

STATE OF PRESS FREEDOM IN KENYA

NOVEMBER 2023 TO OCTOBER 2024



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Foreword

The media plays a fundamental role in upholding democracy by ensuring access to timely, accurate, and reliable information. This role becomes even more critical during crises when journalists serve as the bridge between unfolding events and the public. However, the responsibility of reporting in high-risk environments comes with challenges, including threats, harassment, and violence against journalists.

The State of Press Freedom in Kenya 2024 report provides a comprehensive analysis of the violations against press freedom recorded between November 2023 and October 2024. The report outlines the challenges faced by journalists in Kenya, ranging from physical assaults and intimidation to digital threats and restrictions on access to information. A concerning trend is the persistent impunity for crimes against journalists, despite efforts to hold perpetrators accountable. The tragic incident in Nakuru, where a journalist was shot while covering the Gen Z protests, is a stark reminder of the urgent need to enhance the protection of media professionals.

As the Media Council of Kenya (MCK), we remain steadfast in advocating for the safety and rights of journalists through initiatives such as the *National Mechanism for the Safety and Protection of Journalists*, established in 2019 with support from UNESCO. We continue to work closely with stakeholders—including law enforcement agencies, policymakers, civil society, and the media fraternity—to ensure journalists operate in safe and supportive environments. Recent engagements, such as the dialogue with the National Police Service (NPS) on journalist safety, reinforce our commitment to bridging the gap between media professionals and security agencies.

This report also highlights the evolving nature of press freedom threats, particularly in the digital space, where journalists are increasingly targeted through online harassment, misinformation, and surveillance. As part of our mandate, MCK continues to champion digital safety and media literacy training to equip journalists with the necessary skills to navigate these emerging challenges.

Press freedom is not just a media issue, it is a pillar of democracy and good governance. A free press empowers citizens, fosters accountability, and strengthens national resilience. We call upon all stakeholders to prioritise journalist safety, combat impunity, and uphold the principles of free and independent media.

Together, we must ensure that journalism thrives in Kenya without fear or favour.

David Omwoyo, MBS
Chief Executive Officer & Secretary to the Council
Media Council of Kenya

1.0 Executive Summary

Despite the existence of global, regional and national level instruments set to promote and safeguard press freedom and the tremendous milestones, the rapid evolution in the media landscape party driven by technological advancement, hostile political environment, economic crisis and socio-cultural dynamics continues to expose journalists and media practitioners to unfavourable working conditions in their quest to seek for and report on the truth.

In Kenya, the period under review was marked by a surge in violations of press freedom where incidents ranged from assaults, denial of physical access, threats, online harassment/intimidation and abduction with the key perpetrators being the police, goons, politicians, private security, national government, county officers, members of county assembly, journalists and Kenyans on X. The Media Council of Kenya (MCK) has taken proactive measures to address these challenge by, among others; issuing press statements condemning acts of brutality against journalists, engage in dialogue with police authorities and sensitised them on the importance of press freedom and the rights of journalists, lodge official complaint to Independent Policing Oversight Authority (IPOA) and the Inspector General of Police (IG) and also offer trauma counselling and psychosocial support to journalists and media practitioners.

The report presents an analysis of press freedom violations in Kenya between November 2023 and November 2024, focusing on trends by nature of violations, number of violations per region, and the perpetrators of press freedom violations. The report also outlines the MCK-led interventions and recommends possible measures to curb press freedom violations and promote the protection of journalists

in the country.

The incident reports were subjected to a verification process before admission into the press freedom violations register. The data was analysed through Microsoft Excel.

2.0 Introduction

Media landscape in Kenya

Kenyan media, like in other democracies, continues to evolve as a dynamic force for good despite the political, socio-economic, cultural, regulatory and technological advancement realities that influence access and dissemination of information by journalists, media practitioners, audience preferences and operational models of both state-owned and private media entities. Some practical notable realities influencing the media landscape include the high cost of operations, dwindling advertising revenue, editorial independence due to political or commercial influence, and proliferation of dis/misinformation.

Kenyan media plays a critical role as a key source of information for the Kenyan nation and the entire population. According to the State of Media Survey Report 2023, main sources of news were television (47.37%), radio (31.28%), and social media (18.18%). Smartphones remained the preferred device for accessing digital media access at 91%, compared to laptops, smart TVs among others. Research data has continued to confirm the increasing role of digital media in news gathering and content dissemination.

