

# Code of Conduct and Practice of Journalism in Kenya



**MISC**

Media Industry Steering Committee

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## Preface

The events leading to the adoption and launching of this Code of Conduct and Practice of Journalism in Kenya represent some of the most critical developments in the country's political liberalisation process.

That free and independent media are the fundamental pillars of democracy is no longer in dispute. Yet the attainment and institutionalisation of such media has always been elusive in nascent democracies such as ours. Throughout history, governments have sought to muzzle the media through legislation under many guises, including regulation. The desire to gag the media stems partly from the fact that the media perform the crucial function of public information. Indeed, informing the public of the goings on in government and society at large without fear or favour is one of the cardinal and solemn duties of media practitioners.

It is through the unrelenting gathering and dissemination of information by the media that public debate and evaluation of official and social policy are engendered. These twin functions are the womb out of which one of the most cherished freedoms in society is born, that is, **FREEDOM OF EXPRESSION**. This freedom, needless to say, lies at the heart of democracy. And it has never been enjoyed in societies where there are no free and independent media.

Yet the freedom of expression must be enjoyed and counterbalanced against other equally important freedoms, such as the **RIGHT OF PRIVACY**. Such balancing poses a challenge to the operations of the media. On the one hand, the media must be

guardians of the public's right to know, while on the other, they must be careful not to invade or trample upon individual rights to privacy, conscience and thought. The media must therefore operate within clear ethical standards.

Such standards are best developed and applied by the media fraternity itself. In fact, all over the world, (Africa included) the evolution, encapsulation and application of journalistic ethics and standards have become a prime preoccupation of media professionals. Codes of Conduct such as this provide the benchmarks for free, independent and responsible journalism. Like all professions in Kenya, journalism must ensure its freedoms and responsibilities through self-regulation.

On the one hand, the Code establishes the foundation for self-regulation and, in so doing, keeps government out of media operations while, at the same time, ensuring that errant practitioners are disciplined. On the other hand, the Code sets ethical standards and establishes the machinery for enforcement that offers aggrieved parties the opportunity to complain and obtain redress against journalists and media houses in genuine cases. This way they will avoid long-drawn and expensive litigation in courts of law. An Independent Media Council shall administer this Code.

The Media Industry Steering Committee.

## Foreword

This Code is a result of the efforts of various stakeholders in the media industry in Kenya to establish a self-regulatory mechanism for the practice of journalism.

Its content is informed by the consultative processes that have taken place since 1993.

As part of these processes, a Media Industry Steering Committee (MISC) was established by the stakeholders listed below.

- The Kenyan Union of Journalists
- The Media Owners Association
- Editors' Guild of Kenya
- The Alternative Press
- Media Training Institutions
- Kenya Correspondents' Association
- Media NGOs
- State Media

This Code is intended to serve as the ethical foundation for the practice of journalism in Kenya.

**MISC**  
**April, 2001**

# Preamble

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**Whereas** the freedom of expression and the right of the public to information are fundamental to the establishment, nurturing and sustenance of a democratic society,

**AND**

**Whereas** respect for truth and for the right of the public to truth is the first duty of a journalist,

**AND**

**Whereas** the right of the public to know must be balanced against the need to protect the privacy of individuals in a manner that secures the public interest,

**NOW THEREFORE**, we members of the Media Industry Steering Committee, hereby adopt this Code of Conduct as the foundation for the practice of journalism in Kenya.

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## 1. Accuracy and Fairness

- (a) The fundamental objective of a journalist is to write a fair, accurate and an unbiased story on matters of public interest. All sides of the story should be reported. It is important to obtain comments from anyone who is mentioned in an unfavourable context.
- (b) Whenever it is recognised that an inaccurate, misleading or distorted story has been published or broadcast, it should be corrected promptly. Corrections should present the correct information and should not restate the error except when clarity demands.
- (c) An apology should be published or broadcast whenever appropriate.
- (d) When stories fall short on accuracy and fairness, they should not be published. Journalists, while free to be partisan, should distinguish clearly in their reports between comment, conjecture and fact.
- (e) In general, provocative and alarming headlines should be avoided. Headings must reflect and justify the matter printed under them. Headings containing allegations made in statements should either identify the body or the source making them or at least carry quotation marks.

