

GUIDELINES FOR ELECTION COVERAGE

2022



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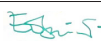





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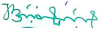





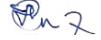
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PREAMBLE

We editors, journalists, media practitioners, media owners and managers,

Recognising the importance of the General Election,

Guided by the desire to facilitate a free, fair, credible, transparent and democratic election process,

Aware that our Constitution provides for freedom and independence of all types of media; and guarantees all citizens the right to freedom of expression, which includes freedom to seek, receive or impart information and ideas,

Acknowledging that media freedom comes with responsibility,

Determined to assist voters make informed choices,

Resolve to adopt and abide by the following guidelines during the coverage of elections:



SUMMARY OF THE GUIDELINES

The Guidelines for Election Coverage is a result of collaboration among media houses and various organisations with a stake in ensuring a credible, valid, free, fair, acceptable, peaceful and democratic general election and its proper coverage by media.

The guidelines reflect the tenets of the Code of Conduct for the Practice of Journalism in Kenya, requirements of the Constitution of Kenya 2010 and other pieces of legislation. The booklet is arranged in a simple format for ease of reference.

The guidelines cover a wide range of issues, which include:

- a) Balance and fairness
- b) Corruption (as it affects media practitioners)
- c) Gender inclusivity
- d) Diversity and inclusion
- e) Conflict-sensitive journalism
- f) Opinion polls
- g) Equitable coverage
- h) Civic education
- i) Phone-ins/audience engagement
- j) Social media
- k) Safety and security
- l) 'Fake news'
- m) Reporting on people with disability
- n) Media owners and editors
- o) Covid-19
- p) Regulators
- q) Community and vernacular media
- r) Presidential and other debates
- s) Live coverage
- t) Political activities of media practitioners

The guidelines are aimed at helping journalists and media practitioners to provide comprehensive, accurate, impartial and fair coverage of elections, enabling the electorate to make informed choices. They are applicable to all media enterprises whether private, community or State-owned — as well as authorities involved in the electoral process, as managers or regulators, who have voluntarily adopted them.

RIGHTS AND RESPONSIBILITIES

At the heart of every election are three interlocking sets of rights:

- i) The right of the voter to make informed choices.
- ii) The right of the candidates to put their ideas across.
- iii) The right of the media to report freely and express opinion on matters of public interest.

1. Duty to the citizen

The role of the media in an election is to ensure that the citizen is empowered to make an informed choice. The media, therefore, have a duty to provide coverage that gives the citizen sufficient, accurate and reliable information on electoral matters. These include electoral laws, the voting process, campaign issues, political parties and candidates, as well as safety and security. This information will also help to ensure that the voters know and understand their right to exercise their democratic duty free from fear, intimidation or coercion.

The media should also give the citizen a voice: directly by affording the citizen an opportunity to be heard, and indirectly by enabling his or her views to be put on the electoral public agenda by the media through editorial input and coverage of credible opinion polls.

The media have a duty to debunk myths, stereotypes and counter fake news/misinformation and propaganda.

2. Duty to the candidate

The media should provide accurate, fair, balanced, and impartial coverage of elections. They should be able to demonstrate that all parties and candidates vying for office are given equitable opportunity to be heard or questioned and that minor parties or candidates are not treated unfairly. Fair and balanced coverage also means that individual stories, and their pattern over time, reflect the views of different parties or candidates.

3. Duty to the nation

Media enterprises are corporate citizens; they have a stake in the future and wellbeing of the nation. There is need, therefore, for media to use the opportunity offered by elections to work for stability and prevent or reduce conflict and polarisation, including gender-based violence, by promoting the rule of law and the proper functioning of institutions. This includes respect for the constitutional order and other international standards. Similarly, the media should establish in-house structures and mechanisms for managing internal

conflict that could otherwise negatively influence or compromise election coverage. The media has a duty to reflect a diversity of voices in its coverage, including that of minorities and marginalised communities. Election reporting should be gender responsive, treating all citizens equally as news subjects and sources.

4. Values

In covering elections, the media/journalists and media practitioners must at all times uphold the following core values and principles of journalism:

i) Accuracy and fairness

The media must ensure that their election reports are factual, accurate, fair, balanced and verifiable.

ii) Objectivity

The media should produce fair and balanced reports, reflecting all sides of an issue. Selection of commentaries should represent the existing diversity of opinion. Editorial opinion and paid-for content must be clearly distinguished from news.

iii) Confidentiality of sources

The media have an obligation to the people and institutions they report about, and to the society. Journalists and media practitioners should, therefore, protect confidential sources of information. However, they must not use the cover of unnamed sources to convey personal opinions and untruths.

iv) Right of reply

A fair and timely opportunity to reply to an inaccurate or adverse media report should be given to aggrieved individuals or organisations.

v) Integrity

Journalists and media practitioners must carry out their duties in a manner consistent with the Code of Conduct for the Practice of Journalism in Kenya. They should also demonstrate respect for the people and promote public confidence in the profession. Recognising that corruption is a serious threat to the credibility of the media, it is agreed that a media practitioner:

- a) Should not accept bribes.
- b) Should not abuse professional position.
- c) Should not give special favours to any politician or party.
- d) Should not produce reports skewed towards personal, party, ethnic or religious positions.