According to Kenya Media Landscape Guide 2024, Kenya has 346 licensed television stations, 303 licensed radio stations, and 17 licensed newspapers (although the data remains scanty given that some

stations operate unlicensed and unregistered). Notably, the rapid penetration of social media platforms has significantly transformed the media landscape where the most popular platforms include WhatsApp, Facebook, X, Instagram, TikTok, and YouTube.

Press freedom in Kenya

Despite the existence of various instruments at the global, regional and country levels on the protection and promotion of freedom of expression as a fundamental right, the right is often undermined by various actors, including government (police and employees of the state), politicians, media owners and even civil society. As a result, journalists and media practitioners have faced harassment, intimidation and even violence for their reporting, which has led to a decline in the number of journalists willing to take on controversial or critical issues .

Notably, the Windhoek Declaration states that consistent with Article 19 of the Universal Declaration of Human Rights, the establishment, maintenance and fostering of an independent, pluralistic and free press is essential to the development and maintenance of democracy in a nation and for economic development.

The Constitution of Kenya, 2010, recognises the centrality of the freedom of the media in Article 34 and establishes that the state shall not exercise control over or interfere with any person engaged in broadcasting, the production or circulation of any publication or the dissemination of information by any medium. Broadcasting and other electronic media have freedom of establishment, subject only to licensing procedures that (a) are necessary to regulate the airwaves and other forms of signal distribution; and (b) are independent of control by government, political interests or commercial inter-

ests.

The Judiciary has played an instrumental role in safeguarding press freedom. In March 2024, the Kenyan High Court declared section 77 of the Penal Code unconstitutional following the arrest of Joshua Otieno Ayika, charged with subversive activities due to a tweet done during the anti-government cost-of-living protests (July 2023). The petitioners included the Katiba Institute, the Law Society of Kenya (LSK), the International Commission of Jurists-Kenya (ICJ-Kenya), the Bloggers Association of Kenya (BAKE), the Kenya Union of Journalists (KUJ), the Africa Centre for Open Governance (AFRICOG), ARTICLE 19 Eastern Africa, Kenya Human Rights Commission (KHRC) and Tribeless Youth. The accused, Joshua Otieno Ayika, appeared as an interested party.

In line with the provision of the Constitution of Kenya, 2010, the Media Council of Kenya works with stakeholders to prevent violations against press freedom, protect victims and facilitate prosecution of perpetrators. Some of the interventions include the establishment of safety and protection programs such as trauma counselling, training on safety, and promoting dialogue between media and security-institutions.

¹ State of The Media survey Report 2023

3.0 Context Analysis

In Kenya, the Media Council (MCK) is mandated to undertake media monitoring to ensure compliance with the set standards. As such, the Council actively monitors and advocates for press freedom. It works closely with journalists, professional associations, Civil Society Organisations (CSOs) and international bodies like the Committee to Protect Journalists (CPJ) and Reporters Without Borders (RSF).

Globally, according to the Reporters without Borders (RSF) barometer, 46 journalists were killed between January and November 2024 and 577 were detained.

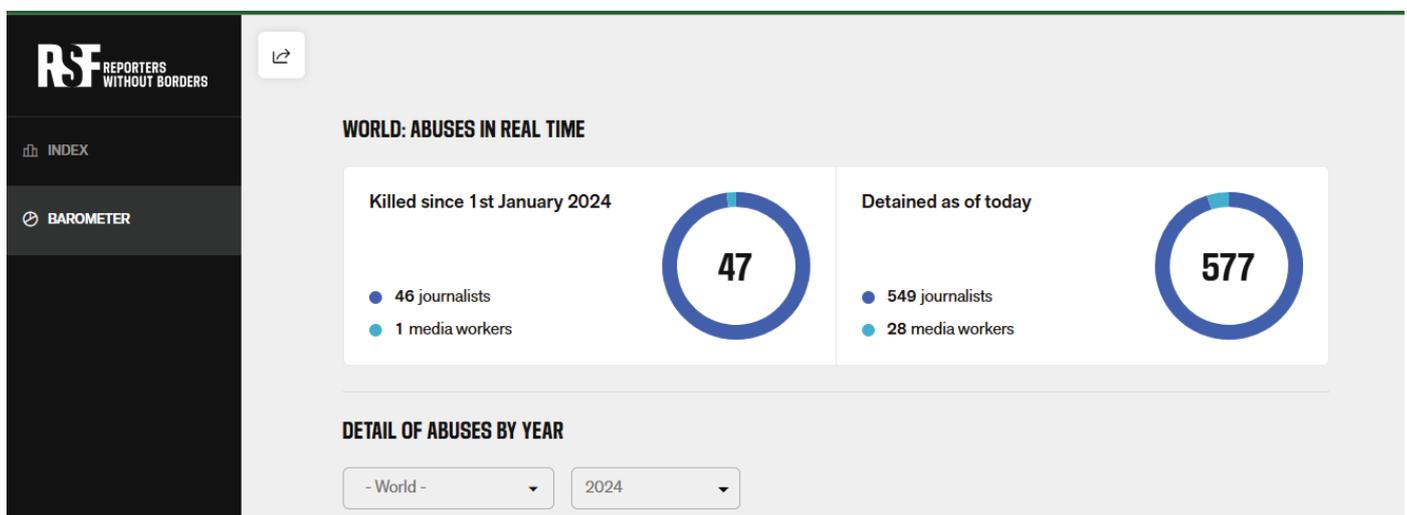
According to the World Press Freedom Index 2023 published by Reporters Without Borders (RSF) Kenya was ranked at position 116 and position 102 in 2024 due to the rampant violations of press freedom witnessed in 2023 and 2024.

