



# Code of Conduct for the Practice of Journalism in Kenya

Second Schedule of the Media Council Act 2013

Media Council Act 2013

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## **Preamble**

As the leading institution in the regulation of media and in the conduct and discipline of journalists in Kenya, one of major functions of the Media Council of Kenya is to promote high professional standards amongst journalists. Besides promoting and protecting freedom and independence of the media, the Council also works to promote ethical standards among journalists and in the media. The Code of Conduct for the Practice of Journalism as entrenched in the Second Schedule of the Media Council Act 2013 governs the conduct and practice of all media practitioners in the country.

## Interpretation

In this code of conduct "a person subject to this Act" means a journalist, media practitioner, foreign journalist or media enterprise.

### **1 Accuracy and Fairness**

- (1) A person subject to this Act shall write a fair, accurate and an unbiased story on matters of public interest.
- (2) All sides of the story shall be reported, wherever possible.
- (3) Comments shall be sought from anyone who is mentioned in an unfavourable context and evidence of such attempts to seek the comments shall be kept.
- (4) Whenever it is recognised that an inaccurate, misleading or distorted story has been published or broadcast, it shall be corrected promptly.

- (5) Corrections shall present the correct information and shall not restate the error except when clarity demands.
- (6) An apology that results from the determination of the Council shall be published or broadcast whenever appropriate in such manner as the Council may specify.
- (7) A correction under this paragraph shall be given same prominence as that given to the information being corrected.
- (8) A person subject to this Act shall not publish a story that fall short of factual accuracy and fairness.
- (9) A person subject to this Act, while free to be partisan, shall distinguish clearly in their reports between comment, conjecture and fact.
- (10) Headings shall reflect and justify the matter printed under them.

- (11) Headings containing allegations made in statements shall either identify the body or the source making them or at least carry quotation marks.
- (12) A person subject to this Act shall present news fairly and impartially, placing primary value on significance and relevance.
- (13) A person subject to this Act shall treat all subjects of news coverage with respect and dignity, showing particular compassion to victims of crime or tragedy.
- (14) A person subject to this Act shall seek to understand the diversity of their community and inform the public without bias or stereotype and present a diversity of expressions, opinions, and ideas in context.

- (15) A person subject to this Act shall present analytical reporting based on professional perspective, not personal bias.

## **2 Independence**

- (1) Journalists shall defend the independence of all journalists from those seeking influence or control over news content.
- (2) A person subject to this Act shall:-
- (a) Gather and report news without fear or favour, and resist undue influence from any outside forces, including advertisers, sources, story subjects, powerful individuals and special interest groups;
  - (b) Resist those who would buy or politically influence news content or who would seek to intimidate those who gather and disseminate news;



- (c) Determine news content solely through editorial judgement and not the result of outside influence;
- (d) Resist any self-interest or peer pressure that might undermine journalistic duty and service to the public;
- (e) Recognise that sponsorship of the news shall not be used in any way to determine, restrict or manipulate content;
- (f) Refuse to allow the interests of ownership or management to influence news' judgment and content inappropriately.

### 3

## **Integrity**

- (1) Journalists shall present news with integrity and common decency, avoiding real or perceived conflicts of interest, and respect the dignity and intelligence of the audience as well as the subjects of news.

- (2) A person subject to this Act shall:-
- (a) Identify sources whenever possible. confidential sources shall be used only when it is clearly in public interest to gather or convey important information or when a person providing information might be harmed;
  - (b) Clearly label opinion and commentary;
  - (c) Use technological tools with skill and thoughtfulness, voiding techniques that skew facts, distort reality, or sensationalise events;
  - (d) Use surreptitious news gathering techniques including hidden cameras or microphones, only if there is no other way of obtaining stories of significant public importance, and if the technique is explained to the audience.
- (3) A person subject to this Act shall not:-
- (a) Pay news sources who have vested interest in a story;

- (b) Solicit or accept gifts, favours or compensation from those who might seek to influence coverage;
- (c) Engage in activities that may compromise their integrity or independence.

**4**

## **Accountability**

A person subject to this Act shall recognise that they are accountable for their actions to the public, the profession and themselves therefore they shall :-

- (a) Actively encourage adherence to these standards by all journalists and media practitioners;
- (b) Respond to public concerns, investigate complaints and correct errors promptly;
- (c) Recognise that they are duty-bound to conduct themselves ethically.

## **5 Opportunity to Reply**

- (1) A fair opportunity to reply to inaccuracies shall be given to 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 shall be an effective reply to the allegations.
- (2) The summarised version of the reply shall not lose the core content.

## **6 Unnamed Sources**

- (1) Unnamed sources shall not be used unless the pursuit of the truth will best be served by not disclosing the source who, shall be known by the editor and reporter.
- (2) When material is used in a report from sources other than the reporter's, these sources shall be indicated in the story.

