Safety and protection of Kenyan journalists: Is it common sense or common cents?

Prepared for the Kenya Media Programme
Lead researcher: John Gachie
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Foreword

Journalists in Kenya play a major role in ensuring that the public access information. They also undertake authoritative investigative tasks, which, in a very real and practical sense, function as a catalyst to the democratic process. As public watchdogs, they have challenged power and capital, exhibiting courage even in difficult circumstances. In this process, some journalists have disappeared mysteriously while others have been intimidated, jailed or killed in the course of their efforts to serve the public. In order to come up with sustainable solutions to the safety and protection of journalists, a Media Working Group was formed to address the policy, legislative and work environment for journalists.

Indisputably, journalists are at the forefront of political, economic and social transformation as well as in the struggle for transparency and accountability in our democratic process. As the Fourth Estate, they provide information and uphold the people’s right to access information and enjoy the freedom of expression as guaranteed by the Constitution. Infringing on their ability to carry out their work in a free and safe environment means compromising their ability to live up to this role.

The research for this baseline survey is a journey of like-minded persons who came together as the Media Working Group to look into the situation of journalists in Kenya and what they can do to improve the context in which journalists currently work. The Group’s current members are: African Media Initiative, Twaweza Communications, Committee to Protect Journalists, Media Council of Kenya, Article 19, National Coalition of Human Rights Defenders, Kenya Media Programme and Protection International.

In seeking solutions to the safety and protection challenges facing journalists, the Working Group has held various consultations and meetings with media owners, editors and journalists. In the course of these consultations, the Media Working Group saw the need for a more structured research on the situation of journalists. It is on that basis that the baseline survey to look into the safety and protection situation of journalists in Kenya was commissioned.

In the course of the survey, all the major stakeholders in the media landscape, ranging from media owners, management, journalists and other key actors were involved. Unsurprisingly, the survey shows that the safety and protection of journalists in the course their work remains a major challenge, in many cases affecting the quality of their reporting. Results of the survey will assist in the development of strategic approaches and interventions to improve the structural framework of the operating environment for journalists. The key findings of this baseline survey can be summarized as follows:

- There is no national strategy on the protection of journalists within government institutions, the media industry or civil society.
- Improved security management and protection for journalists within media houses would be more cost effective for media owners in the long term than the financial implications of ad hoc responses to emergencies and actual attacks and injuries.
- The general public will benefit from improved reporting by journalists operating in a free and safe environment since they would not have to fear persecution for reporting on sensitive matters.

These key points form the basic considerations for a road map towards a safe working environment for journalists in Kenya and will guide stakeholders within the Media Working Group and beyond.

KENYA MEDIA PROGRAMME

APRIL, 2013
### Abbreviations

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<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>AMI</td>
<td>African Media Initiative</td>
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<td>Association of Media Women in Kenya</td>
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<td>AU</td>
<td>African Union</td>
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<td>BBC</td>
<td>British Broadcasting Corporation</td>
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<td>CPJ</td>
<td>Committee to Protect Journalists</td>
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<td>DC</td>
<td>District Commissioner</td>
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<td>FCA</td>
<td>Foreign Correspondents Association</td>
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<td>General Service Unit</td>
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<td>IAPA</td>
<td>Inter-American Press Association</td>
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<td>ICT</td>
<td>Information and Communication Technology</td>
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<td>IDI</td>
<td>In-depth Interview</td>
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<td>Internally Displaced Persons</td>
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<td>IFEX</td>
<td>International Freedom Exchange</td>
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<td>IFJ</td>
<td>International Federation of Journalists</td>
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<td>IGAD</td>
<td>Inter-Governmental Agency for Development</td>
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<td>INSI</td>
<td>International News Safety Institute</td>
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<td>IMS</td>
<td>International Media Support</td>
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<td>IPI</td>
<td>International Press Institute</td>
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<td>KBC</td>
<td>Kenya Broadcasting Corporation</td>
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<td>KCA</td>
<td>Kenya Correspondents Association</td>
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<td>KDF</td>
<td>Kenya Defence Forces</td>
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<td>KEG</td>
<td>Kenya Editors Guild</td>
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<td>KNA</td>
<td>Kenya News Agency</td>
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<td>Kenya Media Programme</td>
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<td>KUJ</td>
<td>Kenya Union of Journalists</td>
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<td>MCK</td>
<td>Media Council of Kenya</td>
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<td>MOA</td>
<td>Media Owners Association</td>
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<td>MRC</td>
<td>Mombasa Republican Council</td>
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<td>NMG</td>
<td>Nation Media Group</td>
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<td>OB</td>
<td>Occurrence Book</td>
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<td>OCPD</td>
<td>Officer Commanding Police Division</td>
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<td>ODM</td>
<td>Orange Democratic Movement</td>
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<td>PI</td>
<td>Protection International</td>
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<td>SMS</td>
<td>Short Message Service</td>
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<td>SOP</td>
<td>Standard Operating Procedures</td>
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<td>RSF</td>
<td>Reporters Sans Frontiers</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organisation</td>
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Safety and protection of Kenyan journalists:

Definition of terms

A journalist
For the purposes of this report, we have adopted the definition of ‘a journalist’ as per the Kenya Media Act 2007. The Act defines a journalist as “any person who holds a diploma or a degree in mass communication from a recognized institution of higher learning and is recognized as such by the Media Council of Kenya; or any other person who was practising as a journalist immediately before the commencement of The Kenya Media Act 2007, or who holds such other qualifications as are recognized by the Council; and earns a living from the practice of journalism, or any person who habitually engages in the practice of journalism and is recognized as such by the Council.”

Safety
‘Safety’ and ‘security’ are often considered to have different meanings. However, they could mean one and the same thing depending on the environment and context. Indeed, ‘safety’ often refers to non-man made threats while ‘security’ refers to man-made threats. Safety in this report is defined as ‘freedom from risk or harm as a result of unintentional acts such as accidents, natural phenomena and illness’ (Protection International. www.protectiononline.org)

The safety of journalists is a fundamental pillar and fulcrum of the universal right to press freedom. This right is enshrined in Article 19 of the Universal Declaration of Human Rights and Article 19 Paragraph 2 of the International Convention on Civil and Political Rights. It is mandatory that each state has a duty to ensure a safe and enabling environment for journalists to perform their Public Interest Duty independently and without any interference.

