

Ref: CA/MMS/TV & FM/GEN/1

22nd March 2023

TO: ALL BROADCASTERS

RE: BROADCAST COVERAGE OF DEMONSTRATIONS

Today, the Authority completed a review of Broadcast Coverage of Opposition demonstrations held on 20th March 2023. The Authority has established that at least Six (6) TV stations, namely, Citizen TV, NTV, K24, KBC, TV47 and Ebru TV, provided coverage in a manner that violated the Programming Code. The coverage depicted scenes that could cause panic or incitement to the public, threatening peace and cohesion in the country.

The Authority has, in accordance with the relevant provisions of the law, issued notices to the identified broadcasters to take immediate remedial actions.

All broadcasters are hereby reminded of their obligations as outlined below:

1. **Section 33 of the Constitution of Kenya as read together with Section 5B of the Kenya Information and Communication Act**, which provide that the constitutionally guaranteed right to Freedom of Expression, does not extend to propaganda for war, incitement to violence, hate speech or advocacy of hatred that constitutes ethnic incitement, vilification of others, or incitement to cause harm or discrimination;
2. **Clauses 46I (1) (a) Kenya Information and Communications Act** which requires licensed broadcasters to provide responsible and responsive programming that caters for the varied needs and susceptibilities of different sections of the Kenyan community;
3. **Clauses 19 (1) (c) and (d) Kenya Information and Communications (Broadcasting) Regulations** which requires a licensee to ensure that no broadcasts by its station “glorifies violence or depicts violence in an offensive manner; or is likely to incite, perpetuate hatred, vilify any person or section of the community;
4. **Clause 10.2.1 of the Programming Code** which requires broadcasters to take care in coverage of crisis situations so as not to hinder or obstruct efforts by authorities to resolve the situation;

5. **Section 5.8.4 of the Programming Code** which states that presentation of news and commentaries must not be done in a way that would create unnecessary panic or alarm;
6. **Section 5.8.3 of the Programming Code** which states that morbid, violent, sensational or alarming details that are not essential to factual reporting are not permissible; and
7. **Clause 2.4 of the Programming Code** which states that broadcasters are responsible for the broadcast materials relayed on their stations, regardless of their source, as well as professional activities of its employees.

While the Authority promotes freedom of the press, it is imperative that all broadcasters exercise **caution in Live Broadcast Coverage** in order to avoid scenes that would be detrimental to peace and cohesion.

TAKE NOTICE that failure to adhere to the outlined obligations shall be acting in breach of licence conditions, which shall attract liability under relevant provisions of the law, including revocation of broadcast licence and/or broadcast frequencies.



Ezra Chiloba
DIRECTOR GENERAL/CEO