## **7 Confidentiality**

A person subject to this Act has a professional obligation to protect confidential sources of information.

## **8 Misrepresentation**

Journalists shall generally identify themselves and not obtain or seek to obtain information or pictures through misrepresentation or subterfuge. Subterfuge can be justified only in the public interest and only when material cannot be obtained by any other means.

## **9 Obscenity, Taste and Tone in Reporting**

- (1) In general, persons subject to this Act shall not publish obscene or vulgar material unless such material contains news.
- (2) Publication of photographs showing mutilated bodies, bloody incidents and abhorrent scenes shall be avoided unless the publication or

broadcast of such photographs will serve the public interest.

- (3) Where possible an alert shall be issued to warn viewers or readers of the information being published.

## **10 Paying for news and Articles**

A person subject to this Act shall not receive any money as an incentive to publish any information.

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

- (1) News, views or comments on ethnic, religious or sectarian dispute shall be published or broadcast 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.

- (2) News reports or commentaries shall not be written or broadcast in a manner likely to inflame the passions, aggravate the tension or accentuate the strained relations between the communities concerned.
- (3) Articles or broadcasts with the potential to exacerbate communal trouble shall be avoided.

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

- (1) Except in justifiable cases, a person subject to this Act shall 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.

- (2) Before recording a telephone conversation for broadcast, or broadcasting a telephone conversation live, a station shall inform any party to the call of its intention to broadcast the conversation.
- (3) This, however, does not apply to conversation whose broadcast can reasonably be presumed, for example, telephone calls to programmes where the station customarily broadcasts calls.

### **13** Privacy

- (1) The public's right to know shall be weighed against the privacy rights of people in the news.
- (2) Journalists shall stick to the issues.



- (3) 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 shall itself be legitimate and not merely prurient or morbid curiosity.
- (4) 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.

#### **14 Intrusion into Grief and Shock**

- (1) In cases involving personal grief or shock, inquiries shall be made with sensitivity and discretion.
- (2) In hospitals, journalists shall identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries

## **15 Gender Non-discrimination**

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

## **16 Financial Journalism**

- (1) Journalists shall not use financial information they receive in advance for their own benefit, and shall not pass the information to others.
- (2) Journalists shall not write or broadcast 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.
- (3) Journalists shall 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.

## **17 Letters to the Editor**

An editor who decides to open a column on a controversial subject is not obliged to publish all the letters received in regard to that subject. The editor may select and publish only some of them either in their entirety or the gist thereof. However, in exercising this right, the editor shall make an honest attempt to ensure that what is published is not one-sided but presents a fair balance between the pros and the cons of the principal issue. The editor shall have the discretion to decide at which point to end the debate in the event of a rejoinder upon rejoinder by two or more parties on a controversial subject.

## **18 Protection of Children**

- (1) Children shall not be identified in cases concerning sexual offences, whether as victims, witnesses or defendants.

Except in matters of public interest, for example, cases of child abuse or abandonment, journalists shall 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.

- (2) Children shall not be approached or photographed while at school and other formal institutions without the permission of school authorities.
- (3) In adhering to this principle, a journalist shall always take into account specific cases of children in difficult circumstances.

## **19** **Victims of Sexual Offences**

The media shall not identify victims of sexual assault or publish material likely to contribute to such identification.

## **20 Use of Pictures and Names**

- (1) As a general rule, the media shall apply caution in the use of pictures and names and shall avoid publication when there is a possibility of harming the persons concerned.
- (2) Manipulation of pictures in a manner that distorts reality and accuracy of news shall be avoided.
- (3) Pictures of grief, disaster and those that embarrass and promote sexism shall be discouraged.

## **21 Innocent Relatives and Friends**

The media shall not identify 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.

## **22 Acts of Violence**

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

## **23 Editor's Responsibilities**

- (1) The editor shall assume the responsibility for all content, including advertisements, published in a newspaper.
- (2) If responsibility is disclaimed, this shall be explicitly stated beforehand.

## **24** Advertisements

- (1) The editor shall not allow any advertisement which is contrary to any aspect of this Code of Conduct.
- (2) The editor shall be guided by the advertiser's code of conduct issued under this Act.

## **25** Hate Speech

- (1) Quoting persons making derogatory remarks based on ethnicity, race, creed, colour and sex shall not be allowed.
- (2) Racist or negative ethnic terms shall be avoided.
- (3) Careful account shall be taken of the possible effect upon the ethnic or racial group concerned, and on the population as a whole, and of the changes in public attitudes as to what is and what is not acceptable when using such terms.

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P.O. Box 43132-00100 Nairobi, Kenya

Tel: + 254 (0) 20 2725032

+ 254 (0) 20 2737058

Cell:+ 254 (0) 727 735252

E. [info@mediacouncil.or.ke](mailto:info@mediacouncil.or.ke)

Web: [www.mediacouncil.or.ke](http://www.mediacouncil.or.ke)