democratic duty free from fear, intimidation or coercion.

The media should also give the citizen a voice; directly by affording the citizen an opportunity to be heard and indirectly by enabling his or her views to be put on the electoral public agenda by the media through editorial input and coverage of credible opinion polls.

The media have a duty to debunk myths, stereotypes and counter fake news.

2. Duty to the candidate

The media should maintain accurate, fair, balanced, and impartial coverage of elections. The media should be able to demonstrate that the main parties or candidates vying for office are given equitable opportunities to be heard or questioned and, that minor parties or candidates are not treated unfairly. Fair and balanced coverage also means that individual stories, and their pattern over a period of time, reflect the views of different parties or candidates.

3. Duty to the nation

Media enterprises are corporate citizens; they have a stake in the future and wellbeing of the nation. There is need, therefore, for the media to use the opportunity offered by the elections to work for stability and prevent or reduce conflict and polarisation, including gender-based violence, by promoting the rule of law and the proper functioning of institutions.

This includes respect for the constitutional order and other international standards. Similarly, the media should establish in-house structures and mechanisms for managing internal conflict that could otherwise negatively influence or compromise election coverage. The media has a duty to reflect a diversity of voices in its coverage, including minorities and marginalised communities. The reporting should be gender responsive, treating all citizens equally as news subjects and sources.

4. Values

In covering elections, the media/journalists must at all times observe the core values and principles of journalism:

Accuracy and fairness

The media must ensure that their election reports are factual, accurate, fair and verifiable.

Impartiality

The media should produce fair and balanced reports, reflecting a breadth and diversity of opinion. Editorial opinion must be clearly distinguished from news to avoid the danger of misleading audiences.

Confidentiality of sources

The media have an obligation to the people they report about, and to the society they report to. The journalist should, therefore, protect confidential sources of information. However, they must not use the cover of unnamed sources to hide personal opinions.

Opportunity to reply

A fair and timely opportunity to reply to inaccuracies contained in a report that has been broadcast or published should be given to aggrieved individuals or organisations.

Integrity

Journalists and media practitioners must exercise their duties in a manner that is consistent with the code of conduct for the practice of journalism in Kenya. They should also demonstrate respect for the people, bring dignity to the profession and promote public confidence in the integrity of the profession. This means that a good journalist/media practitioner:

- a) Does not accept bribes;
- b) Does not give special favours to any politician or party;
- c) Does not produce reports skewed towards personal, party, ethnic or religious positions;
- d) Does not defame or promote hate, malice or corruption; and
- e) Does not release unofficial or unverified election results.

Obscenity, taste and tone

In general, the media should not broadcast or publish obscene, vulgar or offensive material, unless it has news value and is in the public interest.

Audiences, particularly children, can be frightened or distressed by the portrayal of violence or other graphic images on screen. Television stations must, therefore, exercise great care in their scheduling of such election-related material.

Publication of photographs showing mutilated bodies, bloody incidents and abhorrent scenes shall be avoided unless the publication or broadcast of such photographs will serve the public interest.

Where possible an alert shall be issued to warn viewers or readers of the information being published.

Privacy

While political actors, being public figures, cede some of their privacy, it is essential to protect their individual interests and those of people related to them. In dealing with privacy, therefore, the media/journalist should:

- a) Weigh the public's right to know against the privacy rights of political actors and public figures in the media;
- b) Ask to what extent the information sought relates to the political actor's performance, image, or involvement in some specific media event;
- c) Stick to issues and information necessary to the electoral and democratic process and avoid rumour and gossip, voyeurism and sensational reporting;
- d) Not intrude and inquire into a political actor's private life without the person's consent unless public interest is involved;
- e) Avoid using information concerning a person's home, family, religion, tribe, health, sexuality, personal life and private affairs except where these are relevant to public interest; and
- f) Not intrude and enquire into the lives of people related to a political actor who are not themselves political actors unless public interest is involved.

Intrusion into grief and shock

Election-related violence and personal tragedies are often newsworthy, but victims usually do not have the sophistication necessary in dealing with the media. Journalists should be careful not to take advantage of the situation and to respect the privacy of those who find themselves in such unfortunate circumstances. There are times, of course, when it is necessary to acquire certain information and to interview the victims of violence or personal tragedies. But such requests should be handled with diligence and sensitivity. In dealing with grief and shock, the media/journalist should:

- a) Make enquiries with sensitivity and discretion;
- b) Identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue election-related enquiries; and
- c) Apply caution in the use of pictures and names and avoid publication when there is a possibility of harming the persons concerned.