Threats to press freedom during the period under review were precipitated by political and socio-economic factors, with key events being the impeachment of government officials, the agitation against the Finance Bill 2023/2024, legislative proceedings at the national and county level, and cyber-bullying mainly driven by the political elite in collaboration with social media influencers.

In the wake of the anti-finance bill protests in June 2024, there were notable threats to press freedom, which were reported to the Media Council of Kenya and other relevant authorities. Cases of abductions, arrests, obstruction, assault, shootings, tear-gassing, and physical and online threats extending to family members were documented.

The prevailing political environment prompted, in March 2024, the Kenya Media Sector Working Group, comprised of various media & journalist associations and Civil Society Organisations, to call for action against state interference in Kenya's media operations and for solidarity by various stakeholders to unite in the defence of gains made in safeguarding press freedom in the country.

Government actions such as limiting print advertisement to MyGov, a publication currently distributed through Convergence Media publishers of The Star newspaper as the official platform for all public sector print advertisements was taunted as an indication of a threat to press freedom given the paper had until December 2023 been printed and circulated by Daily Nation, The Standard, The Star and The People Daily newspapers under a contractual arrangement with the State Department of Broadcasting and Telecommunications.





It was argued that the process, establishing The Star newspaper as the sole printer and distributor of MyGov, gave the paper an undue advantage over other media entities.

When the media faces threats from exposure to advertising blackmail from the government, it often weakens its ability to operate independently. Finding ways to diversify revenue streams and adhere to the Code of Conduct for the Practice of Journalism in Kenya is therefore imperative.

4.0 State of Violations

Violations of press freedom were recorded across the country during the reporting period, with the nature of the violations ranging from physical assaults, denial of physical access, verbal and written threats, online harassment/intimidation, abduction, physical intimidation/threats, and arrests, among others.

The violations were concentrated in various regions across the country, mainly in Nakuru, Nairobi, Wajir, Migori, Uasin Gishu, Mombasa, Kisii, Kajiado, Turkana, Bungoma, Murang'a, Taita Taveta, Nandi, Kitui, Siaya, Busia, Kitale, Nandi, Baringo, and online.

The data presented in the report was collected through various channels, including direct complaints from affected journalists via , MCK safety hotline (0702 222 111) and email (safety@mediacouncil.or.ke). The Council also sourced incidents through its network of media analysts and monitors from online and offline platforms. The report covers the period between November 2023 and October 2024.

² World Press Freedom Index

³ Mck Condemns Arbitrary Arrests And Attacks On Journalists By The Police

⁴ <https://mediacouncil.or.ke/node/445>

a. The Incidents/violations

Kameme TV reporter Catherine Wanjeri Kariuki was shot three times during coverage of anti-government protests (July 16, 2024), police used teargas canisters towards journalists covering nane-nane protests and parliamentary journalists were also banned from covering parliament proceedings over their coverage of “occupy parliament” protests.



Image 1: Kameme TV journalist lying down after being deliberately shot by the police July 16, 2024. Pictorial incidents of police officers physically harassing journalists during the anti-government protests in 2024 are shown below.



Image 2: Journalist being kicked by a police officer on August 8, 2024. Location: Nairobi CBD.



Image 3: Minutes before Standard Group Journalist Justus Wanga was ejected from a moving police vehicle in Nairobi on August 8, 2024.