- e) Should not defame.
- f) Should not promote hate speech, incitement to violence and propaganda.
- g) Should not release unofficial or unverified election results.
- h) Should not publish unverified information.
- i) Should not distort facts and figures.

vi) *Obscenity, taste and tone*

The media should not publish obscene, vulgar or offensive material, unless it has news value and is in the public interest.

Publication of photographs showing mutilated bodies, bloody incidents and abhorrent scenes shall be avoided unless the publication of such photographs and videos will serve the public interest.

If the photographs have to be used in the public interest an alert should be issued to warn viewers or readers about disturbing images or information.

vii) *Privacy*

While political actors, being public figures, cede some of their privacy, it is essential to protect their individual interests and those of people related to them. In dealing with privacy, therefore, the media/journalist/media practitioner should:

- a) Weigh the public's right to know against the privacy rights of political actors and public figures in the media.
- b) Ask to what extent the information sought relates to the political actor's performance of public duty, or involvement in some specific media event.
- c) Stick to issues and information necessary and relevant to the electoral and democratic process.
- d) Not intrude and inquire into a political actor's private life without the person's consent unless public interest is involved
- e) Avoid using information concerning a person's home, family, religion, tribe, health, sexuality, personal life and private affairs except where these are relevant to public interest.
- f) Not intrude and enquire into the lives of people related to a political actor who are not themselves political actors unless public interest is involved.

viii) *Intrusion into grief and shock*

Election-related violence and personal tragedies are often newsworthy, but many victims usually do not know how to handle the media. Journalists and media practitioners

should not take advantage of such people and should respect their privacy. When a story dictates that the victims of violence or personal tragedies be interviewed, such requests should be presented with care and sensitivity. In dealing with grief and shock, the media/journalist should:

- a) Be considerate and sensitive when making enquiries.
- b) Identify themselves and obtain permission from a responsible family member before entering non-public areas in pursuit of information.
- c) Apply caution in the use of pictures and names and avoid publication when there is a possibility of harming innocent persons.

ix) Secret cameras and recorders

Secret recording of a news source presents an ethical and legal dilemma. Regarding the use of secret cameras and recorders, the media/journalist should:

- a) Not tape or record anyone without their knowledge. Exceptions may be made if the recording is necessary to protect the journalist in a legal action or when there are grounds in the public interest to do so and it is not possible to obtain information through other means;
- b) Before recording a telephone conversation for broadcast, or live broadcasting a telephone conversation, inform any party to the call of its intention to broadcast the conversation. This, however, does not apply to a conversation whose broadcast can reasonably be presumed, for example, telephone calls to programmes where the station customarily broadcasts calls; and
- c) Not take photos that expose how individuals cast their ballots because voting is secret.

5. Responsibility of the media outlet

For proper, effective and professional election coverage, the media organisation should:

- i) Ensure that journalists and media practitioners operate in a conducive environment.
- ii) Accord journalists and media practitioners professional autonomy.
- iii) Provide adequate remuneration, working tools and training on election reporting.
- iv) Ensure the safety of journalists/media practitioners and their equipment and provide insurance cover. Journalists and media practitioners who are injured or their equipment damaged should be compensated.
- v) Adhere to professional standards.
- vi) Ensure that the media outlet's editorial and social media policies adequately address election coverage.

- vii) Enhance digital security for journalists/ media practitioners and the media organisation's offices.
- viii) Provide counselling services to journalists and media practitioners for election-related psychological and psychosocial problems.
- ix) Female journalists and media practitioners face peculiar security risks because of their gender. Employers should be cognisant of this when deploying them to high-risk assignments.
- x) Ensure journalists and media practitioners covering elections are duly accredited. They should provide them with identification kits such as reflector vests, caps and badges and display them prominently.
- xi) Media outlets should be politically neutral in elections. Where they declare support for a candidate or political party, they should recognise that this exposes their journalists/ media practitioners to risks.
- xii) Ensure that a journalist who aspires to a political seat or to work for a candidate or party during the election leaves newsroom employment six months to the voting day.
- xiii) Parallel tallying of results strengthens media scrutiny of voting. However, the media should not declare the winner of any position before the poll management body makes its official announcement.

6. Responsibility of State-Owned media

The Kenya News Agency (KNA), Kenya Broadcasting Corporation (KBC) and MyGov have a duty during the election period to inform the public about the entire electioneering process, highlighting key issues and educating the voters.

As a State broadcaster, KBC has a duty to provide fair and balanced election coverage and afford fair opportunity for the presentation of divergent views and dissenting opinions.

The law further requires that KBC should, in consultation with the IEBC, during the campaign period preceding any presidential, parliamentary or county government election, allocate free airtime to registered political parties participating in the election to expound their policies.

As a public media enterprise, KBC has a responsibility to educate voters and keep them informed throughout the electoral process. Its election-related programmes must reach the greatest number of voters possible. They should, especially, target groups that traditionally may have been excluded from the political process, such as ethnic or religious minorities and women.

The programmes should be accurate and impartial and must effectively inform voters about the voting process, including how, when and where to vote, register to vote and verify

proper registration, the secrecy of the ballot (and thus safety from victimisation) and, the importance of voting.

7. Responsibility of community and vernacular media

To check the abuse of community and vernacular platforms by their owners and staff, news outlets should:

- a) Provide objective and fair coverage of all parties and candidates.
- b) Desist from using the platforms to vilify political opponents.
- c) Adhere to the Code of Conduct for the Practice of Journalism in Kenya and the Programming Code for Broadcasting Services in Kenya.
- d) Ensure their platforms are not used to spread hate speech and incitement of one community or candidate against the other.

