

# Introduction

[Entertainment](#), [Journalism](#)



Introduction The media in Kenya is a diverse and vibrant growing industry. There are more than 90FM radio stations, 14 television stations and a massive number of formal and informal print newspapers and magazines. For a long time the Kenya Broadcasting Corporation (KBC) dominated Kenya's electronic media scene as the only nationwide broadcaster, but with time, privately owned media houses have taken charge to the point of mockingly reporting the recent strike of KBC staff. Relations between the mass media and the Kenyan government have always been tense. However with challenging issues of media ownership, media responsibility and governmental legal mandates, the control of media outlets is now extremely controversial with regards to a declared democratic country like Kenya. This paper seeks to analyse the role of Kenyan free press in promoting democracy and the initial challenges to an unrestrained freedom of the press on account of perceptions of irresponsibility in the exercise of free speech and the role of the media in development in Kenya. Media Laws Section 79 of the Constitution of Kenya declares that every Kenyan has the freedom to hold opinions without interference, to receive ideas and information without interference, freedom to communicate ideas and information and freedom from interference with his correspondence. According to Mwangi, 2007, freedom of the press is the right to seek, receive and to impart information. The freedom of expression in Kenya however is expressly limited in cases where any law in question makes reasonable provision in the interests of defence, public safety, public order, public morality, public health or to protect the rights and privacy of other persons, and to avoid the disclosure of confidential information. Mwangi, 2007 continues to say that while freedom

of the press as a component of free speech has limits, the extent of those limits has varied over the past years, and can only be properly defined in relation to the goals of free speech and specific instances of abuse. A code of conduct for reporters exists in Kenya, most journalists do not really follow it and others are ignorant and not aware of its contents. The code which was developed by the Kenya Union of Journalists entails some of the guidelines to be followed by journalists. Not many journalists however mind the ethics, so long as it is a ' good ' story, they cover it. Currently you find journalists and editors asking for money to " kill stories" or give more coverage to particular individuals or institutions. Other codes of conducts that are being violated by journalists in Kenya include privacy boundaries. According to Chapter 4, Article 33 of the constitution, individuals are guaranteed to right of freedom of expression however he citizen's freedom of expression shall be limited by Article 31 that states that " every person has a right to privacy. " That means individuals have the right not to reveal information relating to them, family or private affairs. The implication is that individuals including journalists can say whatever they want so long as such material does not violate the privacy and reputation of others or infringe on the privacy of their communication. Most journalists at times invade the privacy of certain individual. In Kenya the bodies that are involved in the monitoring and protection in media are: Media Council of Kenya which is an independent national institution established by the Media Act 2007 as the leading institution in the regulation of the media and in the conduct and discipline of journalists, ( <http://www.mediacouncil.or.ke/> ) . Other bodies include The Kenya Union of journalists.

Current Examples of Journalistic Misconduct A current example is the

ongoing investigations of Louis Otieno a media personality in connection with the mysterious death of a female friend. No one really knows what happened but with regard to the victim, the victim's family and the accused, is the media being fair in their portrayal? Are Mr. Otieno's rights being violated to a point where he is justified to seek legal action? Public opinion sways with coverage. The more the media insinuates his involvement in the victim's murder without such a verdict from a judge the more Mr. Otieno's reputation suffers. However, what if he is guilty? Are the police not entitled to do their work without interference from public scrutiny? Finally, is the victim's family not entitled to a certain level of privacy considering the allegations being made in the media relate to Mr. Otieno and the victim's sexual or platonic relationship? Government Abuse of Power During Moi Regime and his one-party state, a clampdown on journalists led to arrests and imprisonment as state officials were worried about the media challenging the government. According to Abuoga and Butere, 1988, there were supposedly the infamous "white Peugeots" which stalked journalists to ensure that they did not unfold or cover any stories that the president would not want reported. These journalists received Nyayo House Threats in case they failed to comply with some of the rules that were bestowed upon them. During President Kibaki's regime, press freedom has also been suppressed in a way and a good example is the Standard Newspaper raid in March 2006, because apparently the company planned to run stories that would have been a threat to national security. ([http://www. standardmedia. co. ke/news/](http://www.standardmedia.co.ke/news/)), Lucy Kibaki also assaulted a Nation Media Group journalist claiming that he was going to publish an untrue story. Social Media According to Milton, 1993, social media

is best understood as a group of new kinds of online media, which share most or all of the following characteristics: participation, openness, conversation, community and connectedness. He continues by giving the basic forms of social media such as social networking sites, blogs, wikis, podcasts, content communities and micro blogging. To some extent, individuals in Kenyan society should also be protected against themselves, not just from the media. The introduction of social media has also defied the privacy protection. Take a case such as Twitter, where the death of the late Honourable John Michuki was announced by a Twitter user even before the family had a chance to make a statement to that effect. In addition, users were keeping track of the Minister's health without official reports via leaked information. This also brings the Kenyan media use of Wiki leaks as a news source without actually having a way to certify the information obtained from the website through journalistic investigation. This method of journalism has a very strong inclination towards rumour mongering capable of causing situations such as the SMS fuelled aggression occurring during the post election violence in 2007. Conclusion In conclusion, free media in Kenya is an important component of our democratic system of governance, these freedoms, however must deal with limits, whenever necessary to ensure the protection of the freedom of others. Kenyan media have emerged from three decades of repression of free speech, and it needs to safeguard these new rights to free expressions without fear or inducement by the government or politicians. At the same time, the media should recognise the need to strengthen their self-regulation in view of the institutional weaknesses of the media industry in Kenya. Journalists should therefore be sure to

institutionalize a media culture of ethics and professionalism while retaining safeguards against political interference. REFERENCES Abuoga, J. B. and Mutere, A. A. The history of the press in Kenya . Nairobi: ACCE, 1988. Ainslie, Rosalynde. The Press in Africa: Communications Past and Present . London: Victor Gollancz Ltd., Mwaura, Peter. Communication Policies in Kenya . Paris: UNESCO, 1980. Mwangi, Micheal. Law and Ethics of the media. Nairobi, 2002 Mytton, G. Mass Communication in Africa. London: Edward Anorld, 1983 <http://www.mediacouncil.or.ke/> <http://www.standardmedia.co.ke>