In spite of their critical role in society and their rights, which are codified in international instruments and national laws, journalists have been singularly targeted for persecution with serious consequences to the profession. As Barry (2002) observed, “Every journalist killed or neutralized by terror is an observer less for the human condition. Every attack distorts reality by creating a climate of fear and self-censorship.”

It is important to safeguard journalists and media workers from attack, as well as combating the impunity of perpetrators. This is essential to preserve the fundamental right to freedom of expression, guaranteed by Article 19 of the Universal Declaration of Human Rights. Indeed, freedom of expression is vitally important for citizen participation, dialogue and democracy, which empowers populations and makes sustainable development possible.” (UN interagency meeting (UNESCO, 2011).

The International Press Institute has noted that since 2000, over 900 journalists have lost their lives in the course of their duty.

Security
‘Security’ refers to ‘the freedom from risk or harm resulting from violence or other intentional acts. In other words, security is what the individual and the organizations will be doing to assess risks and consciously implement measures to mitigate the same risks which amount to security management (Protection International. www.protectiononline.org).

In practice, among organizations and media, the safety of journalists could mean and apply to both non-human and human made threats. Therefore, in this report we use ‘safety’ to include ‘security’ aspects.

Protection
Protection refers to ‘measures taken to influence other actors to enhance security such as deterrence, evacuation, hiding or any other support that will minimize the consequences of risk. (Protection International. www.protectiononline.org)

Risk
There is no widely accepted definition of risk. However, in this report ‘risk ’refers to ‘possible events, however uncertain, that result to harm’ (Protection International. www.protectiononline.org)
Acknowledgements

This survey was commissioned, funded and completed with the support of the Kenya Media Programme at the Hivos Regional Office of East Africa. The support was extended under the auspices of a Media Working Group comprising organisations concerned with the safety and protection of Kenyan journalists, including the Committee to Protect Journalists (CPJ), the National Coalition of Human Rights Defenders, the Media Council of Kenya, ARTICLE 19, Twaweza Communications, Protection International and the African Media Initiative. The Group has constituted itself as a coalition of non-state actors (with the exception of Media Council of Kenya) working on media liberties and the protection of human rights defenders in Kenya.

The Media Working Group thanks the Media Council for supervising the survey. Our special thanks go to Haron Mwangi, the Chief Executive Officer of the Media Council of Kenya, and Victor Bwire, the Programme Manager, for their good humour, a critical mind and unrelenting commitment.

We thank the lead researcher, John Gachie, for his professional guidance, time and commitment to this work. We also sincerely thank his committed team of researchers that was composed of the following individuals:

1. Mr. Francis Peter Muroki: Assistant lead researcher and in charge of the greater Nairobi, including Kiambu, Narok, Kajiado and Thika;
2. Mr. William Khayoko: Nyanza and Kisii;
4. Mr. Wealth Wakhaya: Eldoret and Kitale;
5. Ms. Rachel Muthoni: Baringo, Nakuru, Naivasha and Nyahururu;
6. Mr. Bob Odalo: Machakos, Kitui, Makuini and Garissa;
7. Mr. Muthui Mwai: Nyeri, Kirinyaga, Murang’a, Isiolo and Marsabit;

Last but not least, the singular collective honour goes to our many unnamed respondents, in particular, the journalists and media professionals, editors, media owners and managers, and related stakeholders, actors and players, who were very generous with their time, insights and invaluable knowledge and advice. We remain indebted to their trust in our work and commitment to a secure environment for journalists to operate in.
Executive Summary

Though not comprehensively documented, threats to journalists and media professionals in Kenya, as is the case universally, are on the increase.

This national baseline survey sets out to achieve two main objectives. First, it seeks to shed more light on and generate awareness of safety and protection issues for journalists within the profession and the public.

Secondly, it seeks to provide a knowledge-based platform with which to lay future interventions and initiatives to address the threats for the benefit of the media industry and the country.

Through detailed field data collection, analyses, interpretation and inferences, including focus group discussions and key informant interviews, the study shows an industry and profession caught between the realms of a riddle and riding on the horns of a dilemma.

How to mitigate and address the issues of safety and protection on the one hand – both direct and indirect – and how to underwrite and finance the associated cost implications without undermining the imperatives of the business model is a challenge to the media owners.

Key Findings

Most of the journalists who participated in the survey welcomed it as a necessary and timely study. This enthusiasm may have been informed by the journalists’ increasing awareness and appreciation of the chilling effects of the dangers and risks associated with their work.

The field data analysis bears this out. More than 70 per cent of the respondents indicated they were dissatisfied with the level of safety and security measures in place in their media institutions. Only about 30 per cent expressed any measure of satisfaction.

More illuminating was the finding that more than half of the respondents felt that media institutions cared more about their other assets like hardware, buildings and installations than about the safety and protection of their employees. This appeared to be a widely held view despite spirited and, at times, exasperated denials by media leadership.

These contrasting views and perceptions notwithstanding, this survey draws attention to one salient fact: That the need for safety and protection of journalists and other media professionals in Kenya is real, urgent and immediate. Unless it is sufficiently addressed, it can spiral out of control with very damaging consequences for the country.

Challenges and obstacles

The journalists identified a number of challenges and obstacles that compromised their safety in the course of their work. These included lack of or inadequate facilitation, poor pay, working under managers who were not trained journalists, and, in some extreme cases, taking instructions from unethical editors who maintained alliances with news sources, especially politicians.

The journalists felt that media houses lacked the resolve and will to investigate violations committed against their reporters. It was futile, they said, to expect the authorities to investigate attacks on journalists especially when the perpetrators were public figures. It also appeared, from the findings, that media associations and the Kenya Union of Journalists lacked the capacity to protect journalists.
Safety dialogue and engagement
The journalists were unanimous in their recommendation that the police, judicial officers, prosecutors and lawyers be trained on how to handle or follow up on any threats and attacks on media practitioners.

They recommended that state officers be sensitized about the importance of the work journalists do in the development of the country. At the same time, those who attacked or threatened journalists should be punished heavily.