8. Responsibility of journalists and media practitioners

To effectively cover elections, journalists/media practitioners should:

- a) Be familiar with electoral laws and regulations as well as voting procedures.
- b) Conduct relevant research on political actors and activities, including party structure and operations; financing; regional strength; interrogate and articulate issues that citizens want parties and candidates to address.
- c) Interrogate party and candidate manifestos to articulate their responsiveness to citizens' concerns and constitutional obligations.
- d) Make sure that accreditation documents with the Media Council of Kenya, and any other regulatory agencies, concerned with elections are valid.
- e) Abide by all rules and regulations that relate to the code of conduct for journalists and media practitioners during elections.
- f) When covering an election event or appearing on television, journalists and media practitioners should avoid clothing which resembles the official colours of any party.

9. Responsibility of State agencies

Media practitioners have a right to carry out their duties without fear or intimidation. They, therefore, expect the State and its agencies to:

- a) Ensure that media practitioners operate in an environment free of violence and intimidation as provided for by Article 34 of the Constitution of Kenya 2010.
- b) Promptly investigate and prosecute perpetrators of attacks against media personnel and

property.

- c) Take measures to prevent electoral malpractice, fraud or vote rigging.
- d) Arrange fair and open counting and tallying of the vote and timely release of the results.
- e) Cultivate and maintain a professional working relationship with the media.
- f) Provide access to information as enshrined in the Constitution of Kenya 2010 and Access to Information Act, 2016.
- g) When addressing media, provide a conducive environment with regard to COVID-19 containment protocols.

10. Responsibility of media regulators

While the conduct of the two main regulators, the Media Council of Kenya and the Communication Authority of Kenya, is governed by law, in the context of elections they should:

- a) Judiciously enforce compliance with the Code of Conduct for the Practice of Journalism in Kenya and the Programming Code for Broadcasters in Kenya. They will also ensure journalists and media outlets are accorded space and autonomy to cover all the stages of electioneering.
- b) Defend media freedom at all times.
- c) Invest in capacity building to ensure media practitioners have the knowledge and tools to report effectively.

11. Safety and security

Journalists and media practitioners have the right to carry out their work without fear, intimidation, harassment or attacks. Yet no story is worth dying for. They should, therefore, take measures to safeguard their safety and security. Journalists and media practitioners should:

- i) Stick to professional ethics while covering elections.
- iii) Assess the risk and threats in highly charged electoral zones before undertaking reporting assignments and, where necessary, alert their media organisation or the authorities.
- iv) Have a right to decide on assignments to cover when they fear for their lives.
- v) Conduct their duties responsibly with due regard to their safety and that of the people they work with, such as interviewees or sources.
- vi) Observe strict neutrality. This allows them to do their work as safely as possible.
- vii) Always carry essential documents such as identification cards, press passes and

accreditation cards.

- viii) Carry emergency first aid kits and know how to use them.
- ix) Wear clearly marked protective gear and display it prominently.
- x) Where possible, avoid travelling alone or moving about in the entourage of candidates or political leaders.
- xi) Maintain regular communication with employer, colleagues and protection organisations and have a clear exit plan.
- xii) Check out the site and identify where to take cover or exit from in case of violence when covering a political gathering or a big rally .
- xiii) Always have medical insurance documents at hand in case they need emergency treatment
- xiv) Observe all safety protocols on COVID-19, including wearing of personal protective equipment, sanitising and social distancing..

Digital safety and security

Digital safety and security are becoming increasingly important in news gathering, production and dissemination. Accordingly, during elections journalists and media practitioners should:

- a) Install licensed antivirus and secure VPN on all internet-enabled digital equipment to protect their data and maintain ability to communicate in case of platform throttling or internet shutdowns.
- b) Be trained and empowered to anticipate and deal with trolls, cyberbullying, hacking and other cyber-attacks and should take necessary defensive protocols to secure their data .

12. Dealing with the COVID-19 pandemic

Since election coverage involves interaction with crowds and politicians, journalists and media practitioners must take steps to protect themselves from contracting the coronavirus. They should:

- i) Avoid close contact with anybody with symptoms of respiratory illness, such as coughing and sneezing.
- ii) Consider conducting interviews in an open area. Ensure safe distance between themselves and the news subject and, if possible, use a boom microphone.
- iii) Urgently seek medical advice or treatment if they develop symptoms, especially fever or shortness of breath. Self-quarantine to prevent infecting others is recommended.
- iv) Sanitise or wash hands regularly with running water and soap. Repeatedly sanitise

equipment, including microphones.

- v) Use protective gear when covering rallies and other political meetings.
- vi) On assignment at a health facility, market or political rally, never place equipment on the floor.

13 Political debates

Election debates between candidates for President, deputy president and governor have become critical in the scrutiny of leaders. They give citizens an opportunity to evaluate a candidate's performance. Accordingly, the media should:

- a) Accord all candidates the opportunity to participate in the presidential debates regardless of their political affiliations, public standing or background.
- b) Be represented by journalists and media practitioners of integrity and strong moral character. Moderators should be selected using criteria acceptable to the media profession
- c) Not use the debates for outright commercial gain.
- d) Apply real-time fact-checking to ensure candidates do not advance falsity and are held to account for their statements.
- e) Broadcast on various media platforms to promote fairness and equity and ensure access to disparate audiences.