Secret Cameras and Recorders

The ethics of privacy is also concerned with how journalists acquire information. The secret or surreptitious recording of a conversation between a reporter and a source poses ethical, and legal dilemma. Regarding the use of secret cameras and recorders, the media/journalist should:

- a) Not tape or record anyone without their knowledge. Exceptions may be made if the recording is necessary to protect the journalist in a legal action or when there are grounds in the public interest to do so and it is not possible to obtain information through other means; and

- b) Before recording a telephone conversation for broadcast, or live broadcasting a telephone conversation, inform any party to the call of its intention to broadcast the conversation. This, however, does not apply to conversation whose broadcast can reasonably be presumed, for example, telephone calls to programmes where the station customarily broadcasts calls.

5. Responsibility of the media enterprise

For proper, effective and professional election coverage, the media enterprise should:

- ☐ Ensure that journalists and media practitioners operate in a conducive environment. They should be accorded professional autonomy.
- ☐ Provide the tools and relevant training. If staff that do not have journalistic skills are deployed to cover elections, they should be given proper training to enable them to do the work effectively;
- ☐ Provide adequate compensation for journalists and media practitioners covering elections;
- ☐ Design an election-coverage plan supported by sufficient financial, material and human resources;
- ☐ Adhere to professional standards;
- ☐ Ensure that they have a functional social media policy;
- ☐ Provide adequate safety and protection;
- ☐ Provide counselling services for election-related psychological and psychosocial problems; and
- ☐ Ensure women journalists are offered special protection based on their gender.

6. Responsibility of the journalist and media practitioner

To effectively cover elections, a journalist and media practitioner should:

- ☐ Be familiar with electoral laws and regulations, and voting procedures;
- ☐ Conduct relevant research on political actors and activities including: party structure and operations; financing; regional strengths and weaknesses; political importance on the national and/or local level; past and present alliances; performance in past elections etc.;
- ☐ Maintain a professional relationship with political actors and sources;
- ☐ Identify, understand, interrogate and articulate issues that citizens want parties and candidates to address;
- ☐ Interrogate party and candidate manifestos to articulate their responsiveness to citizens' concerns and constitutional obligations;
- ☐ Make sure that his or her registration and credentials with the Media Council of Kenya, and any other regulatory agencies concerned with elections, are valid; and
- ☐ Abide by all rules and regulations that relate to the conduct of journalists and media practitioners during elections.

7. Responsibility of State agencies

The media have a right to expect the State and its agencies to:

- ☐ Ensure that journalists and media practitioners operate in an environment free of violence and intimidation as provided for by article 34 of the Constitution of Kenya 2010;
- ☐ Investigate and effectively prosecute attacks against media personnel and property in a timely manner;
- ☐ Take necessary measures to prevent electoral malpractice, fraud or vote rigging;
- ☐ Arrange fair and open counting and tallying of the vote and, timely release of the results;
- ☐ Cultivate and maintain a professional working relationship with the media; and
- ☐ Provide access to information as enshrined in the Constitution of Kenya 2010 and Access to Information Act, 2016.

8. Safety and security

Journalists and media practitioners have the right to carry out their work without fear of intimidation, harassment or attacks. No story is worth dying for. They should take measures to safeguard their safety. Journalists should:

- ☐ Receive safety training to enable them carry out their work;
- ☐ Assess the risk and threats in all political activities before coverage;
- ☐ Have a right to decide on assignments to cover especially when they fear for their lives;
- ☐ Conduct their duties responsibly with due regard to their safety and that of the people they work with, such as interviewees or sources;
- ☐ Observe strict neutrality. This allows them to do their work as safely as possible;
- ☐ Always carry the necessary documents such as identification, press cards, official accreditations, and any other required papers. However, never display or use them in violent or dangerous situations or when you feel threatened;
- ☐ Carry and know how to use emergency first aid kits;
- ☐ Have protective gear;
- ☐ Never travel alone. Avoid moving about in the entourage of candidates or political leaders;
- ☐ Maintain regular communication with employers and colleagues, protection organisations, and have a clear exit plan;
- ☐ Regularly transmit information on their location to the employer's office, close friends and family members;
- ☐ Check out the site and identify where to take cover or exit from in case of violence when covering a political gathering or a big rally;
- ☐ Always have medical insurance documents at hand in case of emergency treatment; and
- ☐ Beware of international conventions and instruments that bar journalists from carrying and using arms in the course of their work.