Journalists were equally emphatic that they should be empowered by being paid better to avoid the temptation of having to rely on handouts from politicians. They said they felt most vulnerable and open to threats or attacks during political electioneering periods and while covering cooperative society meetings, industrial unrest or riots in educational institutions.

Awareness on safety of journalists
The findings suggested there wasn’t enough public and official awareness of the safety and protection concerns of media practitioners. In some cases, media houses did not bother even when their employees raised issues concerning their safety and protection. In addition, there were instances when media houses did not provide lawyers to defend journalists facing a particular threat. The upshot of this was the need for state agents to interact more often with journalists, including attending joint workshops and visiting each other’s work places.

Gaps in safety and protection
The findings pointed to a gap between existing support initiatives and the journalists’ and media professionals’ practical needs and challenges. Protection, training and financial assistance was available but often only on an ad hoc basis.

Pattern of violation against journalists
Among the findings was that the use of ICT had exposed journalists to extreme safety and security risks. The most reported cases of threats in Kenya were through mobile telephony - mostly text messages and phone calls.

Geographical distribution of violations
Threats against journalists seemed evenly distributed, although more cases were reported from the Western region and North Rift.

Dangerous news beats
Majority of respondents who reported receiving work-related threats linked them to politicians and political goons, and some unethical editors. It can be inferred from this that the political beat was the most dangerous particularly during election campaigns. Other high risk assignments related to corruption, land and issues relating to local leaders, especially politicians.

Response mechanisms for complaints
The findings suggested that there were two levels of reporting complaints when journalists faced a safety threat; namely, editors or employers and the police. However, not many of the respondents were satisfied with the response mechanisms and they did not trust that their complaints would be adequately addressed. This could be because most editors and employers were ranked very highly as sources of threats to journalists.
Publicity and debate about journalists’ safety and protection

Evidently, safety and protection of journalists and media practitioners was not part of the public discourse, thus pointing to an urgent need to highlight the issue.

Existing media and civil society support mechanisms for journalists in distress

The available support mechanisms were found to be inadequate, ad hoc and largely unknown to the majority of journalists who needed them. The most affected group were freelancers and correspondents. The existing support initiatives seemed to focus more on the upstream, employed journalists covering big investigative stories.

Conclusions

A number of conclusions can be derived from this survey. However, the following four stand out:

I. Develop a common charter: There is a need for an all stakeholders’ convention to develop a common charter and agree on a national protocol and safety and protection standards. This will also lead to the development of a Safety and Protection Manual and a teaching curriculum for use in journalism schools. The strategy should incorporate a national lobbying, outreach and media literacy campaign within the executive, political and governance structures and institutions; the judiciary and the legislative arms of government.

II. Develop a comprehensive national safety and protection training programme: The programme will sensitize and empower journalists and media practitioners on safety and protection issues.

III. Develop national outreach strategies: The strategies would include campaign tools to target journalists, civil society actors, state actors, media owners and managers and other relevant stakeholders. The outreach strategies must specifically address the needs of correspondents.

IV. Mobilize resources: It is vital that financial and human resources to support the implementation of this integrated national safety and protection programme be mobilized. Further, international support, buy-in and facilitation would be a benefit in ensuring that this intervention draws upon international best practices.
1.0 Introduction
This chapter gives the background of the baseline survey. It provides the rationale, scope of work and methodology used in undertaking the study.

1.1 Background to the survey
A number of journalists have recently been harassed and their equipment confiscated by state authorities and political goons.

Robert Wanyonyi, Osinde Obare and Paul Gitau (The Standard); Walter Barasa and David Wainaina (MediaMax); Mathews Ndanyi (Radio Africa Group); Suleiman Mbatia (Nation); Vincent Musundi (Royal Media Services) and Joel Eshikumu, to name just a few, have had nasty encounters with either criminal goons, political activists or security agencies. During the political party primaries in January 2012, security agencies critically injured two journalists attached to the Daily Nation while The National Party Alliance (TNA) supporters attacked Royal Media Services reporters in Nairobi.

At the same time, media houses have been intimidated against covering some particular individuals while some journalists have been forced to flee their areas of work.
Safety and protection of Kenyan journalists:

Safety and protection of journalist is, therefore, now a major concern in Kenya. Between November 2012 and January 2013, the Media Council of Kenya received complaints of about 30 cases of harassment, intimidation and violent attacks of journalists. Other organisations, including the National Coalition of Human Rights Defenders Kenya (NCHRD-K), Article 19 and Committee to Protect Journalists have also documented violations of the rights of journalists. Up to now, none of the cases has fully been investigated or the perpetrators prosecuted.

In addition to the physical threats and attacks against journalists, there is what is commonly referred to in media circles as “judicial terrorism”. It points to a growing concern in the industry over the phenomenally huge damages the courts have been awarding against the media in defamation suits. It is this that probably explains why, in some cases, when faced with a defamation suit, media houses have ignored the plight of their journalists and left them to the mercy of the judicial system.

The concern is that if something is not done in time, the harassment of journalists will become the norm and lead to self-censorship and, eventually, thwart the spirit of media freedom and freedom of expression.

This national baseline survey maps out the landscape, explores the environment, contextualizes the status and distills the issues and concerns on safety of journalists in Kenya. It proposes safety and protection guidelines to enhance safer working environment for journalists to operate.

Indeed, the British Broadcasting Corporation, one of the world’s leading and most respected media institutions, incorporates safety in its work. One of its principal guidelines requires that, “All newsgathering activities and, or, proposals to work in hostile environments, on high risk activities or high risk events must be referred to Head of Newsgathering and BBC Safety’s High Risk Team.”

This is something that the Kenyan media houses should emulate, particularly by developing protocol or standard operating procedure.

More importantly, this survey draws inspiration and strength from our country’s progressive Constitution that was promulgated on August 27, 2010. The Constitution has an elaborate and liberal Bill of Rights and, in particular, the stellar and empowering Article(s) 33-34-35-36 that entrench Freedom of Expression, Press (Media) Freedom and Access to Information to all people in the laws of Kenya.

The issue of journalists and media professionals’ safety and protection is critical if not paramount as Kenya starts its transition into a vibrant democratic and inclusive society. Journalists must fully benefit from the new dispensation where basic human rights, the rule of law, transparency and good governance will reign supreme.