HARM AND OFFENCE

14. Hate Speech

Articles 33 and 35 of the Constitution of Kenya 2010 guarantee freedom of expression and right to access information, but states that the freedom does not extend to:

- a) War propaganda.
- b) Incitement to violence.
- c) Hate speech.
- d) Advocacy of hatred that constitutes ethnic incitement, vilification of others or incitement to cause harm.

Defining hate speech

Hate speech is an offence under Kenyan law. A person is guilty of spreading hate speech if that person uses, produces, publishes or distributes content that contains threatening, abusive or insulting words, such as visual images or behaviour with the intention of stirring up or which may ignite ethnic hatred. Hate crimes in Kenya tend to be fuelled by the following:

- i) Use of negative stereotypes, particularly cultural, gender, ethnic or racial.
- ii) Emotive media content that may incite violence.
- iii) Hate-filled speeches, especially at political rallies.
- iv) Incendiary political advertisements.

Main characteristics of hate speech

- a) Threatening, abusive or insulting messages, sometimes using coded language intended to incite or mislead the people.
- b) Messages targeted at a group to stir up hatred based on race, colour, nationality, ethnicity or religion.

Questions to ask relating to hate speech

- i) What are the motives of the speaker; and should they be listened to or just ignored?
- ii) What is the value of the statement?
- iii) What is the reach of the speech, and does it have a pattern of hate?
- iv) Is it deliberately intended to cause harm to others?
- v) Is the speech dangerous, and could it incite violence or cause harm?
- vi) Is there a history of conflict or discrimination?

vii) All information bearing the characteristics above should be subjected to fact-checking by media houses. Journalists and media stakeholders should also verify and weigh information carefully based on the public's right to know and public interest before considering it for publication.

In line with the international law, and Section 13 of the National Cohesion and Integration Act (2008), the media/journalist:

- i) Must NOT publish speech that contains direct and public incitement to violence or genocide.
- ii) Must NOT publish speech that constitutes incitement to discrimination, hostility or violence based on ethnic or religious hatred.
- iii) When dealing with other types of hate speech, should use them only with the aim of exposing, challenging and repudiating it and its source. Otherwise, the journalist/media practitioner should:
 - a) Not quote persons making derogatory remarks based on ethnicity, race, creed, colour and sex.
 - b) Avoid racist or negative ethnic terms.

15. Conflict-sensitive reporting

Given that the media have a responsibility to society, the principles of conflict-sensitive journalism should guide journalists and media practitioners reporting on elections. In situations of violence and conflict, journalists and media practitioners should:

- a) Be informed about the causes and dynamics of election-related conflict.
- b) Report on elections accurately and constructively.
- c) Use words carefully to avoid and reduce tension between contending parties.
- d) Not downplay the suffering of those affected by election-related conflict.
- e) Avoid projecting opinion as fact.
- f) Help people make sense of events by providing context and impartial analysis, and by capturing a wide range of views and opinions.
- g) Avoid framing conflict only from the perspective of leaders and opinion shapers. Reporting should go beyond the elite and capture the views of ordinary people who may voice opinions shared by many.
- h) Make citizens better informed, and possibly safer, by also reporting on efforts to promote conflict management, reduction, and peace.
- i) Contribute to the search for solutions.

- j) Avoid putting individuals at risk.
- k) Be sensitive to the emotions and fears of audiences to avoid causing suffering and distress.
- l) Respect human dignity without sanitising the realities of violent conflict.
- m) Ensure editorial justification for the use of graphic images.

Talk show hosts have a duty to judiciously moderate discussions and avoid exacerbating tension. They should pay special attention to the import of their words. For instance, references to “our people” or “our community” may send out dangerous or unintended messages to audiences. The presenter should take charge and stop any contributor or caller who makes insensitive or inflammatory comments on the show.

16. Gender-sensitive reporting

The goal of gender-sensitive reporting is to integrate the interests and needs of all people regardless of their gender in the electoral process by addressing barriers which deny them full participation in the electoral process. All genders should be treated equally as news subjects and sources. Gender-sensitive election reporting refers to reporting that:

- i) Reflects an understanding of gender roles, inequalities, biases and stereotypes .
- ii) Encourages equal and fair coverage of all people.
- iii) Facilitates fair and equitable participation of all genders in elections.
- iv) Exposes gender-based violence.

Gender responsive election coverage requires that the media/journalist:

- a) Report on all genders fairly and equitably by selecting and using sources and publishing stories to achieve gender balance. The media/journalist should ensure:
 - i) A balanced gender representation as seen, heard or read about in news and current affairs.
 - ii) A balanced representation of all genders as sources of information, opinion, and expertise in news and current affairs. Effort should be made to involve women as experts and professionals.
- b) Eliminate negative stereotypes by:
 - i) Avoiding stories with stereotypical and sexist interpretations of the characteristics and roles of different genders in society.
 - ii) Avoiding language that demeans any gender.

- c) Interrogate and address factors that impede gender equality by:
 - i) Probing beyond what is taken for granted regarding gender roles in elections.
 - ii) Interrogating whether the country's electoral system(s) for presidential, parliamentary and county government polls help or hinder women's entry into political office.
 - iii) Examining the factors that keep women from becoming candidates and/or holding political office.
 - iv) Not sensationalising or trivialising violence against women.
 - v) Examining the gender breakdown of candidates for each party.
 - vi) Establishing how many voters of each sex are registered and whether there are disparities in some regions such as those impacted by conflict or where women are marginalised.
 - vii) Analysing the gender distribution of those elected.
 - viii) Interrogating election-related problems from a gender perspective.