HARM AND OFFENCE

9. Hate Speech

Article 33 of the Constitution of Kenya 2010 guarantees freedom of expression, but states that this freedom does not extend to:

- ☐ War propaganda;
- ☐ Incitement to violence;
- ☐ Hate speech; and
- ☐ Advocacy of hatred that constitutes ethnic incitement, vilification of others or incitement to cause harm.

Defining Hate Speech

Section 13 of the National Cohesion and Integration Act (2008) makes hate speech an offence and imposes a fine of one million shillings, or six months imprisonment or both, on anyone (e.g. individual journalist or media enterprise) found guilty of it. According to this section, a person is guilty of the offence of hate speech if that person uses, produces, publishes or distributes, content that contains threatening, abusive or insulting words, visual images or behaviour with the intention of, or that may (having regards to all the circumstances) likely lead to, stirring up ethnic hatred. Ethnic hatred here means hatred against a group of persons defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins.

Identifying hate speech

Hate crimes in Kenya tend to be fuelled by the following:

- ☐ Use of negative stereotypes, particularly cultural;
- ☐ Emotive media content that incite, especially during broadcast talk-shows;
- ☐ Hate-filled speeches, especially at political rallies; and
- ☐ Incendiary political advertisements.

Main characteristics of hate speech

- ☐ Threatening, abusive or insulting messages, sometimes using coded language intended to incite;
- ☐ Messages targeted at a group to stir hatred on the basis of race, colour, nationality, ethnicity or religion.

Questions to ask relating to hate speech

- ☐ What are the motives of the speaker; and should they be listened to or just ignored? What is the value of the statement?
- ☐ What is the reach of the speech and does it have a pattern of hate?
 - Is it deliberately intended to cause harm to others?
 - Is the speech dangerous, and could it incite violence towards others?
 - Is there a history of conflict or discrimination?

Following international law and Section 13 of the National Cohesion and Integration Act (2008), the media/journalist:

- ☐ Must NOT publish hate speech that contains direct and public incitement to genocide;
- ☐ Must NOT publish hate speech that constitutes incitement to discrimination, hostility or violence based on ethnic or religious hatred;
- ☐ When dealing with other types of hate speech, should use them only with the aim of exposing, challenging and repudiating it and its source. Otherwise, the journalist/media practitioner should:
- ☐ Not quote persons making derogatory remarks based on ethnicity, race, creed, colour and sex;
- ☐ Avoid racist or negative ethnic terms;
- ☐ Take careful account of the possible effect upon the ethnic or racial group concerned, and on the population as a whole, and of the changes in public attitudes as to what is and what is not acceptable when using such terms;
- ☐ Not sensationalise; and
- ☐ Take a moment of reflection and avoid the rush to publish.

10. Conflict-sensitive reporting

Given that the media have a responsibility to society, the principles of conflict-sensitive journalism should guide journalists and media practitioners reporting on elections.

In situations of violence and conflict, journalists and media practitioners should:

- ☐ Be informed about the causes and dynamics of election-related conflict;
- ☐ Report on elections accurately and constructively;
- ☐ Use words carefully to avoid and reduce tension between contending parties;
- ☐ Not downplay the suffering of those affected by election-related conflict;
- ☐ Avoid projecting opinion as fact;
- ☐ Help people make sense of events by providing context and impartial analysis, and by capturing a wide range of views and opinions;
- ☐ Avoid framing conflict from the perspective of leaders and opinion shapers who make familiar demands. Reporting should go beyond the elite and capture the views of ordinary people who may voice the opinions shared by many;
- ☐ Make citizens better informed, and possibly safer, by also reporting on efforts to promote conflict reduction;
- ☐ Contribute to the search for solutions;
- ☐ Avoid putting individuals at risk;
- ☐ Be sensitive to the emotions and fears of audiences to reduce suffering and distress;
- ☐ Respect human dignity without sanitising the realities of violent conflict;
- ☐ Ensure editorial justification for the use of graphic images; and
- ☐ Ensure awareness of the impact of journalistic work on conflict.