1.1.1 Scope of work

1. The baseline survey was a national undertaking and covered eight major regions with a bearing on ensuring inclusion of the country’s 47 counties.

2. A number of stakeholders were involved in data collection, including the Media Council, Kenya Union of Journalists, Kenya Correspondents Association, AMWIK, KEG and MOA, human rights defenders, individual media houses and individual journalists and members of the journalists’ safety and protection working group.

3. The baseline survey explored safety and protection issues, support mechanism and existing protection and vulnerability gaps in the media sector, with a particular focus on:
   a. Journalists’ and media houses’ security awareness, risks behaviour and self-protection;
   b. Employers’ policy with regard to the security and protection of their journalists;
   c. Legal framework; including laws, policies or guidelines in place to strengthen the protection of journalists relevant to Kenya;
d. Safety from organised gangs, and security agencies: which policies are in place to guide the work of the security agencies vis a vis journalists?

e. How the justice system is investigating cases of attacks against journalists.

f. Mapping of the nature and types of attacks and harassment, geographical distribution and types of existing response mechanisms.

g. Practical and specific recommendations to address the situation.

1.2 Methodology

The survey was carried out at five levels:

a. Literature review: This involved a comprehensive review of relevant literature; journals, newspapers and case reviews among others.

b. In-depth interviews (IDIs): These involved detailed discussions with select journalists, media managers, editors, editorial directors (Nation Media Group and Royal Media Services, the managing editor of The Star newspaper; special groups like the KUJ, ARTICLE 19, Twaweza Communications, African Media Initiative, Protection International, and MCK. In total ten (10) IDIs were conducted.

c. Focus Group Discussions (FGDs): Nine (9) Focus Group Discussions were held in Nairobi, Mombasa, Eldoret, Kitale, Kakamega, Nyeri, Machakos, Kisumu and Kisii. They comprised males and females aged between 21 and 40 years. All the FGDs were conducted in English for approximately 2½ hours each.

d. Field research and analysis: Two hundred and eighty two (282) journalists responded to the questionnaire. The country was divided into eight regions to allow for efficient data collection. The zoning of the regions was based on two factors: geographical proximity and shared demographic characteristics such as ethnicity and religion.

e. Case studies: Nine (9) media practitioners from different parts of the country and whose safety was threatened in the line of duty were interviewed.

1.2.1 Sampling

The sample was randomly selected. The Media Council of Kenya has a data bank of about 2,205 journalists from across all media categories and regions in Kenya. This formed the population and sampling frame of the study. Multi-level sampling was applied to capture the variance in the heterogeneous population, sub-population, strata or cluster.

1.2.2 Data analysis

A variety of methods were used as follows:

a. Document review and analysis of literature on the status of insecurity and safety of journalists in Kenya

b. Review of comparative international literature on the safety of journalists, underlying causes, action and policy intervention practices and their bearing on media freedom.

c. Identification of the key informant sampling frame: The Media Council’s register of journalists, KUJ, KCA and Kenya Editors Guild registers of members, as well as that of the Media Owners Association.
2.0 Literature Review

Introduction
This chapter focuses on the literature review, including the historical perspective and the constitutional and legal architecture of press freedom in Kenya.

2.1 Historical Perspective
One of the early defences of press freedom is attributed to C.B. Madan, then a young lawyer who later rose to serve as Chief Justice under President Daniel arap Moi. His 1949 dissenting opinion at the height of colonialism is ably captured by Ngugi Muiru, in *The Long Walk to Media Freedom*. He states:

“...I do not believe that in a free and democratic state the time can ever come, except when a state of war or some such grave emergency exists, to make it necessary to suspend any newspapers. If the newspapers are guilty of deliberate and persistent misrepresentation of facts, then the Information Services . . . at the disposal of the government should prove adequate to counteract the effect created by such newspapers and the ordinary law of the land is adequate
to deal with any offence committed by reason of such misrepresentation. The very idea of giving powers to suspend newspapers is contrary to the idea of freedom... healthy, independent and fearless criticism is necessary for the proper functioning of democratic states and the fear of suppression will affect not merely the newspapers which have no genuine desire to be fair or accurate, but also those who have an earnest desire to observe the rules of high journalistic ethics and will form the very foundation of the state."4

In today’s Kenya, the adoption of a very progressive and liberal Constitution has minimised such threats. However, with regard to journalists and other media professionals, their safety and protection could be compromised either by individuals or rogue State operatives.

Muiru defines regulation as "...a law, rule or policy specific to a particular occupation, industry or potentially harmful activity. Such laws are usually additional to the general criminal law and civil tort. In the media, the scope of regulation varies among countries, often moderated by their democratic culture."5

In the Kenyan historical context, the media was set up in a colonial realm and was expected to largely kowtow to the dominant power of the time. This condition persisted during the height of colonialism, post-independence period and certainly in the post-multi-party period since 1992. There has, however, been sustained resistance by the media at attempts meant to compromise their independence.

This survey is an attempt to understand, quantify and appreciate the prevailing status quo of the State of journalists and media professionals in Kenya. Hopefully, it will offer practical recommendations and a way forward to mitigate the risks and dangers confronting the media industry.

2.2 International periscope and purview

UNESCO, the United Nations specialised agency mandated to promote the free flow of ideas, and which has been at the forefront of defending journalists recently unveiled a detailed Plan of Action on the Safety of Journalists and the Issue of Impunity."In recent years," according to the Agency "there has been disquieting evidence of the scale and number of attacks against the physical safety of journalists and media workers as well as of incidents affecting their ability to exercise freedom of expression by threats of prosecution, arrest, imprisonment denial of journalistic access, and failures to investigate and prosecute crimes against them"6.