Image 4: Journalist Collins Olunga receiving treatment after being hit with a teargas canister on July 25, 2024.



Image 5: Journalists carried by colleagues to seek medical attention during a demonstration against the government in Nairobi, Kenya on August 8, 2024. © Kabir Dhanji, AFP

On July 31, 2024, Wajir County Journalists were barred from covering the Assembly proceedings while in Nandi County, journalists were expelled from the County Assembly public gallery on the directive of the Speaker, where the journalists had planned to present a report on the vetting of County Executive Committee Members (CECMs) as mandated by a High Court decision. In Samburu County, the Directorate of Criminal Investigations Office (DCIO) officers arrested a journalist on charges of allegedly disseminating false information under a pseudonym regarding the Samburu County Government.

Incidents perpetrated by the public against journalists included attacks by goons. On July 17, goons invaded the Azimio la Umoja-One Kenya Coalition parliamentary group meeting at the Jaramogi Oginga Odinga Foundation. On May 26, 2024, journalists were also assaulted by worshippers while covering the skirmishes at Holy Trinity Anglican Church of Kenya in Kitengela after chaos erupted from a faction of congregants who were contesting the elections. In the ensuing melee,

KTN Cameraman Josephat Kinyanjui suffered leg injuries, and his Video Camera was damaged.

Incidents perpetrated by politicians to influence journalists' media coverage were recorded as follows:

- A Cabinet Secretary insulted a journalist over an exposé on an alleged widespread circulation of counterfeit government fertiliser across the country.
- A Kenyan official threatened to kill Douglas Dindi, a People Daily Newspaper reporter, over a report on ambulance shortages in Kakamega County.
- A politician falsely accused the BBC of publishing inaccurate information on the implementation of a series of new taxes in June 2024. The politician accused the British Broadcasting Corporation (BBC) of portraying Kenya in a negative light via that story. The MCK research department authenticated the BBC report on the new Tax hike as factual.

Online incidents included Journalists' phone numbers being shared across social media platforms by social media users proposing to 'greet them', a euphemism used by Kenyans to intimidate people via phone calls or text messages, regarding their coverage of anti-government protests. The attacks originally emanated from the "X" platform, targeting politicians, state and government officers viewed as perpetrators of adverse government policies.

An incident of the abduction of journalists was also recorded on July 17, 2024, where DCI officers abducted veteran journalist Macharia Gaitho and briefly held him at Karen Police Station. The police released him shortly, clarifying that it was a case of mistaken identity for a younger, prolific blogger and fierce government critic by the name Francis Gaitho. The Kenya Media Sector Working Group (KMSWG) strongly condemned the abduction and arrest of Machari Gaitho. Kenya Editors Guild (KEG) President Zubeida Kananu, accompanied by other media sector leaders, stood in solidarity with Mr Gaitho at the Karen Police Station, where Kananu highlighted the increased incidences of police harassing journalists. The police later released Macharia Gaitho and claimed it was a case of mistaken identity.

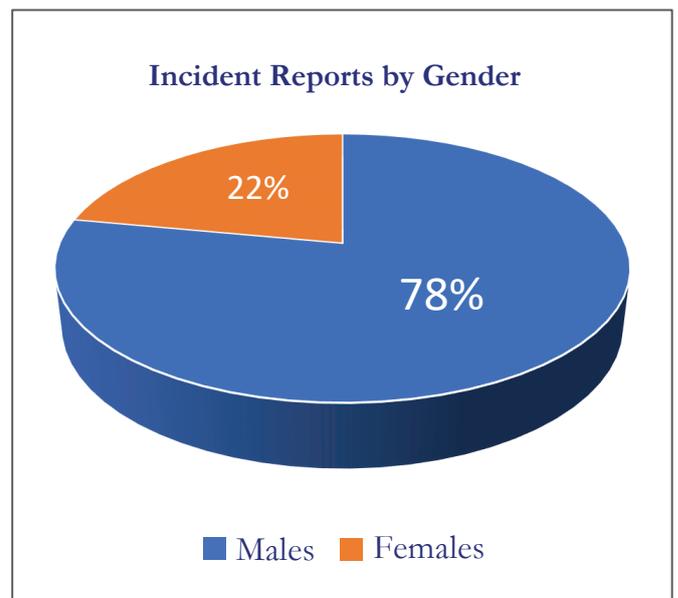
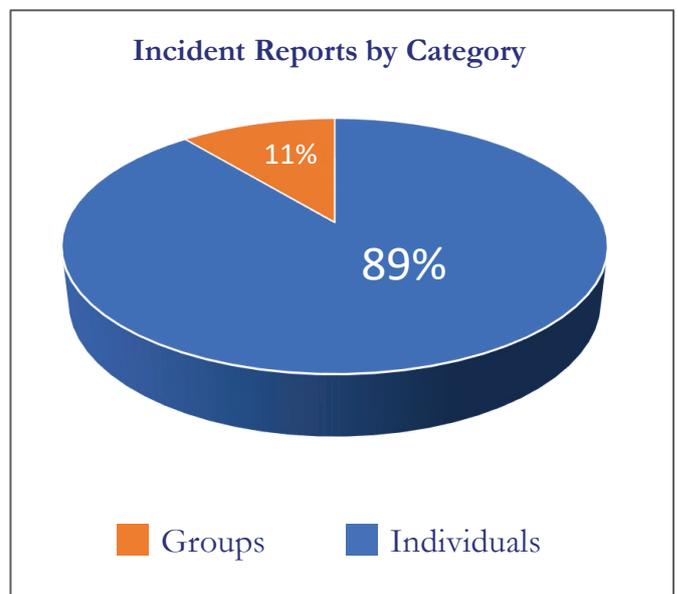
MCK equally weighed in, encouraging de-escalation via dialogue: “There is a need for an urgent media and government dialogue on engagement on national public interest issues without compromising the independence of the other. This has happened before in this country.” David Omwoyo, CEO said through a statement.