17. Reporting on persons with disabilities (PWDs)

Persons with disabilities (PWDs) need to participate effectively in the electoral process. They are normally marginalised during electioneering. For them to realise their full rights as citizens, the media should give them a stronger political voice and highlight their issues during election reporting. The media/journalist should:

- a) Mainstream issues affecting PWDs in elections.
- b) Depict PWDs in a way that affirms their rights as citizens.
- c) Use a rights-based language when reporting on PWDs, avoiding negative stereotypes.
- d) Expose policies and practices that disadvantage PWDs in electoral processes.
- e) Prioritise inclusion of PWDs in all electoral activities on an equal basis with other citizens.
- f) Interrogate the extent to which candidate and party manifestos address issues affecting PWDs.
- g) Give an accurate and fair reflection of the experiences of PWDs in the election.

18. Reporting on the youth

The youth constitute the largest voting demographic in Kenya. However, they are often not given adequate coverage during elections. Given their importance to the electoral and democratic processes, it is imperative that the media grant them a fair share of the coverage. To do this, the media should:

- i) Mainstream issues affecting the youth in political and democratic processes and elections.

- ii) Use sensitive language when reporting. The reporting should avoid negative stereotypes and ageism.
- iii) Provide an accurate and fair reflection of their experiences in elections and electoral matters.

CONTENT AND FORMATS

19. Social media/digital platforms

The core principles of journalism practised in traditional media should govern the conduct of journalists and media practitioners on social media during elections. Below are some general guidelines:

- i) **Integrity:** Do not compromise professional integrity.
- ii) **Sources:** The journalist must always verify sources of information.
- iii) **Accuracy:** The information published must be accurate.
- iv) **Personal activity:** Even though journalists and media practitioners may act in their own private capacity online, anyone seeing the post(s) is likely to identify them with their media organisations. They should think carefully about what they publish.
- v) **Political stand:** Journalists and media practitioners should not state their political preference(s) as this may compromise objectivity in official reporting capacity.
- vi) **Breaking news:** Be clear what the policy of the media organisation is before breaking news online ahead of own media organisation.

20. 'Fake news'

'Fake news' are stories presented as real but have no factual basis. In most cases they are used to deceive people. These stories mostly originate in social media and the Internet. In terms of elections, political actors have found ways of using social media to spread false and unverified information. It is important to distinguish between fake news, which are fabrications, and what some have called false news, which can arise out of quality control failures by professional journalists/media practitioners. There are other forms of election propaganda applied to influence the public which media should be wary of. To counter their effect, media/journalist should:

- a) Strongly debunk fake news, including where possible exposing their purveyors.
- b) Develop and enforce own social media policies that uphold journalistic values.
- c) Not use or publish information that cannot be verified.
- d) Use custom searches to debunk stories.
- e) Use appropriate tools to verify authenticity of images and audio-visual material.
- f) Always verify social media content before publicly engaging with it.
- g) Use fact-checking tools to verify information before publication or reach out to credible fact-checkers.

21. Opinion polls

Opinion polls during elections are used to survey trends and attitudes. However, to ensure validity and reliability of the findings of such research, it has to be done according to proven scientific methods. Accordingly, the media/journalist should:

- i) Before broadcasting the results of an independent survey/opinion poll strictly observe the Electoral Opinion Polls Act, which stipulates how such polls are to be conducted and reported.
- ii) Obtain information on the methods used and the main results of the survey and seek expert opinion on the validity of the methods used and interpretation of the findings
- iii) Statements gathered (live or pre-recorded) from people chosen at random – vox-pop – are not scientific surveys. These should be presented solely to illustrate the range and texture of popular opinion on a topical issue.

Following the recommendations of the World Association for Public Opinion Research (WAPOR) and the Publication of Electoral Opinion Polls Act (No. 39 of 2012), the media/journalist should be guided by the following questions in determining the credibility of the survey and its use in stories:

1. Who commissioned the survey?
2. Who paid for it?
3. Why was the survey commissioned?
4. Who conducted the survey?
5. What geographical areas were covered?
6. What was the sample size?
7. How representative was the sample?
8. What sampling methods were used?
9. What was the response and non-response rate?
10. What kinds of questions were asked?
11. What calibre of staff was involved in the data gathering?
12. Over what period was the survey conducted?
13. What was the margin of error?
14. What were the results?

Radio/TV/social media instant polls

- a) Results from short messaging service (SMS) polls on broadcasting stations/digital platforms should not be treated as representative scientific results and the audience should be accordingly warned.
- b) The number and spread of those who are polled should be disclosed. Presenters should state clearly that the results do not reflect public opinion on the issue(s) under consideration.
- c) They shall be fair when reading selected audience feedback so that they reflect the diversity of opinions expressed.
- d) Journalists and media practitioners should refrain from conducting opinion polls and publishing results on their social media platforms.