Talk show hosts have a special duty to ensure that they effectively moderate discussions to avoid exacerbating tension. They should pay special attention to the import of their words. For instance, references to “our people” or “our community” may send out dangerous or unintended messages to audiences who are not from the show host’s community. The presenter should take charge and stop any contributor or caller who makes insensitive or inflammatory comments on the show.

11. Gender-responsive reporting

Gender-responsive election reporting refers to reporting that:

- ☐ Reflects an understanding of gender roles, inequalities, biases and stereotypes;
- ☐ Encourages equal and fair coverage of men and women;
- ☐ Facilitates fair and equitable participation of men and women in elections; and
- ☐ Exposes gender-based violence

The goal of gender-responsive reporting is the mainstreaming and integrating the interests and needs of men and women in the electoral process by addressing the different barriers that deny them full participation in national issues or electoral process. The goal of gender mainstreaming in turn is gender equality. The Code of Conduct for the Practice of Journalism in Kenya states that: Women and men should be treated equally as news subjects and sources.

Gender responsive election coverage requires that the media/journalist:

- a) Strives to report on men and women fairly and equitably by selecting and using sources and publishing stories in order to achieve a balanced presence of women and men in society.**

The media/journalist should ensure:

- ☐ A balanced representation of women and men as seen, heard or read about in news and current affairs; and
- ☐ A balanced representation of men and women as sources of information, opinion, and expertise in news and current affairs. Particular effort should be made to involve women as experts and professionals, not only as “ordinary” persons, spectators or victims;

- b) Portrays men and women wholesomely by eliminating stereotypes**

The media/journalist should:

- ☐ Avoid stories with stereotypical and sexist interpretations of the characteristics and roles of women and men in society;
- ☐ Not represent female and male political actors as possessing stereotypic gendered attributes and characteristics; and
- ☐ Avoid language that demeans any gender.

c) Interrogates and addresses factors that impede gender equality

The media/journalist should:

- ☐ Probe beyond what is taken for granted regarding gender roles in elections;
- ☐ Interrogate whether the country's electoral system(s) for presidential, parliamentary and county government polls help or hinder women's entry into political office;
- ☐ Examine the factors that keep women from becoming candidates and/or holding political office;
- ☐ Not sensationalise or trivialise violence against women;
- ☐ Examine the gender breakdown of candidates for each party;
- ☐ Establish how many voters of each sex are registered and whether there are disparities in some regions such as those impacted by conflict or where women are marginalised;
- ☐ Determine and interrogate, after official election results are published: how many women were elected; and
- ☐ Analyse election-related problems from a gender perspective: Have any of the party's women candidates encountered intimidation or interference with their campaign efforts; have these differed from problems encountered by men; have women encountered any other problems during the campaign.

12. Reporting on People with Disabilities and the Youth

People with disabilities and the youth also need to participate effectively in the electoral process. They are normally marginalised in electoral processes. For them to realise their full rights as citizens, the media should give them a stronger political voice and highlight their issues during election reporting.

The media/journalist should:

- ☐ Mainstream issues affecting the disabled and the youth in elections;
- ☐ Depict the disabled and the youth in a way that affirms their rights as citizens;
- ☐ Use a rights-based language when reporting on the disabled and the youth; avoiding negative stereotypes and ageism;
- ☐ Expose policies and practices that disadvantage the disabled and the youth in the electoral process;
- ☐ Prioritise inclusion of the disabled and the youth in all electoral activities on an equal basis with other citizens;
- ☐ Interrogate the extent to which candidate and party manifestos address issues affecting the disabled and the youth; and
- ☐ Give an accurate and fair reflection of the experiences of the disabled and the youth in the election.

CONTENT AND FORMATS

13. Social media

Social media plays a major role in journalism and will be an important feature in election coverage. However, the same core principles of journalism as practised in traditional media — print and broadcasting — should govern the conduct of all journalists on social media. Below are some general guidelines:

- ☐ Integrity: Do not compromise your professional integrity.
- ☐ Sources: The journalist must always verify the sources of information.
- ☐ Accuracy: The information published must be accurate.
- ☐ Your personal activity: Even though you act in your own private capacity online, — anyone seeing your post(s) may identify you with your media organisation. Think carefully about what you publish.
- ☐ Opinion: Make it very clear that the views expressed are personal and not those of your media organisation.
- ☐ Political stand: Don't state your political preference(s) as this may compromise your impartiality in your official reporting capacity.
- ☐ Breaking news: Be clear what the policy of your media organisation is before you break news privately on the web ahead of your own media organisation.