b. Data Analysis of the Incidents reported to MCK

The findings below present an analysis of data collected through various channels, including direct complaints from affected journalists via the MCK safety hotline (0702 222 111) and email (safety@mediacouncil.or.ke). The incident reports were subjected to a verification process

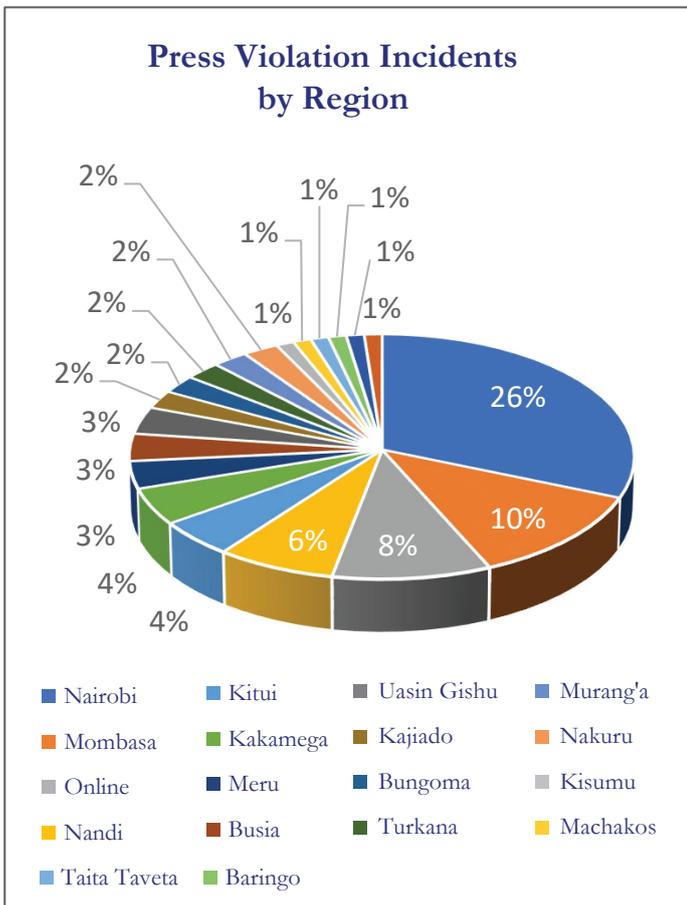
before admission into the press freedom violations register. *Incident reports by category and gender.*

From November 2023 to November 2024, 130 press violations were reported. Individuals reported 89% of the incidents, and 11% were reported by groups of journalists. Of the individual reports, 78% were males and 22% were females.