22. Live broadcasts, phone-ins and talk shows

When dealing with live broadcasts, phone-ins and talk shows, presenters and producers should:

- i) Apply journalistic principles to the programme.
- ii) Abide by the Election Reporting Guidelines and other relevant legal requirements.
- iii) Challenge or cut off a caller who breaches the guidelines or the law, especially on hate speech.
- iv) Treat viewers, listeners and callers with respect, honesty, and fairness.
- v) Respect the privacy of callers and safeguard their personal information.
- vi) Use time-delay technology or other mechanism to filter out offensive or incendiary content or calls prior to broadcast.
- vii) Provide a standard disclaimer (at the beginning and the end of the programme) to the effect that opinions expressed by the callers in the programme are personal and not those of the media organisation.

23. Political advertising and paid-for content

Political advertising and paid-for content refer to any message submitted and paid for by media customers. They are used to promote political candidates, parties, policy issues, and/or ideas. When dealing with political advertising and paid-for content during elections, the media should:

- a) Ensure equity regarding campaign advertising time. This means that if a media outlet sells advertising time to one candidate or party, other candidates and parties must also be given the opportunity to buy slots from that same outlet.

- b) Ensure equity in the allocation of free campaign advertising time and space. This means that if a media outlet offers free time and space to a party or candidate, it must then offer equitable time to other parties and candidates.
- c) Ensure that adverts and paid-for content are identified as such. On Television the advert should be flagged as paid-for throughout while in radio the alert should appear at the beginning and the end.
- d) Ensure that journalists and media practitioners are not involved in political advertisements e.g. by wearing branded material and voicing adverts in support of political actors.
- e) Vet political advertisements and paid-for content for veracity of content, appropriateness of taste, fairness, truthfulness, potential to inflame public opinion, defamation and potentially offensive illustrations/images. Political adverts should carry the proper names and, where necessary, logos of the source and must never be published anonymously.

Broadcast media should also adhere to the provisions of The Programming Code for Free-to-Air Radio and Television Services in Kenya (2016) published by the Communications Authority of Kenya (CA). According to the Code, radio and television broadcasters have an obligation to always serve the public interest.

Advertising ethics requires that:

- i) The right of citizens and groups to defend themselves are safeguarded if they have been attacked on air (right of reply).
- ii) Advertising is separated from editorial programming.
- iii) There is equitable access and rates for appearances by political candidates.
- iv) News crawls shall not be used for advertising messages during a newscast.
- v) Advertisements shall not prejudice respect for human dignity.
- vi) Advertisements shall not be offensive to cultural, religious, or political beliefs.
- vii) Advertisements shall not exceed ten (10) minutes in any 30 minutes of television broadcasting or one-third of the programme.

IMPLEMENTING THE GUIDELINES

24. Editorial guidelines/station policies

To effectively implement these guidelines, media enterprises should:

- a) Use these guidelines together with their in-house editorial codes and policies.
- b) Publish these guidelines together with their codes and policies to ensure awareness by all and to help the public monitor their performance and hold them accountable.
- c) Ensure proper planning and resource allocation for election coverage.
- d) Ensure staff are adequately trained to fulfil their obligations as required by these guidelines.
- e) Develop a system for monitoring or reviewing adherence to the Code of Conduct.

25. Complaints

During electioneering, complaints should be resolved quickly and fairly. In addition to the established internal complaints handling procedures of media houses, including public editors, the Media Complaints Commission should give priority to election-related complaints from the public. Resolutions to these complaints should immediately be communicated to media enterprises and networks of other media stakeholders. Media enterprises should publicise the outcome of any complaint touching on them.

How does one lodge a complaint?

An aggrieved person may lodge a complaint; orally, either in person or by any form of electronic communication or in writing, given to the Registrar of the Complaints Commission setting out the grounds for the complaint, nature of the injury or damage suffered, and the remedy sought.

26. Media monitoring

Media outlets should have their own internal mechanisms to monitor their performance on election coverage. They should develop archiving policies for keeping their broadcast and online content. Television and radio stations should keep recordings of all broadcasts aired during the elections for a period of 90 days from the day of the broadcast. Online publishers should keep a record of their text-based election content for 60 days after the polls.

The Media Council of Kenya will monitor the performance of media enterprises in terms of adherence to the Code of Conduct and equitable and fair reporting for all parties and candidates. It will provide monthly reports containing the major findings to the media.

The media should be prepared to rectify negative trends of performance identified after analysis of the monitoring and evaluation process.

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APPENDIX 1

12-POINT CHARTER FOR MEDIA OWNERS, MANAGERS AND EDITORS TO ENSURE JOURNALISTS' SAFETY

The State, media enterprises, owners, employers, managers and editors bear the greatest responsibility to ensure effective protection for free speech and the safety and security of journalists. Thus they are duty bound to establish a safe and enabling environment for journalism, which is the declared and proper goal of the UN's Action Plan on the Safety of Journalists and the Issue of Impunity." In this regard, they should establish security units in their newsrooms to implement, monitor and ensure compliance in respect of these requirements.