Sections 1.4 and 1.5 of the UN Plan of Action on the Safety of Journalists capture the international legal regime and the philosophical underpinnings that journalists and other media professionals perform and serve in the discharge of their roles and functions. Section 1.4 avers:

"The safety of journalists and the struggle against impunity for their killers are essential to preserve the fundamental right to freedom of expression, guaranteed by Article 19 of the Universal Declaration of Human Rights. Freedom of Expression is an individual right, for which no one should be killed, but it is also a collective right, which empowers populations through facilitating dialogue, participation and democracy, and thereby makes autonomous and sustainable development possible."7

Section 1.5 highlights the value addition of a safe and secure journalistic professional engagement thus, "without freedom of expression, and particularly freedom of the Press, an informed, active and engaged citizenry is impossible. In a climate where journalists are safe, citizens find it easier to access quality information and many objectives become possible as a result."

5 Ibid
7 UN Plan of Action on the Safety of Journalists
If their safety and protection are assured, entrenched, enhanced and defended journalists and media professionals serve as watchdogs over all institutions, both public and private, in defending the public interest as they strive to accurately and fairly capture the actions and behaviour of the powerful and governors in the exercise of statecraft. Indeed, they scrutinize and record all acts of commission and or omission by, and of the leadership, governors and other vested forces in society.

Again, the BBC offers an illuminating insight. Headlined War, Terror and Emergencies, its guideline on journalists’ safety and protection is brief and to the point. It “…advises on occupational health, safety, security and environmental issues affecting the BBC. BBC safety has specialists on call 24 hours a day on urgent operational enquiries and to respond to emergencies.”

It then ventures to define and describe hostile environment, high risk activities and high risk events that its newsgathering operations might encounter. These include a country or region specified or not which is subject to war, insurrection, civil unrest, terrorism or extreme levels of crime, banditry or lawlessness or public disorder including areas with extreme climate or terrain.

High-risk activities include criminal investigations involving covert surveillance or recording or confrontations or terrorist groups, serious criminal or extremist groups. Others include riots, civil disturbances or extreme public disorder, terrorists or armed criminal incidents such as hijackings or sieges, as well as any event involving chemical, biological or radiological substances, outbreaks of serious diseases and pandemics or extreme climatic events such as hurricanes, severe floods, earthquakes and volcanic eruptions.

In all these instances there is an operational protocol or procedure; namely, that a designated senior editorial officer is informed and his/her authorisation is mandatory. The designated office is that of Director of Editorial Policy and Standards.

It is hoped that the survey will assist in identifying the gaps and needs in the safety and protection of journalists and in informing future initiatives and interventions in ensuring, entrenching, and defending the safety of journalists and the media sector.

2.3 Safety of journalists during the 2007 election violence

Many media and social researchers have alluded to the Kenyan media’s partisanship and overt complicity in the lead up to the outbreak of violence following the disputed presidential election results of December 2007. Indeed, the confirmation of charges against a journalist at the International Criminal Court (ICC) at the Hague for crimes against humanity in connection with the violence was a sobering indictment of the media and belatedly served as a wake-up call to the entire profession in Kenya.

In essence, therefore, the issues of media performance, role and function and, indeed, responsibility have acquired an urgent and demanding profile.

In the wake of the post-election violence, a rapid response mission by a consortium of international and local media support organizations, including professional journalistic associations in Kenya was initiated to assess, interrogate and review the Kenyan media performance in the period prior to, during and after the electoral violence. The mission compiled and produced a joint report titled, Kenyan Media under Pressure: the Nairobi Round Table Recommendations published on 12th February 2008. Among the participants were local media professional associations and unions were: The Kenya Editors Guild, Kenya Union of Journalists (KUJ) and the Kenya Correspondents Association (KCA). Among the international media support organisations were the International Federation of Journalists (IFJ), ARTICLE 19, Global Campaign on Free Expression, International News Safety Institute (INSI) and International Media Support (IMS) with the support of the World Association of Newspapers and International Press Institute (IPI).
(1) Trauma counseling for journalists and other media workers who were affected by the violence, including dealing with serious issues of interpersonal relationships within different media houses and institutions occasioned by media partisanship.

(2) Safety of journalists and media practitioners as they were (are) not provided with adequate protective gear. One participant explained this recommendation as follows:

“…. in a chemical factory, workers are provided with the necessary protection equipment, whereas photographers and journalists, who are sent to cover a violent and potentially dangerous incident, do not have more than a pen and notepad to protect them- their basic tools of trade. Media practitioners are sent on assignment without adequate facilitation such as means of transportation, logistical support and back-up. Further, they lack the basic training on how to safeguard their own personal safety and understanding of pattern of a conflict. Furthermore, only few media practitioners are covered by any insurance- this is a problem especially for the numerous correspondents and freelancers in the provinces.”

(3) Media practitioners are operating in a climate of fear with threats to their personal safety -- journalists receiving threats through their cell phones, hate messages and email. Threats are also made against the media institutions and their assets and property- distribution vans being set ablaze; commercial and economic retribution by threats to withdraw advertising support. This has instilled a climate of self-censorship both at the individual as well as corporate level, which compromises editorial independence.

Since the adoption of the Nairobi Declaration, the Kenyan media sector has undergone a tremendous transformation, but perhaps not as much as envisaged in the declaration. A lot more needs to be done to ensure that safety and protection of journalists and media workers is guaranteed.

Ultimately, the issue(s) and concern(s) of journalists’ safety and protection, and the fight against impunity are work in progress, but must be enjoined by all stake-holders; most importantly the primary duty–bearers, namely, the State, the professionals and the owners or managers. It needs to be complemented by the secondary duty-bearers, the public, the consumers and the custodians of justice and the civil society.

2.4 The constitutional and legal architecture of Press freedom in Kenya

Chapter Four of the Constitution is anchored on the Universal Declaration of Human Rights. Article 19 (1) states that “the Bill of Rights is an integral part of Kenya’s democratic state and is the framework for social, economic and cultural policies.” Sub-section (2) states, “ The purpose of recognising and protecting human rights and fundamental freedom is to preserve the dignity of individuals and communities and to promote social justice and the realisation of the potential of all human beings.”

Part Two of Chapter Four, commonly referred to as the Bill of Rights of the Kenyan Constitution, states inter alia in Article 26 (1): “Every person has the right to life”. Sub-section (3) of the same Article further elaborates that “a person shall not be deprived of life intentionally, except to the extent authorised by the Constitution or other written law” while Article 28 guarantees the inherent right to human dignity and to have that dignity respected and protected.