Press violations by region

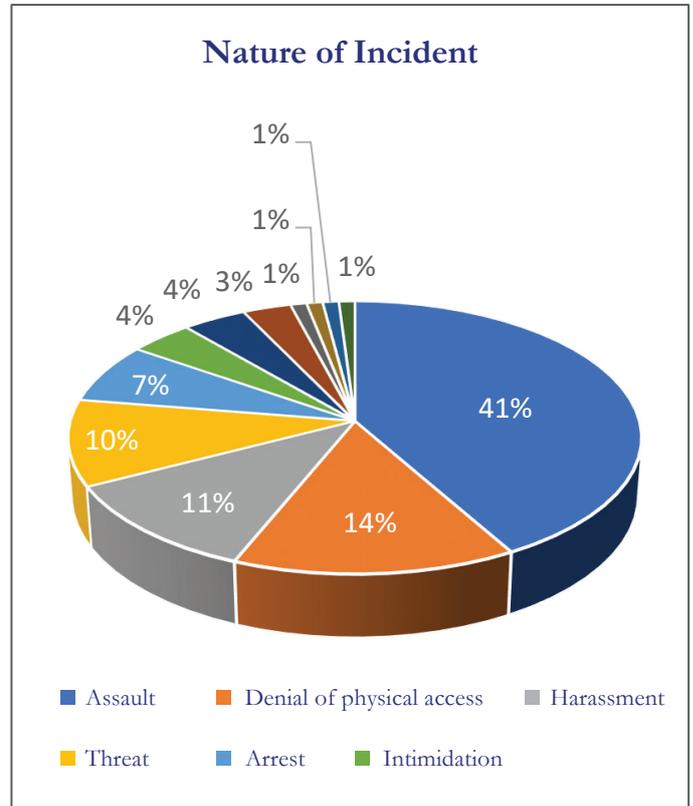
Most of the incidents reported occurred in Nairobi, followed by Mombasa, Nandi, Kitui, and Kakamega, respectively. The high numbers in Nairobi could be attributed to its status as the capital city and the centre of most activities. It therefore has a higher concentration of journalists and media houses, at least according to the MCK register. It is also the centre of the power of politics and elitism in Kenya.



Nature of violation

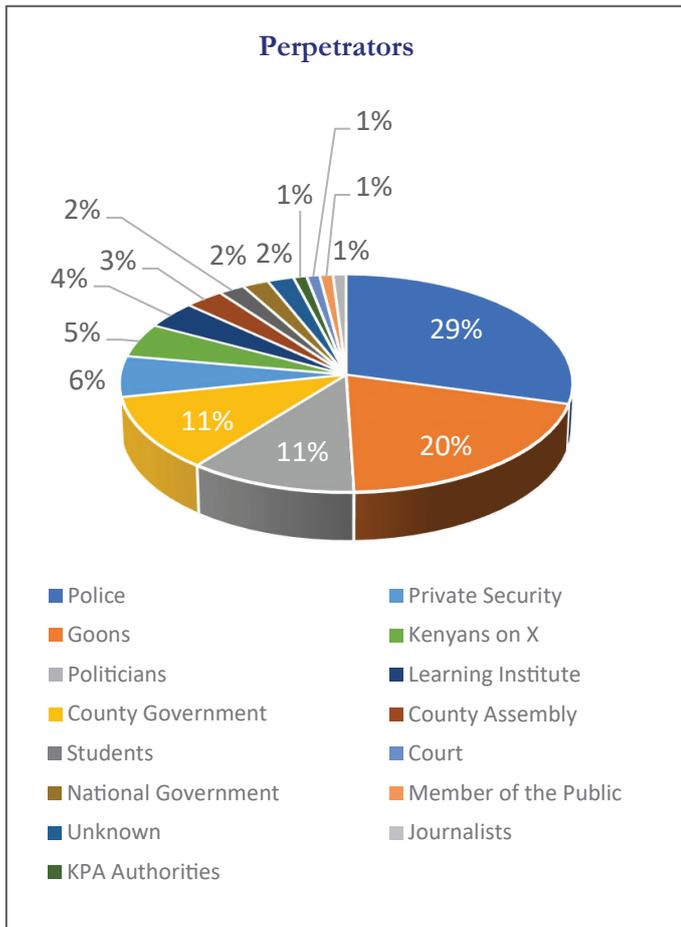
In this period, journalists reported various incidents; 41% of the reports were assaults from various perpetrators, 16% were denial of physical access to various information sources, 14% were harassment, 10% were threats, 7% were arrests, 4% were intimidation, and another 4% experienced both online

harassment and intimidation. Three per cent (3%) were arrested and assaulted, the others were assaulted and denied physical access, threatened and intimidated, politically profiled, and others abducted.