## **2. Opportunity to Reply**

A fair opportunity to reply to inaccuracies should be given to individuals or organisations when reasonably called for. If the request to correct inaccuracies in a story is in the form of a letter, the editor has the discretion to publish it in full or in its abridged and edited version, particularly when it is too long. But the remainder should be an effective reply to the allegations. However, the editor should not omit or refuse to publish important portions of the reply/rejoinder which effectively deal with the accuracy of the reply/rejoinder. If the editor doubts the truth or factual accuracy of the reply/rejoinder, even then it is his or her duty to publish it with liberty to append an editorial comment doubting its veracity. Note that this should be done only when this doubt is reasonably founded on unimpeachable evidence in the editor's possession. The editor should not, in a cavalier fashion, without due application of mind, append such a note as: "We stand by our story." In this context, these standards also apply to electronic media.

## **3. Letter to the Editor**

An editor who decides to open his/her columns on a controversial subject is not obliged to publish all the letters received in regard to that subject. He/she may select and publish only some of them either in their entirety or the gist thereof. However, in exercising this right, he/she should make an honest attempt to ensure that

what is published is not one-sided but presents a fair balance between the pros and cons of the principal issue. The editor has the discretion to decide at which point to end the debate in the event of a rejoinder upon rejoinder being sent by two or more parties on a controversial subject.

In the case of the electronic media, a broadcasting licensee who presents a programme in which controversial issues of public importance are discussed shall make reasonable effort to fairly present significant points of view either in the same programme or in a subsequent one forming part of the same series of programmes presented within a reasonable period of time in substantially the same time slot.

In addition, a person whose views have been criticised in a broadcasting programme on a controversial issue of public importance shall be given a reasonable opportunity to reply should such person so request.

## **4. Unnamed Sources**

Unnamed sources should not be used unless the pursuit of the truth will best be served by not naming the source who must be known by the editor and reporter. When material is used in a report from sources other than the reporter's, these sources should be indicated in the story.

## 5. Confidentiality

In general, journalists have a professional obligation to protect confidential sources of information.

## 6. Misrepresentation

- (a) Journalists should generally identify themselves and not obtain or seek to obtain information or pictures through misrepresentation or subterfuge.
- (b) Subterfuge can be justified only in the public interest and only when material cannot be obtained by any other means. The public interest includes detecting or exposing crime or serious misdemeanour or anti-social conduct, protecting public health or safety, preventing the public from being misled by some statement or action of an individual.

## 7. Obscenity, Taste and Tone in Reporting

In general, the media should avoid publishing obscene, vulgar, or offensive material unless such material contains a news value which is necessary in the public interest.

In the same vein, publication of photographs showing mutilated bodies, bloody incidents, and abhorrent scenes should be avoided unless the publication of such photographs will serve the public

interest. Television stations must exercise great care and responsibility when presenting programmes where children are likely to be part of the audience.

## 8. Paying for News and Articles

When money is paid for information, serious questions can be raised about the credibility of that information and the motives of the buyer and the seller. Therefore, in principle, journalists should avoid paying for information unless public interest is involved. In the same context, journalists should not receive any money as an incentive to publish any information.

## 9. Plagiarism

- (a) Using someone else's work without attribution—whether deliberately or thoughtlessly—is a serious ethical breach. However, borrowing ideas from elsewhere is considered fair journalistic practice.
- (b) Words directly quoted from sources other than the writer's own reporting should be attributed. In general, when other work is used as the source of ideas for stylistic inspiration the final result must be clearly different from the original work of the reporter.

## **10. Discrimination**

In general, the media should avoid prejudicial or pejorative reference to a person's race, tribe, clan, religion, sex or sexual orientation or to any physical or mental illness or handicap. These details should be avoided unless they are crucial to the story.