14. Fake news

Fake News has emerged globally as a phrase to loosely refer to “created realities” that are intended to mimic the look and behaviour of the mainstream media. As the name suggests, fake news are not real or genuine “news”. They are stories that are made to look and/or presented as real but have NO factual basis and are in most cases used to deceive people. They mostly originate in social media and the Internet but sometimes in other news media. It is important to distinguish between Fake News, which are fabrications, and what some have called false news, which can arise out of quality failures by professional journalists. They exclude websites and media content that are well-known to be satire.

In the context of elections, the media/journalist should:

- ☐ Strongly debunk fake news, including where possible exposing their perpetrators;
- ☐ Develop and enforce own social media policies that uphold journalistic values;
- ☐ Not use or publish information that cannot be verified;
- ☐ Use custom searches on Google to debunk stories;
- ☐ Use photo-checking tools in Google images to verify pictures; and
- ☐ Be sceptical about stories originating from social media.

15. State-owned media

The Kenya News Agency (KNA) and the Kenya Broadcasting Corporation (KBC) have a duty, during the election period, to inform the public about the entire electioneering process, highlighting key issues and educating the voters. This is in line with KBC's statutory role to "conduct broadcasting services with impartial attention to the interests and susceptibilities of the different communities in Kenya".

As a State broadcaster, KBC has a duty to provide fair and balanced election coverage, and afford fair opportunity for the presentation of divergent views and dissenting opinions. The law further requires that KBC should, in consultation with the IEBC, during the campaign period preceding any presidential, parliamentary or county government election, allocate free air time to registered political parties participating in the election to expound their policies.

As a public media enterprise, KBC has a responsibility to educate voters and keep them informed throughout the electoral process. Its election-related programmes must reach the greatest number of voters possible. They should, especially, target groups that traditionally may have been excluded from the political process, such as ethnic or religious minorities and women.

The programmes should be accurate and impartial and must effectively inform voters about the voting process, including how, when and where to vote, register to vote and verify proper registration, the secrecy of the ballot (and thus safety from retaliation) and, the importance of voting.

16. Opinion polls

Properly conducted and disseminated opinion poll results give the public an opportunity to be heard. Through such opinion studies, the public, politicians, the media and other interested groups have access to useful measures of public attitudes and intentions. However, opinion polls should be carefully examined before they are used. This is because poorly done surveys pose a danger to the democratic process.

When reporting on opinion polls, the media/journalist should:

- ☐ Carefully interrogate them to establish their credibility, reliability and validity;
- ☐ Provide background and context of the polls;
- ☐ Only cite surveys produced by professionals who follow rigorous and transparent methods;
- ☐ Include comments and reactions on the poll before publishing stories based on the results;
- ☐ Distinguish between poll findings and a pollster's interpretation of poll results;
- ☐ Beware of analysts who seek to predict the election based on a poll; and
- ☐ Not publish the results of any electoral opinion poll on the day of the election or during the period of five days immediately preceding the date of an election (Publication of Electoral Opinion Polls Act (No. 39 of 2012; Section 7(1)).

Following the recommendations of the World Association for Public Opinion Research (WAPOR) and the Publication of Electoral Opinion Polls Act (No. 39 of 2012), the media/journalist should be guided by the following questions in determining the credibility of the survey and its use in stories:

1. Who commissioned the survey?
2. Who paid for it?
3. Why was the survey commissioned?
4. Who conducted the survey?
5. What geographical areas were covered?
6. What was the sample size?
7. How representative was the sample?
8. What sampling methods were used?
9. What was the response and non-response rate?
10. What kinds of questions were asked?
11. What calibre of staff was involved in the data gathering?
12. Over what period was the survey conducted?
13. What was the margin of error?
14. What were the results?

Radio/TV instant polls

Results from short messaging service (SMS) polls should not be treated as representative scientific results and the audience should be accordingly informed. The number and spread of those who are polled should be disclosed. Presenters should state clearly that the results do not in any way reflect public opinion on the issue(s) under consideration. They shall be fair when reading selected audience-feedback so that they reflect the diversity of opinions expressed.