1. Assess and understand the element of risk and ensure the journalist is fully aware, issue him/her with incident reporting guidelines and allow him/her the choice of refusal.
2. Journalists on dangerous or risky assignments should be given a hostile environment training course, which teaches First Aid, basic rules to follow and psychosocial support.
3. Offer regular assignment-specific safety advice and training.
4. Insure journalists, including regular correspondents, against bodily harm, loss of life, property and equipment.
5. Provide legal protection and litigation support to fight impunity.
6. Provide relevant and adequate resources such as transport, protective gear and finances to journalists on dangerous or risky assignments.
7. Offer continuous well-being, including debriefing and counselling, particularly post-coverage of distressful assignments.
8. Have a comprehensive security management strategy, including an elaborate intervention and protection strategy for journalists such as an evacuation or relocation plan and a dedicated in-house security manager.
9. Establish a joint fund to cater for the safety of freelancers and correspondents on commissioned assignments. The fund would be supported through an annual levy on all media houses and/or Media Council of Kenya revenues generated from financial penalties imposed on "errant" media houses and journalists.
10. Establish specific protection measures to address gender and cultural-sensitive issues such as sexual harassment.
11. Set up fact checking and research desks as a mitigation measures against misinformation and misreporting which predisposes journalists to attacks.
12. Covid 19 – incorporate health guidelines on covid 19 in all their safety measures both in the newsroom and in the field.

2022 GENERAL ELECTIONS TIMELINES –

a. Political Parties Primaries and Nominations

No.	Activity	Start	Finish	Duration
1	POLITICAL PARTIES PRIMARIES AND NOMINATIONS	October 18, 2021	June 24, 2022	
1.1	End of Fundraising by Political Aspirants	December 09, 2021	December 09, 2021	8 months before GE
1.2	Resignation of Public Officers intending to stand for elective posts	February 09, 2022	February 09, 2022	6 months before GE
1.3	Submission of Party Nomination Rules to the Commission		October 18, 2021	6 months before primaries
1.4	Submission of Any Amendments to Nomination Rules	October 18, 2021	January 16, 2022	90 days after submission of rules
1.5	Submission of Political Party Membership List to the Commission		April 09, 2022	120 days before GE
1.6	Submission of Names of Candidates for Party Primaries to the Commission		April 09, 2022	At least 21 days before Commission nomination
1.7	Gazetteement Candidates and Dates for Party Primaries	April 09, 2022	April 16, 2022	within 7 days of receipt of the names
1.8	Parties Conduct Party Primaries	April 16, 2022	April 22, 2022	
1.9	Dispute Resolution by Political Parties and PPDT	April 25, 2022	May 06, 2022	

**2022 GENERAL ELECTIONS TIMELINES –
a. Political Parties Primaries and Nominations**

No.	Activity	Start	Finish	Duration
1.11	Persons intending to contest in the general elections as independent candidates shall not be members of any political party		May 09, 2022	90 days before GE
1.12	Submission of Independent Candidates symbols, Letter of intent to vie and clearance from Registrar of Political Parties to IEBC		May 02, 2022	At least 21 days before Commission nomination
1.13	Approval by the Commission of Political Party Symbols and Independent Candidates Symbols	May 09, 2022	May 09, 2022	
1.14	Gazettement of names and symbols of independent candidates	May 09, 2022	May 13, 2022	At least 14 days before Commission nomination
1.15	Submission of Political Party Symbols, Names and Specimen Signatures of Political Party Authorized Persons to Certify Nomination of Political Party Candidates and nominated candidate	January 16, 2022	May 06, 2022	
1.16	Commission Transmits Copies of Party Signatories' specimen signatures & Candidate symbols to Returning Officers	May 09, 2022	May 16, 2022	
1.17	Pre-Nomination meeting with Aspirants	May 16, 2022	May 22, 2022	
1.18	Collection of Nomination papers and Code of conduct	May 09, 2022	June 10, 2022	
1.19	Submission and Verification of List of Presidential Candidate Supporters	May 23, 2022	May 25, 2022	at least 5 days before presidential nomination

2022 GENERAL ELECTIONS TIMELINES – a. Political Parties Primaries and Nominations

No.	Activity	Start	Finish	Duration
1.20	Nominations for Presidential Elections	May 30, 2022	June 10, 2022	at least 60 days before GE
1.21	Nomination for Senate Elections	May 30, 2022	June 02, 2022	at least 60 days before GE
1.22	Nomination for National Assembly Elections	May 30, 2022	June 01, 2022	at least 60 days before GE
1.23	Nomination for CAW Representatives Elections	June 02, 2022	June 10, 2022	at least 60 days before GE
1.24	Nomination for County Women Representatives	June 03, 2022	June 06, 2022	at least 60 days before GE
1.25	Nomination for Gubernatorial Elections	June 07, 2022	June 10, 2022	at least 60 days before GE
1.26	Lodging of and settlement of Dispute arising from Nominations	June 10, 2022	June 20, 2022	10 days from lodging
1.27	Publication of Names of all Nominated Candidates	June 20, 2022	June 24, 2022	
1.28	Parties Submit Party List Candidates		June 25, 2022	At least 45 days before GE

PRE-ELECTION OPERATIONS

No.	Activity	Start	Finish	Duration
3.0	PRE-ELECTION OPERATIONS	Monday, March 07, 2022	Tuesday, August 09, 2022	
3.1	Notice of General Election		March 14, 2022	
3.2	Appointment of Returning Officers & Deputy Returning Officers		March 14, 2022	
3.3	Sharing of names of Returning officers and deputies with political parties	March 14, 2022	March 28, 2022	
3.4	National Election Officials Pre-Election Briefing Meeting	March 28, 2022	April 03, 2022	
3.5	Returning Officers Sign the Code of Conduct	March 28, 2022	April 03, 2022	During Election planning meeting
3.6	Review of Polling Stations and Tallying Centres at the Different Levels	May 02, 2022	May 22, 2022	
3.7	Gazette Polling Stations and Tallying Centers	June 20, 2022	June 24, 2022	
3.8	Appointment of Constituency and County Chief Agents		July 10, 2022	At least 21 days to GE
3.9	Appointment of Chief Agents	July 19, 2022	July 10, 2022	
3.10	Recruitment of Election Officials (POs, DPOs and Clerks)	March 28, 2022	May 27, 2022	
3.11	Share List of Successful Candidates with Political Parties and Stakeholders	May 27, 2022	June 10, 2022	