Perpetrators of violations

Over the years, press freedom has been violated by various perpetrators. In this period, the police were reportedly the leading perpetrator at 29% of all reported incidents followed by goons at 20%, politicians and county government at 11% each, private security officers at 6% Kenyans on Twitter (X) at 5%, Learning institutions at 4%, county assembly at 3%, Students, National government, Unknown perpetrators at 2%. Other perpetrators were KPA authorities, the court, members of the public known to the journalists, KWS and even journalists against themselves.



5.0 Response Measures

Considering the frequent threats to press freedom and in line with the MCK mandate to promote and protect the freedom, independence, rights, and privileges of journalists as provided for by the Media Council Act, No. 20 of 2013, in Article 34(5) of the Constitution. The Council undertook various initiatives to address the apparent threats, including the following.

1. The Council issued press statements condemning acts of brutality against journalists in the country during the height of the anti-government protests, where various security agencies were directly accused of the use of excessive force against journalists and media practitioners.
2. On June 24, 2024, the Council submitted an

official Complaint to the Independent Policing Oversight Authority (IPOA) calling for immediate investigations into violations and holding the responsible officers accountable.

3. The Council issued a letter to the Inspector General requesting an engagement in the rising cases of assaults on journalists by police officers. This was done on July 8, 2024.
4. The Council convened country-wide dialogue sessions with enforcement officers who were sensitised on the importance of press freedom and the rights of journalists. Some of these were in partnership with various stakeholders such as Article 19, Kenya Union of Journalists, Kenya Editors’ Guild, National Police Service, among others.
5. The Council runs a rapid response initiative for journalists based in Kenya. (safety@mediacouncil.or.ke and 0702 222111). In addition, MCK has in place an incident mapping system that journalists can use to report cases of press freedom violations. The system is available here: <https://safety.mediacouncil.or.ke:800>.
6. The Council, the Kenya Union of Journalists (KUJ) and the Kenya Parliamentary Journalists Association (KPJA) engaged with the Parliamentary Service Commission to review the situation in the institution and reassure the media of a continued cordial partnership in ensuring that factual and timely information was relayed to the public. (17 July 2024)
7. Under the media safety and protection programme, the Council conducted trauma counselling and psychological support for

journalists injured and traumatised during the protests. In addition, the Council also issued protective properly labelled press jackets to facilitate proper identification to minimise the risk of arrest and assault. These jackets were visible during the coverage of the protests during the reporting period. This is an indication that journalists feel safer.

Notable response measures by other stakeholders

The Kenya Media Sector Working Group (KMSWG) raised concerns over the use of legal, administrative, and informal measures against journalists, including threats, intimidation, harassment, surveillance, and physical assaults. This was notable during the 2024 anti-government Finance Bill protests, which were deemed a threat to media freedom.

The Kenya National Commission on Human Rights (KNCHR), the country's constitutionally established body, mandated with the protection and promotion of human rights, condemned the unwarranted violence and excessive force inflicted on protesters, medical personnel, lawyers, and journalists during the protests. The Commission indicated that violence by security personnel in safe spaces such as churches, medical emergency centres, and ambulances was rampant.

The Association of Media Women in Kenya (AMWIK), in collaboration with Journalists for Human Rights (JHR), contributed to advocacy

efforts and policy reform to promote the protection of journalists. Kenya's JHR efforts have led to 14 media outlets adopting a model sexual harassment policy, with the active support of the KMSWG stakeholders. This demonstrates the stakeholders' commitment to fostering a gendered media environment for female journalists.

ARTICLE 19 Eastern Africa reported allegations of the internet being shut down and the use of geospatial data to locate and abduct protesters. In addition, ARTICLE 19, in collaboration with the Commission on Administrative Justice (CAJ), and the Kenya School of Government (KSG), developed a comprehensive curriculum on access to information.

Journalists from various media houses also protested increasing attacks on press freedom by the government. The countrywide demonstrations saw media professionals march in the streets in major towns and cities carrying placards. Some of the placards read: "Don't Crush the Messenger" and "Don't Shoot the Messenger".

Katiba Institute (KI), in collaboration with the Media Council of Kenya, CAJ, and UNESCO, collaborated in convening annual events to commemorate the International Day to End Impunity for Crimes against Journalists and the International Day for Universal Access to Information (IDUAI) as platforms to highlight the plight of journalists. They also conducted Access to Information forums and Media Literacy Forums across the country.

6.0 Conclusion

The current review serves as a reminder that while the media is a force for public good, journalists and media practitioners are exposed to various challenges while on duty, and that the guarantees provided by the Kenyan Constitution and other international instruments serve as essential reference points in the fight for press freedom.

