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Freedom of the Press - Kenya (2007)

Status: Partly Free

Legal Environment: 20 (of 30)

Political Environment: 21 (of 40)

Economic Environment: 18 (of 30)

Total Score: 59 (of 100)

(Lower scores = freer)

Although Kenya's media continued to be vibrant in 2006, legal restrictions and the threat of violence restricted the country's press freedom. The constitution does not explicitly guarantee press freedom. As such, media operations are governed by Section 79 of the constitution, which, while not providing for freedom of speech, does guarantee citizens the broader right to freedom of expression. Nevertheless, the government routinely restricts this right by widely interpreting several laws, including the Official Secrets Act, the penal code, and criminal libel legislation. The Miscellaneous Amendment Act of 2002, which raised publishers' mandatory insurance bond to one million Kenyan shillings (about US\$13,100), has had a negative impact on numerous independent newspapers that cannot afford to pay the increased fees. Although defamation remains criminalized in Kenyan law, in a 2005 defamation case the attorney general declared that the archaic law would no longer be used to suppress freedom of expression, and no journalists were prosecuted for criminal libel in 2006. A freedom of information bill is still pending before the Parliament.

Although the media scene in Kenya remained vibrant, there were continued instances of extralegal intimidation of private media outlets during the year. In February, the premises of the privately owned *Weekly Citizen* and the *Independent* were raided by police after the papers carried articles about power struggles within the ruling coalition. Also in February, an editorial cartoonist with the *Daily Nation*, Godfrey Mwapembwa (Gado), was threatened with legal action after featuring the minister of justice and constitutional affairs in a cartoon about the Anglo-Leasing corruption scandal. In an unprecedented move, in March the offices of the independent daily the *Standard* – one of the oldest and most well-respected papers in Kenya – were raided, and three journalists were arrested for questioning in connection with a story of political intrigue within the government. Approximately 20,000 copies of the March 2 issue were seized and burned, printing equipment was vandalized, and computers were confiscated. A similar raid resulted in the closure of the national broadcasting station, Kenya Television Network, which is also owned by the Standard Group. The police action provoked local and international outrage and came two days after Information and Communication Minister Mutahi Kagwe issued a warning against media abusing press freedom. National Security Minister John Michuki told journalists that the raid was carried out to protect state security, commenting that "if you rattle a snake, you must be prepared to be bitten by it." The charges against the three journalists were later dropped.

Although the number of private media outlets is rising, the government-controlled public broadcaster, Kenya Broadcasting Corporation, remains dominant outside the major urban centers, and its coverage still favors the ruling party. Private media are generally outspoken and critical of government policies. There has been a significant expansion of FM radio, particularly ethnic FM radio stations, increasing public participation as well as commentary unfavorable to the government through call-in shows. Individual journalists continue to practice self-censorship because of either political pressure or bribes. Foreign media are widely available, including FM radio broadcasts of the British Broadcasting Corporation, Voice of America, and Radio France Internationale. Use of the internet is unrestricted; however, only 3 percent of Kenyans were able to access the internet in 2006 owing to the high costs involved.

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