



PRESS STATEMENT BY THE COMMUNICATIONS AUTHORITY OF KENYA ON EXPECTED BEHAVIOUR FROM BROADCASTERS WITH RESPECT TO ELECTION COVERAGE

As the country approaches the General Election in 2017, the Communications Authority of Kenya wishes to remind broadcasters on the regulatory provisions governing the responsible use of broadcasting platforms.

At the onset, due recognition is given to the Constitution which provides for the right to freedom of expression. It also sets out limitations to exercising the right to freedom of expression, as it is unlawful to spread propaganda for war, incite violence and spread hate speech.

Within the mandate of the Kenya Information and Communications Act, the Authority is empowered to set standards for the time and manner of programmes for broadcast licensees, including the administration of the content, development of the broadcast standards and monitoring the compliance of those standards.

The Kenya Information and Communications (Broadcasting) Regulations, 2009 provide guidelines for the “polling period” which covers the period when national general elections are held, election campaigns, the post-election and referendum periods.

Section 25 of the Regulations calls on licensees to:

- (a) provide equitable coverage and opportunities to registered political parties participating in an election and in particular to presidential candidates;
- (b) ensure that the name of the political party or sponsor, if any, on whose behalf a broadcast is made, is announced, immediately before the commencement and immediately after such broadcast;
- (c) ensure that the employees of a licensee who wish to be candidates for any elective position(s) resign from their employment with the licensee during polling period.

The Programming Code for free-to-air radio and television services in Kenya, which came into effect on 1st July 2016, also emphasizes these tenets. The Code outlines the “Election Period” to mean the period between publication of a notice by the electoral body for a Presidential, Parliamentary or County election and the gazettement of the election results.

It is clear from the Code that radio and television broadcasters have an obligation to serve the public interest at all times. This includes provision of equitable coverage and opportunities to registered political parties participating in an election.

The Authority expects the Broadcasters to abide by the provisions in the Code in relation to election period and political parties. This is not only a legal requirement but also the public responsibility of the media to uphold the democratic principles of our nation particularly during the election period.

These principles relate to equitable opportunities in the access of unpaid airtime to candidates and political parties, refrain from favour or opposition to any candidate or political party; provision of objective information to the public on significant issues as well as provision of a forum for the discussion of such issues and events.

The Code also provides for the need to maintain consistency when it comes to amount of airtime allotted to political propaganda and the rates to be charged for to all parties and candidates. In addition, news during the election period shall not be treated to deliberately give some candidates undue advantage over their rivals. The Code expects broadcasters to refrain from employing technological gimmicks like doctoring pictures of political rallies to enlarge or diminish the crowds.

Broadcasters are also reminded to ensure that political messages do not contain attacks on individuals, their families, ethnic background, race, religion or their associations. In addition, political messages should not contain offensive, threatening, abusive, obscene or profane language. Media houses are expected to adhere to professional standards and should not use their platforms to propagate misleading information to the public.

It is equally important that in the era of ICT, focus must be directed to ensure digital inclusion of all persons. In the regard, the Authority would wish to take this opportunity to call upon broadcasters to provide sign language inserts or subtitles in all newscasts, educational programmes, information relating to emergencies and in all programmes covering events of national significance. The general elections are recognized as events in this category.

The Act, the Regulations and the Code gives elaborate guidelines on the conduct of the electronic media during election period. These provisions are also echoed in the respective broadcast licences issued by the Authority.

The Authority will continue to monitor the compliance of broadcasters and carry out the relevant enforcement activities, in this respect. Media houses that fail to adhere to the guidelines and conditions provided in these instruments shall be acting in contravention, and will be subjected to the relevant consequences as provided in the law, including revocation of their broadcast licences and/or broadcast frequencies.

Issued on 12th January 2017 By:

Ngene B. Gituku
Chairman of the Board
Communications Authority of Kenya