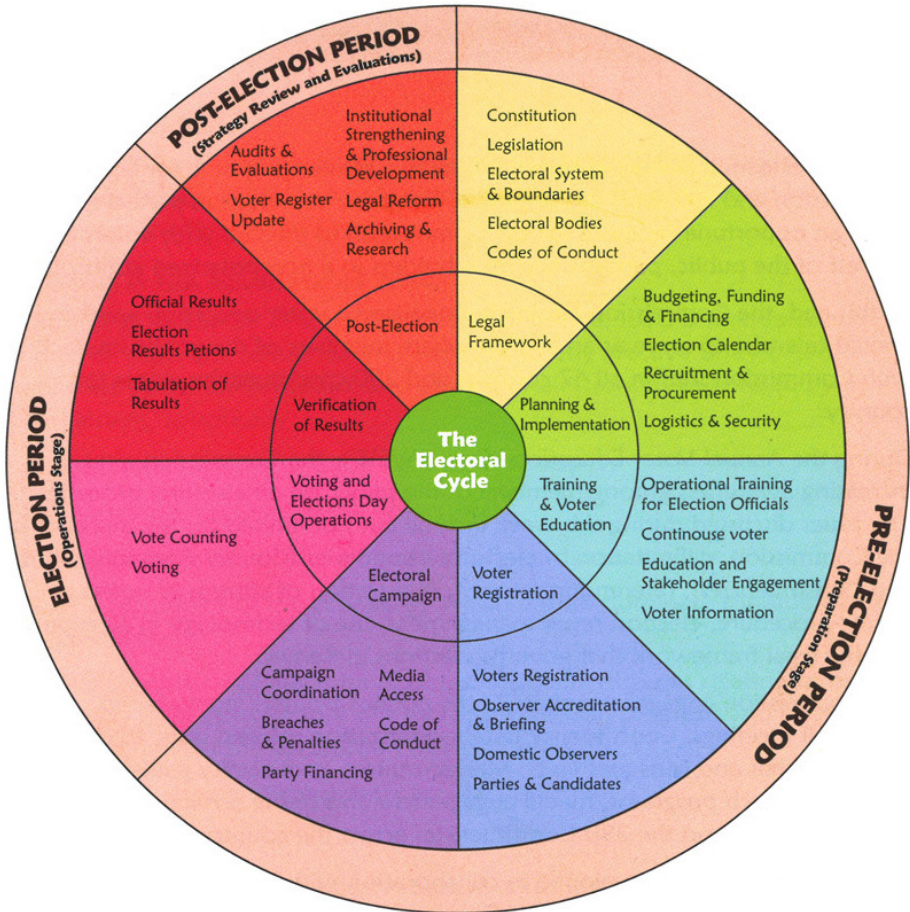
PRE-ELECTION OPERATIONS

No.	Activity	Start	Finish	Duration
3	PRE-ELECTION OPERATIONS	Monday, March 07, 2022	Tuesday, August 09, 2022	
3.12	Consideration of Political Parties and other Stakeholders Comments	June 10, 2022	June 24, 2022	
3.13	Publish Final List of Successful Candidates (POs, DPOs and Clerks)	June 27, 2022	August 01, 2022	
3.14	Preparations and Execution of Cascaded Training of Elections Officials	July 01, 2022	August 06, 2022	
3.15	Training and administration of Oath of the Security Agents	August 01, 2022	August 05, 2022	
3.16	Inspection of Polling Stations and Testing Transmission	August 01, 2022	August 05, 2022	
3.17	Display of Poll Register at Polling Station		August 01, 2022	At least 7 days before the polling day
3.18	Deployment of Polling Station Personnel, Materials and KIEMS	August 08, 2022	August 08, 2022	

ELECTION DAY AND RESULTS MANAGEMENT

No.	Activity	Start	Finish	Duration
4	ELECTION DAY AND RESULTS MANAGEMENT	August 09, 2022	August 28, 2022	
4.1	Polling Stations Open 6.00 am - 5.00 pm	August 09, 2022	August 09, 2022	
4.2	Counting, Tallying and Announcement of Results at Polling Stations	August 09, 2022	August 10, 2022	
4.3	Electronic Transmission of Presidential Results from Polling Stations	August 09, 2022	August 10, 2022	
4.4	Collation and Announcement of Presidential Results at the Constituency	August 09, 2022	August 12, 2022	
4.5	Tallying, Verification, Announcement and Declaration of Presidential Results at National Tallying Centre	August 09, 2022	August 15, 2022	
4.6	Collation, Announcement and Declaration of All Other Results		August 15, 2022	
4.7	Gazettement of Election Results	August 15, 2022	August 28, 2022	
4.8	Scanning and Publication of Results Forms	August 09, 2022	August 28, 2022	

THE ELECTORAL CYCLE







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