

Title	Freedom of the Press 2010 - Kenya
Publisher	Freedom House
Country	Kenya
Publication Date	1 October 2010
Cite as	Freedom House, <i>Freedom of the Press 2010 - Kenya</i> , 1 October 2010, available at: http://www.unhcr.org/refworld/docid/4ca5cc5b28.html [accessed 3 September 2012]
Disclaimer	This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

Freedom of the Press 2010 - Kenya

Status: Partly Free

Legal Environment: 21

Political Environment: 19

Economic Environment: 17

Total Score: 57

Survey Edition	2005	2006	2007	2008	2009
Total Score, Status	61,NF	58,PF	59,PF	60,PF	60,PF

While Kenya's constitution does not explicitly guarantee press freedom, Section 79 protects an individual's right to freedom of expression. Nevertheless, the government routinely restricts this right by broadly interpreting several laws that criminalize press offenses, including the Official Secrets Act and the penal code. Section 77 of the penal code prohibits "exciting disaffection" against any public officer, and the code also allows the responsible government minister to prohibit publications without clearly stating the grounds and procedures for such a ban. Although defamation remains criminalized in Kenyan law, the attorney general declared in a 2005 defamation case that the archaic law would no longer be used to suppress freedom of expression; there were no reports of criminal libel laws being used to threaten journalists in 2009.

In January 2009, amendments to the Communications Act were signed into law. The measures came under attack for upholding a regulation that would allow the home affairs minister to raid media houses and confiscate equipment "in the interest of public safety and tranquillity." The amendments also prescribed heavy fines and jail terms for media offenses, gave the government – particularly the Information and Home Affairs Ministries – authority over broadcast licenses and the production and content of news programs, and allowed it to exert political control over the Communications Commission of Kenya. While authorities argued that the amendments were intended to promote media professionalism, journalists and activists accused the government of trying to restrict press freedom. Following pressure from local media and international donors, in May 2009 President Mwai Kibaki directed the attorney general to revise the law in consultation with all stakeholders, and later that month, the controversial amendments were withdrawn.

Several potentially positive legal reforms have yet to be implemented. For example, the Information Ministry published a draft freedom of information policy and bill in 2007, but it has not been presented in Parliament. The independent Media Council of Kenya continued to operate, but it appeared to be hampered by lack of funds. Because it was chaired by a major media owner during 2009, questions were raised about its credibility.

Council members were nominated by media stakeholders and appointed by the Information Ministry.

Extrajudicial attacks on the media by state and nonstate actors remained rare by regional standards. However, a number of journalists were killed, harassed, beaten, or arrested by security forces in 2009. In January, Francis Nyaruri, a journalist with the private *Weekly Citizen*, was found beheaded after publishing stories on police corruption. Witnesses in the case received death threats, and a lawyer and police officer went into hiding. In July, the Kenyan antiterrorism police unit interrogated editors and a reporter for the *Star* about the sources of a June article that claimed the unit had lost crucial files related to an accused Al-Qaeda member. A judge rejected police attempts to charge the journalists with contempt of court for jeopardizing a terrorism prosecution, and the police instead sought a court order directing the *Star* to retract its article and issue an apology. It is unclear if the scheduled October hearing took place. In August, the Nation Media Group (NMG) resisted pressure from the Ethiopian and Kenyan governments to withhold a documentary series on a separatist rebel group in Ethiopia. The series was aired after the company decided it was balanced and accurate.

Kenya's leading media, especially in the print sector, were often critical of politicians and government actions and remained pluralistic, rigorous, and bold in their reporting, although they also frequently pandered to the interests of major advertisers. There are currently five daily newspapers, one business daily, and several regional weekly newspapers that are delivered nationally. In addition, a number of irregularly published independent tabloids are highly critical of the government. Although the number of private broadcast media outlets has risen steadily, the government-controlled Kenya Broadcasting Corporation (KBC) remains dominant outside the major urban centers, and its coverage tends to favor the ruling party. Two private companies, the Standard Media Group and the Nation Media Group, run independent television networks and respected newspapers. There has been a significant expansion of FM radio, particularly ethnic stations, and their call-in shows have fostered increasing public participation as well as commentary that is unfavorable to the government. Unfortunately, many of these vernacular stations were accused of broadcasting ethnic hate speech in the violent wake of the December 2007 elections. The Media Council of Kenya cited the prevalence of politicians who doubled as radio station owners as a contributing factor behind the increased tensions. International news media, including the British Broadcasting Corporation and Radio France Internationale, are widely available in Kenya.

There were no reports that the government restricted internet access in 2009, but the authorities did reportedly monitor the internet during the postelection period in late 2007 and early 2008, as it was used to disseminate both information and hate messages. The share of Kenyans accessing the internet is estimated at about 10 percent, and in recent years there has been a growth in online news publications as well as blogging.

Copyright notice: © Freedom House, Inc. · All Rights Reserved
