

GUIDELINES FOR ELECTION COVERAGE IN KENYA

Published by:

The Media Council of Kenya

First published 2007

ISBN: 9966-7156-0-8

Copyright: Media Council of Kenya and Media Industry Steering Committee

CONTENTS

| | |
|---|----------|
| Preface | i |
| Preamble | 1 |
| 1. Accuracy and Fairness | 1 |
| 2. Sources | 2 |
| 3. Gifts, Favours and Special Treatment | 3 |
| 4. Media Owners | 3 |
| 5. Opinion Polls | 3 |
| 6. The Day Before Election Day | 4 |
| 7. Hate Speeches and Incitement | 4 |
| 8. Minorities | 4 |
| 9. State Media | 4 |
| 10. Private Media | 5 |
| 11. Separation of Fact and Opinion | 5 |
| 12. Advertorials | 5 |
| 13. Identification | 5 |
| 14. Attacks and Threats | 6 |
| 15. Journalist on Assignment | 6 |
| 16. The Electoral process | 6 |
| 17. Electoral Malpractices | 6 |
| 18. Voter Information and Education | 7 |
| 19. Responsibility to Voters | 7 |
| 20. Human Rights | 7 |
| 21. Political Activity | 7 |
| Annexes | 8 |
| The Media as Election Watchdog | 8 |
| What to watch out for | 8 |
| Voters' Rights | 9 |
| Candidates and Party Rights | 9 |
| The Election Process | 10 |
| Responsible Journalism is Not | 12 |
| Election Reporting: Is my story Complete? | 13 |

Preface

The media in Kenya are committed to professionalism and ethical conduct and there is no better time to test that commitment than during a political transition. That period is upon us, with the formidable challenges that come with a General Election and an electioneering process. It is for this reason that the following guidelines have been developed. They address issues of ethical and professional conduct, journalistic discipline, and social obligations, and they incorporate insightful ideas borrowed from *Media + Elections: An Elections Reporting Handbook*, published by the Institute for Media, Policy and Civil Society (IMPACS), 2004. To place all these in the right context, they should be read as a companion to the existing **Code of Ethical Conduct for the Practice of Journalism in Kenya**, which the Kenya Media industry subscribes to. If applied diligently, the guidelines ought to help us cover the General Election professionally as defined by the need for accuracy, balance and fairness, and our obligation to serve as the voice of the voters.

Preamble

We editors, journalists, practitioners and media owners,

Recognising the importance of General Elections,

Guided by the desire to facilitate free, fair and democratic electioneering and elections,

Determined to assist voters make informed choices, hereby agree on and adopt these guidelines for reporting General Elections as follows:

1. Accuracy and fairness

The media must ensure that their election reports are factual and accurate, and they must strive to provide fair, balanced and impartial coverage. This will be achieved by giving reasonable space and airtime to all sides of an issue. It is important to obtain comments from anyone who is mentioned in an unfavourable context. In addition, all claims should be tested against the evidence. Getting the correct information is the most important part of good journalism. Everything that is reported must be described accurately. The words of candidates must be reported correctly to accurately reveal their meaning, and to explain the context without exaggeration partial meanings.

Impartiality (fair-balance)

To achieve impartiality, a good journalist will seek to produce a report that is balanced. To be balanced is to include both sides. When one political candidate makes an accusation or a promise in an election campaign speech, a reporter will seek reaction from other candidates and include it in the report to create a balanced story. Looking for more than one opinion helps overcome the appearance of bias or favouring only one side.

But the balance report must also be fair. It may give more emphasis or more attention to one candidate over another in a news story because of the significance of the candidate's words or actions at the event, or at that time.

2. Sources

Journalists must observe professional secrecy regarding the source of information obtained in confidence. They have obligations to the people they report about and to the society to whom they report the news. Many people will not tell journalists important news about political corruption if they fear their names will be revealed. Responsible journalists also use honest methods to obtain news, which means their work should be guided by internationally accepted professional standards.

3. Gifts, favours and special treatment

Journalists should resist any form of manipulation relating to the electoral process. They should refuse gifts, favours or special treatment from interested parties as this could compromise their impartiality.

4. Media Owners

Media owners and managers should promote free and fair election coverage by developing capacity and providing adequate resources for effective election coverage.

5. Opinion Polls

Opinion polls conducted or used by the media on elections, electoral process or political trends should be fair and balanced. The media should provide all available information that will help interpret the trends and to make informed choices. Any report should, wherever possible, include the following information:

- Who commissioned and carried out the poll and when
- How many people were interviewed, where and how were they interviewed, and what is the margin of error; and
- The exact wording of the questions.
- Who financed the poll

6. The day before Election day

The media are advised not to run/broadcast stories, commentaries and/or graphics that promote or seem to promote individual parties or candidates on the eve of elections.

7. Hate speeches and incitement

The media must refrain from giving space or airtime to hate speeches or utterances that might incite violence or cause social turmoil. Journalists must avoid using language or expressing sentiments that may further discrimination or violence on any grounds, including race, sex, language, religion, political or other opinions, and national or social origins.

8. Minorities

The media should not discriminate against disadvantaged or marginalised people and groups seeking to participate in political leadership.

9. State Media

State media have a formal obligation to provide factual information to the public as taxpayers support them. They should provide reasonable space and time to all political parties, candidates and platforms.

10. Private Media

Private media have an obligation to avoid being swayed or influenced by the owners, government, advertisers, patrons of any other organisation through direct or indirect pressure.

11. Separation of fact and opinion

In all media, there must be a clear separation between fact and comment. Publicly funded media may not take an editorial line in favour of any political party or candidate. No matter what editorial position a publication or broadcasting station takes, accurate reporting of the facts is the journalist's priority. This guideline equally applies to radio and television presenters and other media communicators.