Article 29 is specifically on freedom and security of the person, in particular, the right not be deprived of freedom arbitrarily or without just cause. This Article is categorical with regard to detention without trial, being subjected to any form of violence from either public or private sources; subjected to torture in any manner, whether physical or psychological and treated or punished in a cruel, inhuman or degrading manner.

In this regard a citizen of Kenya and, indeed, any person in Kenya enjoys all these rights without exception, including journalists and media professionals. Articles 31 and 32 protect the privacy of persons and freedom of conscience, religious belief and opinion.
Freedom of Expression:
Article 33 protects and entrenches the Freedom of Expression in all its manifestations, including the freedom to seek, receive or impart information or ideas, including artistic creativity, academic and scientific research, but with limited exceptions to propaganda for war, incitement to violence; hate speech or advocacy of hatred.

Freedom of the Media:
However, it is Article 34 of Chapter Four that makes a specific reference to Freedom of the Media, which is guaranteed, but with a disclaimer, that these guarantees do not extend to any expression specified in Article 33 (2).

This Article delves deeper into what the state and or its agents can and cannot do to infringe on media (Press) freedom, including penalising any person for any opinion or view or the content of any broadcast, publication or dissemination but with an important editorial independence proviso from “government, political interests or commercial interests.”

Indeed, the constitutional Article ventures into the realm of public service media (Press) architecture and design, including the media (Press) co-regulation statutory body to set standards and arbitrate in inter-media and public-state and intra-media dispute resolution, compliance and monitoring through the establishment of a statutory media council.

Access to Information:
Article 35 further entrenches and enhances transparency and access to information held by both state and private entities that is necessary in the protection and exercise of any right of fundamental freedoms.

In these Articles, the key beneficiaries are the people, but the rights are more exercised and employed by journalists and media professionals in the discharge of their public duty in the defence of the public interest.

Labour Rights
In the Constitution, journalists and media professionals, like all citizens of Kenya, enjoy unfettered labour rights as envisaged in Article 41, which states inter alia: “Every person has the right to fair labour practices, including fair remuneration and reasonable working conditions.”

In this regard, therefore, the safety and protection of journalists and other media professionals are part and parcel of the larger Bill of Rights that every citizen and, indeed, every person resident in Kenya enjoys as part of the Universal Declaration of Human Rights that Kenya has assented to and pledged to observe, implement and defend.

The Media Council of Kenya Act
In an ambitious desire to have a responsible media which operates in accordance with the Constitution, Article 34 Section Five mandates Parliament to enact legislation that provides for the establishment of a body which shall “be independent of control by government, political interests or commercials interests to ensure that all state media shall exercise full editorial independence, be impartial, afford fair opportunity for the presentation of divergent views and dissenting opinions; reflect the interests of all sections of society; and set media standards and regulate and monitor compliance with those standards.”

The constitutional architecture, though elaborate and liberal, is somewhat watered down by the lack of an enabling and supporting policy and legislative framework.
The Penal Code and Press (Media) Freedom
The Kenyan Penal Code is replete with odious laws and statutes that hamper vibrant media and independent journalistic activities, functions and roles and impacts negatively on the media’s and journalists’ performance.

These include the Official Secrets Act, the Books and Newspapers Act, the Films and Stage Plays Act and punitive libel and slander statutes not to mention a weak oversight and complaints handling mechanism, in particular over state policing and executive authority.

These odious statutes still serve as the basic standard operating procedures (SOPs), especially within the police and provincial administration strictures and are in contravention of Article 2(6) of the Constitution, which states, “Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.”

The Media Act 2007 and the Media Bill 2010
This Act seeks to define and regulate the media in Kenya by establishing a statutory Media Council of Kenya (MCK), now revamped to enhance its independence and credibility; after years of neutered existence and the perception that it is beholden to the whims and dictates of powerful private media interests.

Although still viewed by some as a quasi-government entity still beholden to the whims and dictates of the Executive on account of state funding, MCK is today more functional and bestrides these two almost mutually exclusive philosophical contradictions on media regulation exposition and discourse.

The Act bestows on the Media Council an extensive and comprehensive remit of powers, oversight and implementation parameters. These range from accreditation and training of journalists, arbitration, monitoring and policy oversight, curricula development, advocacy, public outreach and sensitization, including the safety and protection of journalists and other media professionals.

This Bill of Rights presupposes and ordains that all human beings have an inalienable right to life, residence, property, career, occupation and or profession, and to engage in their chosen pursuits with dignity and, more fundamentally, without fear and compromise to their own personal safety, well-being and protection.

The first duty-bearer
The underlying import and obligation to the State imposed by the Bill of Rights is unambiguous and categorical; that the State is the first duty-bearer in meeting this threshold.

Journalists and indeed everyone in Kenya – citizens and non-citizens alike – are entitled to the safety and protection of their basic human rights, in particular, the right to life.

This facet and non-discriminatory tenure and tone of the Constitution is underpinned by elaborate non-discriminatory restrictions and strictures that are all encompassing and non-negotiable nor permissible.
3.0 Research Findings and Analysis

Introduction
This chapter presents the findings of the pertinent parts of the research that sought to investigate journalist’s perception of their safety and protection during their work. The results are consequent from the responses of the 282 journalists out of the 307 interviewed, representing a 91.9% response rate, which is statistically acceptable for generalization.

3.1 General demographic information
The general demographic information sought from the interviewed journalists included gender, nationality, age, academic qualifications and professional training.
3.1.1 Gender

The table below summarizes the gender distribution of the sample.

<table>
<thead>
<tr>
<th>Valid (Gender)</th>
<th>Frequency</th>
<th>Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>215</td>
<td>76.2%</td>
<td>76.2%</td>
</tr>
<tr>
<td>Female</td>
<td>67</td>
<td>23.8%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>282</td>
<td>100.0%</td>
<td></td>
</tr>
</tbody>
</table>

Three quarters (76.2%) of the journalists interviewed were male while 23.8% were female. The media in Eastern Africa is male dominated despite the high enrollment of female students in journalism classes. Few women journalists have made it to decision-making positions in the media houses perhaps due to reluctance by owners and managers to promote them.

3.1.2 Age distribution

The figure below summarises the age distribution of the sampled journalists.