17. Phone-ins and talk shows

When dealing with phone-ins and talk shows, presenters and producers should:

- ☐ Apply journalistic principles to the programme;
- ☐ Abide by the Election Reporting Guidelines and other relevant legal requirements;
- ☐ Challenge or cut off a caller who breaches the guidelines or the law, especially on hate speech;
- ☐ Treat viewers, listeners and callers with respect, honesty and fairness;
- ☐ Respect the privacy of callers and safeguard their personal information;
- ☐ Install and use time-delay technology or other mechanism to filter out offensive or incendiary content or calls prior to broadcast; and
- ☐ Provide a standard disclaimer (at the beginning and the end of the programme) to the effect that opinions expressed by the callers in the programme are personal and not those of the media organisation.

18. Political advertising

Political advertising refers to any message primarily under the control of, and usually paid for by, a source and that is used to promote political candidates, parties, policy issues, and/or ideas through the media.

When dealing with political advertising during an election campaign, the media must:

- ☐ Ensure equity regarding paid campaign advertising time. This means that if a broadcaster sells advertising time to one candidate or party, other candidates and parties must also be given the opportunity to buy commercial airtime from that same broadcaster;
- ☐ Ensure equity in the provision of free campaign advertising time. This means that if a broadcaster offers free time to a party or candidate, it must then offer equitable time to other parties and candidates;
- ☐ Ensure that adverts are appropriately identified as such in the beginning, during and at the end of their broadcast; and
- ☐ Ensure that their journalists are not involved in political adverts e.g. by wearing branded material and voicing adverts in support of political actors.
- ☐ Vet political advertisements for: veracity of content; taste and fairness; truthfulness; potential to inflame public opinion; risk of defamation; and, potentially offensive illustrations/images

The broadcast media should also adhere to the provisions of The Programming Code for Free-To-Air Radio and Television Services in Kenya (2016) published by the Communications Authority of Kenya (CAK). According to the Code, radio and television broadcasters have an obligation to serve the public interest at all times.

In relation to advertising, the Public Service Obligations of broadcasters include but are not limited to ensuring that:

- ☐ The right of citizens and groups to defend themselves are safeguarded if they have been attacked on air (right of reply);
- ☐ Advertising is separated from editorial programming;
- ☐ There is equitable access and rates for appearances by political candidates;
- ☐ Text crawls shall not be used for advertising messages during a newscast;
- ☐ Advertisements shall not prejudice respect for human dignity;
- ☐ Advertisements shall not be offensive to religious or political beliefs; and
- ☐ Advertisements shall not exceed ten (10) minutes in any 30 minutes of television broadcasting or one-third of the programme.

IMPLEMENTING THE GUIDELINES

19. Editorial guides/station policies

To effectively implement these guidelines, media enterprises should:

- ☐ Use these guidelines together with their own editorial codes and policies;
- ☐ Publish these guidelines together with own codes and policies to ensure awareness by all and to help the public monitor their performance and hold them accountable;
- ☐ Ensure proper planning and resource allocation for election coverage;
- ☐ Ensure staff is adequately trained and sensitised to fulfil their obligations as required by these guidelines; and
- ☐ Establish election-coverage desks to facilitate communication by and with the media enterprise about the election.
- ☐ Develop a system for monitoring or reviewing adherence to the Code of Conduct

20. Complaints

During election periods, the need for quick resolution of complaints is pertinent. In addition to media enterprises' established internal complaints handling procedures, the Complaints Commission of the Media Council of Kenya should give priority to elections-related complaints from the public. The resolutions to these complaints should immediately be communicated to the media enterprises and networks of other media stakeholders. Media enterprises should publicise the outcome of a complaint touching on them.

21. Media monitoring

Media enterprises should have their own internal mechanisms to monitor their performance. They should develop archival policies for keeping their broadcast and online content. Broadcasters should keep recordings of all broadcasts during the election for a period of 90 days from the day of the broadcast. Online publishers should keep a record of their text-based election content for 60 days after the polls.

The Media Council of Kenya will monitor the performance of the media enterprises in terms of adherence to the Code of Conduct and equitable and fair reporting for all parties and candidates. It will provide monthly reports containing the major findings to the media.

The media should be prepared to rectify negative trends of performance identified after analysis of the monitoring and evaluation process.

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