In relation to gender, it was noted that male journalists emerged as the key targets of press violations, where between November 2023 and November 2024, out of 130 press violations recorded by MCK, 70% of the incidents were reported by male Journalists and 19% were reported by female journalists.

Most of the incidents reported occurred in Nairobi, followed by Mombasa, online, Nandi, Kitui and Kakamega respectively where assaults from various perpetrators mainly characterised them, 16% denial of physical access to various information sources, 14% harassment, 10% threats, 7% arrests, 4% intimidation and another 4% experienced both online harassment and intimidation.

The Kenya Media Sector Working Group (KMSWG), Journalists Unions and Associations

were notably vocal in advocating for Press Freedom during the period. Their proactive stance fostered engagements and conversations with several perpetrators, ensuring that press freedom was upheld regardless of the prevailing political and socio-economic realities.

Justice for journalists and media practitioners has also been impacted by various challenges often cited by authorities such as at Independent Policing Oversight Authority (IPOA) and the Office of the Director of Public Prosecutions (ODPP) which have often included a lack of adequate resources to hasten investigations, support from victims and families and intimidation of victims by perpetrators among others.

While various incidents have been reported and referred to bodies such as the Complaints Commission and courts in Kenya, justice has proven elusive. For instance, the functioning of the Complaints Commission was affected due to a delay in the appointment of Commissioners, following a court injunction. This led to piling of cases, thus delaying justice.

7.0 Recommendations

A section of this report was presented during the commemoration of the International Day for Universal Access to Information, September 2024. Below are some of the recommendations made at the conclusion of the event, along with additional suggestions.

1. The quest for press freedom, a right provided for by the Constitution, is not an end in itself. Despite milestones recorded over the years and the continued rise in violations, various stakeholders have an opportunity to catalyse action towards the desired change. As such, it is envisaged that:
 2. The Council should enhance safety and protection mechanisms for journalists by enhancing trauma counselling, safety training, and promoting dialogue between media and security institutions. The re-establishment of a safety fund to facilitate immediate access by victims is imperative.
 3. Media Owners should ensure journalists are well-kitted by facilitating access to safe gear—press jackets, helmets, and footwear, among others, while out on assignments such as protests, accidents, conflicts, floods, and pandemics.
 4. While ownership of media entities remains an issue of continued debate, in cases where politicians find themselves in the media space, they must resist possible influence on editorial content and ensure their entities are guided solely by the Code of Conduct for the Practice of Journalism in Kenya and any other related guidelines.
5. The Council and other regulatory authorities in the media industry should continue to advocate for and facilitate the adoption of resilient strategies by the media sector stakeholders to adapt to digital disruption by investing in training and proactive implementation of safety protocols to address issues such as cyber-bullying and harassment of journalists and media practitioners in the digital space.
6. The Council, through the Complaints Commission, should leverage the Commission of Administrative Justice (Office of the Ombudsman) to fast-track and ensure credible investigations and accountability for perpetrators responsible for the killings of and physical attacks against journalists and media practitioners.
7. Independent bloggers and content creators should be encouraged to seek accreditation with the Council and join relevant associations to access legal protection, training and support collective efforts to address concerns of censorship, threats and other factors curtailing press freedom.
8. Security agencies such as the Independent Policing Oversight Authority (IPOA) and the Office of the Director of Public Prosecutions (ODPP) should be empowered to carry out mandates and thus curtail the apparent threat to press freedom in Kenya.
9. The Commission on Administrative Justice (CAJ) and the Media Council of Kenya should enhance the capacity of journalists on data

collection, investigations, and reporting on violations of press freedom.

10. The Executive, Legislature, and Judiciary should ensure a conducive environment for the media by enacting and or enforcing laws that guarantee press freedom and access to information. The Judiciary could help in making progressive rulings that support articles 33, 34, and 35 of the Constitution of Kenya and the repeal of sections of the Penal Code that are prejudicial to freedom of the press.
11. Broad-based partnerships bringing together state and non-state actors, media practitioners, academia, and research institutions present a unique opportunity as a drive for change and should thus be encouraged and facilitated to advocate for change continuously.
12. Media organisations and other stakeholders should continue to raise awareness of violations and possible pathways to addressing threats to press freedom in the country and push back against attempts to undermine their independence.
13. Continuous capacity-building efforts for journalists on their rights, access to information, data protection, and principles of ethical reporting, fact-checking, and quality journalism must be encouraged through continuous assessment of institutional needs.

A publication of the Media Council of Kenya

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