Most fell in the 20-35 years age band, representing 80%, while only 4% were more than 50 years of age. The youthful nature of the media workers and journalists is critical, especially when discussing the issue of safety in the industry. That such a youthful workforce is increasingly working in a hostile environment is likely to result in an exodus from the profession by highly trained individuals. Serious mechanisms are needed to cushion and protect such a youthful workforce.
3.1.3 Academic qualifications

The table below summarizes the academic qualifications of the respondents.

<table>
<thead>
<tr>
<th>Valid (Academic qualification)</th>
<th>Frequency</th>
<th>Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>University</td>
<td>182</td>
<td>64.5%</td>
<td>64.5%</td>
</tr>
<tr>
<td>Tertiary</td>
<td>48</td>
<td>17.0%</td>
<td>81.6%</td>
</tr>
<tr>
<td>Secondary</td>
<td>51</td>
<td>18.1%</td>
<td>99.6%</td>
</tr>
<tr>
<td>Primary</td>
<td>1</td>
<td>0.4%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>282</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

Over 80% of those interviewed had some form of post-secondary training with less than 20% indicating secondary and primary school qualifications as the highest level achieved, obtained or attained. While training was a challenge to the profession in the formative years, with the coming up of several degree and diploma programmes at various public and private universities and colleges, a number of people in the profession have utilized the opportunities to acquire education and training. There are several extensive training opportunities even at the level of the Joint Admissions Board for public universities. Only 20% reported to have less than a diploma certificate. Indeed, the Media Act 2007 requires that one has at least a diploma or above in journalism to practice journalism in Kenya.

3.1.4 Professional qualifications

The professional qualifications of the journalists interviewed are as shown in the figure below.

Cumulatively, 78% of the respondents indicated having a diploma or higher in journalism. Only 14% had a certificate in journalism while 8% of the respondents had no journalism qualification of any kind. There have been concerns about the issue of non-trained journalists and media professionals and in some cases “comedians” invading newsrooms. A number of organizations, including the Media Council of Kenya, universities and individual media houses, have mounted specialized courses and professional in-house courses for journalists, which seem to be paying off. This is timely, as it is playing a critical role in improving standards in the profession.
3.2 Employment details

3.2.1 Employer media type

The respondents’ employment by media type was distributed as shown below.

<table>
<thead>
<tr>
<th>Employer and media type</th>
<th>Frequency</th>
<th>Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mainstream</td>
<td>192</td>
<td>68.1%</td>
<td>69.3%</td>
</tr>
<tr>
<td>Private regional</td>
<td>36</td>
<td>12.8%</td>
<td>82.3%</td>
</tr>
<tr>
<td>Community media</td>
<td>23</td>
<td>8.2%</td>
<td>90.6%</td>
</tr>
<tr>
<td>Religious sponsored</td>
<td>20</td>
<td>7.1%</td>
<td>97.8%</td>
</tr>
<tr>
<td>Institutional i.e. univ.</td>
<td>3</td>
<td>1.1%</td>
<td>98.9%</td>
</tr>
<tr>
<td>Other (mostly freelance)</td>
<td>3</td>
<td>1.1%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Not answered</td>
<td>5</td>
<td>1.8%</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>282</strong></td>
<td><strong>100.0%</strong></td>
<td></td>
</tr>
</tbody>
</table>

More than half of the respondents (68.1%) said they worked for the mainstream media -- Nation Media Group, Standard Group, Radio Africa Group, Royal Media Services, MediaMax and the Kenya Broadcasting Corporation -- followed by private regional at 12.8% (a number of these are commercially owned), community media at 8.2% and religious sponsored at 7.1%. Only 1.1% said they worked for institutional media while another 1.1% indicated other type of media, which, when asked to specify, they indicated freelance.

The findings confirm the dominance of national mainstream media in the country as a type of media that employs many of the people working in Kenya as journalists.

3.2.2 Position in the organization

The distribution of interviewed journalists by positions in their organizations.

*Note: The figures /% are rounded up to the nearest decimal point (46.8% rounded up to 47%)*
The majority were correspondents at 46.8%, followed by reporters at 28.4%. Editors, producers, presenters and cameramen accounted for 4.6%, 3.5%, 3.5% and 2.8% respectively. Once again, the fact that of the 282 journalists interviewed, nearly half were correspondents speaks to the widely held view that the majority of content producers in Kenya are correspondents. This requires that any safety measures developed for the industry must consider correspondents as a significant group.

3.3 Security risks and threats

This section presents the findings of the source, nature and extent of the security threats and risks the journalists felt they had been and were still exposed to during the course of their jobs.

3.3.1 Security threats and source

The chart below illustrates the results when the respondents were asked whether they faced any security threat during the course of their jobs as journalists and where this threat came from.

![Figure 1: Security threats and source](image)

<table>
<thead>
<tr>
<th>Source of Threat</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Politicians</td>
<td>41%</td>
</tr>
<tr>
<td>Organised Groups</td>
<td>34%</td>
</tr>
<tr>
<td>Business People</td>
<td>5%</td>
</tr>
<tr>
<td>Organised Goons</td>
<td>5%</td>
</tr>
<tr>
<td>Organised/Religious Groups</td>
<td>3%</td>
</tr>
<tr>
<td>My Employer</td>
<td>3%</td>
</tr>
</tbody>
</table>

Figure 1: Security threats and source

Ninety one percent (91%) of the respondents indicated they had faced a security threat during the course of their work. Forty-one percent (41%) said these threats came from politicians while another 34% indicated that the threat came from organised groups. Eight per cent of the respondents indicated that they faced threats from business people, 4% from their employers and 3% from organized goons and religious groups respectively.

That threats from politicians and political goons are the biggest, especially during election times, is an indication of the special attention and measures that need to be employed by media houses during election related events. Other high risk assignments related to corruption, land and issues relating to local leaders who, in most cases, were also property owners or business leaders.
3.3.2 Number of times threatened

The figure below shows the distribution of the number of times the respondents said they had been threatened during their journalism career.

![Number of times threatened chart]

Slightly over half (53.9%) had been threatened at least once while another 19.1% had received threats more than five times. Twenty-three per cent had never received any threat during their journalism career.