12. Advertorials

Media should clearly identify advertorials in order to distinguish them from editorial content.

13. Identification

Journalists should always carry identification proving they work in the media. Such identification will be issued by the Media Council of Kenya.

14. Attacks and threats

Journalists should report any attacks or threats against them to their employers and the police. The Media should report threats against journalists as news, and should demand the protection of journalists. Equally important, journalists' associations, media managers and owners should seek a declaration from all political parties and the government to respect and promote the physical safety of journalists.

15. Journalists on assignment

Journalists should always tell someone else – their editor, their co-workers or their family – where they are going and when they will return.

16. The electoral process

Journalists must be acquainted with the electoral process, regulations and laws in order to be effective in disseminating voter information and education.

17. Electoral malpractices

The media have a responsibility to investigate and expose electoral malpractices.

18. Voter information and education

Journalists should provide voters with information that would help them make informed choices. They should capture the significance of events and their impact as well as provide understanding of issues raised in political campaigns.

19. Responsibility to voters

The media should encourage voters to express their opinion and views.

20. Human rights

The media should promote democratic values and human rights issues.

21. Political activity

Journalists should never wear political colours, badges or slogans, and should not accept favours from political party workers or candidates.

Annexes

Good journalism in election reporting ¹

The Media is Election Watchdog

Reliable media are needed as a watchdog against corruption and illegal activity in election. It is the role of the media to report problems and possible violations of the rules, as well as to inform voters about issues and the political parties and candidates' policies. The media do not work for the Electoral Commission or for political parties but they can shine their own spotlight on the election process and expose corruption or other illegal activities.

Reporters need to be well aware of the election rules, how the Electoral Commission of Kenya operates and how voting will be conducted.

What to watch out for

There are many ways that elections can go wrong or can be corrupted. But these are some of the most important things for the media to be aware of and to report on as the watchdog of the campaign and election process for voters.

Voters' right

- Are all eligible citizens on the voters' list or registered to vote?
- Are all voters free to hear and discuss the parties and issues without fear?
- Do parties threaten voters or election officials or tell voters for whom to vote?
- Do parties or officials try to bribe voters with money, large gifts or promises of jobs?
- Do voters understand their role and the importance of voting, and do they know their choices?
- Do women and minorities feel safe in voting?

¹ *Media and Elections: An Elections Reporting Handbook*, published by the Institute for Media, Polica and Civil Society (IMPACS), 2004

Candidates' and party rights

- Are all qualified parties and candidates allowed to run in the election?
- Are candidates representing minorities, region and different political opinions all allowed to seek election?
- Are all parties able to hold public meetings without fear?
- Are the election rules and limits applied equally to all parties?
- Are the police protecting all parties as they campaign, distribute information and hold public meetings?
- Are the parties willing to disclose where they get their money?
- Are government officials neutral and not using government money and resources such as vehicles to favour one party?
- Is the political party that is in government making many announcements of new projects just when the election campaign begins? This is unfair to the opposition parties who cannot use government money this way.

The Election Process

- Are the voters' lists complete?
- Are voters left off the lists able to get on the list by showing proper identification?
- Are ballots easily understood by voters who cannot read?
- Do voters easily understand the voting instructions?
- Are there enough ballots, ballot boxes, and officials to observe the voting and count the ballots?
- Are there security arrangements to protect people going to vote?
- Are there security arrangements to protect the ballot boxes so nobody can stuff them with false ballots?
- Is the Electoral Commission seen as impartial, independent and honest?
- Are there international and independent observers who are monitoring the election?
- Does the Electoral Commission respond quickly to complaints from the media, the voters and the political parties about all alleged violations of the election laws?
- Does the Electoral Commission investigate and stop violations of the election laws? Are violators penalized in any way?
- Are the media, non-governmental organizations and international observers able to monitor and report to the public about the election process without interference or fear?
- Is the state media providing reliable coverage of all the candidates and parties? Is the coverage accurate, impartial, responsible and fair?
- Do the private media – newspapers, radio and television – provide reliable and fair reporting?
- Do the private media treat all parties' advertising equally?

Responsible Journalism Is Not

Defamatory

Good journalism does not repeat inaccurate allegations and insults or twist the truth about a person. Journalism can report allegations and offensive speech, but the story must be balanced so the allegation or offensive is answered.

Derivative

Good journalism does not simply repeat what has been reported somewhere without checking the facts. Copying others' news may just repeat false information.

Malicious

Journalism is powerful. News reports can ruin politicians' reputations, put party members in danger, or cause public protest. Professional journalists do not misuse their power by twisting the news and using it as a personal weapon to deliberately harm anyone.

Corrupt

Professional journalists do not accept bribes. Good journalism does no special favours for any politician or party. Good journalism is not for sale. Whenever possible, the media should pay its way.

Election reporting: Is my story complete?

Every journalist and editor should ask these questions before reporting election news.

1. Is this story accurate? Are the facts and names correct and do I believe the information is true?
Have I made every effort to confirm the information is true?
2. Is this story impartial and balanced fairly? Does it include both sides or alternative views and does it present the news without giving any special favour to one party or candidate?
3. Is this responsible journalism? Was this news obtained without bribes or illegal actions and does it protect sources and not violate the election and press laws.

Signatures

Ezekiel Mutua
Kenya Union of Journalists

Wangethi Mwangi
MISC Chairman

Hannington Gaya
Chairman, Media Owners Association

Martha Mbugguss
META, Member

Francis Muroki
AFIM, Secretary General

William Oloo Janak
KCA

Jeremire Araka
META, Secretary

Doreen Rukaria
KCOMNET

Ken Bosire
Editors Guild