## **11. Covering Ethnic, Religious, and Sectarian Conflict**

News, views or comments relating to ethnic, religious, or sectarian disputes should be published after proper verification of facts and presented with due caution and restraint in a manner which is conducive to the creation of an atmosphere congenial to national harmony, amity and peace. Provocative and alarming headlines are to be avoided. News reports or commentaries should not be written in a manner likely to inflame the passions, aggravate the tension or accentuate the strained relations between the communities concerned. Equally so, articles with the potential to exacerbate communal trouble should be avoided.

## **12. Recording Interviews and Telephone Conversations**

Except in justifiable cases, journalists should not tape or record anyone without the person's knowledge. An exception may be made only if the recording is necessary to protect the journalist

in a legal action or for some other compelling reason. In this context, these standards also apply to electronic media.

## **13. Privacy**

- (a) The public's right to know often needs to be weighed against the privacy rights of people in the news.
- (b) The journalist must stick to the issues.
- (c) Intrusion and inquiries into an individual's private life without the person's consent are not generally acceptable unless public interest is involved. Public interest must itself be legitimate and not merely prurient or morbid curiosity. Things concerning a person's home, family, religion, tribe, health, sexuality, personal life and private affairs are covered by the concept of privacy except where these impinge upon the public.

## **13. Intrusion into Grief and Shock**

In cases involving personal grief or shock, inquiries should be made with sensitivity and discretion.

## **14. Sex Discrimination**

Women and men should be treated equally as news subjects and news sources.

## **15. Financial Journalism**

- (a) Journalists should not use financial information they receive in advance of its general publication for their own benefit. They should not also pass the same information to others.
- (b) Journalists should not write about shares, securities and other market instruments in whose performance they know they or their close families have a significant financial interest, without disclosing the interest to the editor.
- (c) Journalists should not buy or sell, directly or through nominees or agents, shares or securities and other market instruments about which they intend to write in the near future.

## **16. Protection of Children**

Children should not be identified in cases concerning sexual offences, whether as victims, witnesses, or defendants. Except in matters of public interest, e.g., cases of child abuse or abandonment, journalists should not normally interview or photograph children on subjects involving their personal welfare in the absence or without the consent of a parent or other adult who is responsible for the children. Children should not be approached or photographed while at school and other formal institutions without the permission of school authorities.

In adhering to this principle, a journalist should always take into account specific cases of children in difficult circumstances.

## **17. Victims of Sex Crimes**

The media should not identify victims of sexual assault or publish material likely to contribute to such identification. Such publication does not serve any legitimate journalistic or public need and may bring social opprobrium to the victims and social embarrassment to their relations, family, friends, community, religious order or the institutions to which they belong.

## **18. Use of Pictures and Names**

As a general rule, the media should apply caution in the use of pictures and names and avoid publication of any where there is a possibility of harming the persons concerned. Manipulation of pictures in a manner that distorts reality should be avoided. Pictures of grief, disaster and those that embarrass and promote sexism should be discouraged.

## **19. Innocent Relatives and Friends**

The media should generally avoid identifying relatives or friends of persons convicted or accused of crime unless the reference to them is necessary for the full, fair and accurate reporting of the crime or legal proceedings.



## **20. Acts of Violence**

The media should avoid presenting acts of violence, armed robberies, banditry and terrorist activity in a manner that glorifies such anti-social conduct. Also, newspapers should not allow their columns to be used for writings which tend to encourage or glorify social evils, warlike activities, ethnic, racial and religious hostilities.

## **21. Editor's Responsibility**

The editor shall assume responsibility for all content, including advertisements, published in the newspaper. If responsibility is disclaimed, this shall be explicitly stated before hand.

## **22. Advertisements**

The editor should not allow any advertisement which is contrary to any aspect of this Code of Conduct. In this regard, and to the extent applicable, the editor should be guided by the Advertisers' Code of Conduct.