It is illustrative that the number of times journalists who had received threats between 3-4 times and over was higher than those who had received threats once.

That over half of the respondents reported receiving threats more than once in their journalism career confirms that journalists are increasingly working in a hostile environment in Kenya. Threats to the media have a chilling effect not only on the physical safety of the journalists, but more importantly, on freedom of expression.

3.3.3 Found out reason for threat

When asked whether they had found out the reason(s) behind being threatened, the respondents’ reactions were as summarized in the table below.

<table>
<thead>
<tr>
<th>Valid (Did you find out why you had been threatened?)</th>
<th>Frequency</th>
<th>Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>187</td>
<td>66.3%</td>
<td>66.3%</td>
</tr>
<tr>
<td>No</td>
<td>81</td>
<td>28.7%</td>
<td>95.0%</td>
</tr>
<tr>
<td>Not answered</td>
<td>14</td>
<td>5.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>282</td>
<td>100.0%</td>
<td></td>
</tr>
</tbody>
</table>
Two-thirds of the respondents (66.3%) indicated they had found out why they had been threatened. The remaining third either had not or chose not to answer. Why they failed and did not seek to find out why they were threatened could indicate either fear or helplessness or they determined it was a minor threat or of nuisance value. Similarly, the fact that more that 50% of the respondents found it prudent to establish why they received threats, is a confirmation that journalists are concerned about their safety and are able to identify risks and possibly mitigate them. The 28.7% cadre that failed to follow up on trying to find out the forces behind the threats again indicates some level of ignorance or casual manner in which the media sometimes deals with issues.

### 3.3.4 Frequency of these threats

<table>
<thead>
<tr>
<th>Valid (How frequently are you subjected to these risks or threats that you have enumerated previously?)</th>
<th>Frequency</th>
<th>Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Once a month</td>
<td>101</td>
<td>35.8</td>
<td>37.5</td>
</tr>
<tr>
<td>Several times a Month</td>
<td>76</td>
<td>27.0</td>
<td>65.8</td>
</tr>
<tr>
<td>Never</td>
<td>74</td>
<td>26.2</td>
<td>93.3</td>
</tr>
<tr>
<td>Daily</td>
<td>11</td>
<td>3.9</td>
<td>97.4</td>
</tr>
<tr>
<td>Once a week</td>
<td>7</td>
<td>2.5</td>
<td>100.0</td>
</tr>
<tr>
<td>Not answered</td>
<td>13</td>
<td>4.6</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>282</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

That 62% of the respondents reported receiving threats at least once in a month (35.8% receive threats once a month while 27.0% report receiving a threat several times in a month) is a clear statement that safety and protection of journalist is now a major concern in Kenya. The concern is that if something is not done in time, the harassment of journalists will become the norm and lead to self-censorship and eventually thwart the spirit of media freedom and freedom of expression.

### 3.3.5 Rank these threats

<table>
<thead>
<tr>
<th>Valid (How would you rank the level of this threat?)</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serious</td>
<td>134</td>
<td>47.5</td>
<td>50.0</td>
<td>50.0</td>
</tr>
<tr>
<td>Not Serious</td>
<td>100</td>
<td>35.5</td>
<td>37.3</td>
<td>87.3</td>
</tr>
<tr>
<td>Very Serious</td>
<td>27</td>
<td>9.6</td>
<td>10.1</td>
<td>97.4</td>
</tr>
<tr>
<td>Extremely Serious</td>
<td>7</td>
<td>2.5</td>
<td>2.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>268</td>
<td>95.0</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Not Answered</td>
<td>14</td>
<td>5.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>282</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
From the figure above, 48 per cent of the respondents deemed the risk as serious, 10 per cent very serious, 35 per cent as not serious, 2 per cent as extremely serious whilst 5 per cent opted not to answer.

### 3.3.6 Nature of threat

<table>
<thead>
<tr>
<th>Valid(Please enumerate the nature of this threat)</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threatening calls</td>
<td>64</td>
<td>22.7</td>
<td>24.0</td>
<td>24.0</td>
</tr>
<tr>
<td>Other</td>
<td>64</td>
<td>22.7</td>
<td>24.0</td>
<td>47.9</td>
</tr>
<tr>
<td>Trailing by unknown People</td>
<td>42</td>
<td>14.9</td>
<td>15.7</td>
<td>63.7</td>
</tr>
<tr>
<td>Threatening messages</td>
<td>42</td>
<td>14.9</td>
<td>15.7</td>
<td>79.4</td>
</tr>
<tr>
<td>Bodily harm</td>
<td>26</td>
<td>9.2</td>
<td>9.7</td>
<td>89.1</td>
</tr>
<tr>
<td>Almost lost my job</td>
<td>14</td>
<td>5.0</td>
<td>5.2</td>
<td>94.4</td>
</tr>
<tr>
<td>Trailing by the police</td>
<td>9</td>
<td>3.2</td>
<td>3.4</td>
<td>97.8</td>
</tr>
<tr>
<td>Threat to my family</td>
<td>6</td>
<td>2.1</td>
<td>2.2</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>267</td>
<td>94.7</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Not answered</td>
<td>15</td>
<td>5.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>282</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

At 22.7%, threatening telephone calls and what the respondents referred to as “other” stood out as the two most common threats. Trailing by unknown people and threatening messages were also prominent at 14.9%. Bodily harm, which is more direct and harmful, was at 9.2%. It takes a lot of courage to carry out physical attacks as these expose the attacker to many risks, including retaliation and possible identification and the likelihood of legal recourse if reported to the authorities.
3.4 Risk threat response mechanism

3.4.1 Incident reporting

Sixty-two per cent of the respondents indicated having reported incidents of threats to a third party, including the employer, the police and immediate family members. It would be interesting to know what action was taken by any of the parties to whom the journalists reported. Information from the five cases discussed indicates that even after reporting the incident, no conclusive investigation and action was taken. That could, perhaps, explain why 38 per cent of the journalists interviewed did not bother to report when threatened.

3.4.2 Frequency of reporting
Thirty-four per cent of the respondents reported threats every time they received them, 32 per cent often reported threats, 27 per cent rarely did and 7 per cent very often did report the threats.

It is noteworthy and illustrative that more than a third of the journalists took threats seriously and reported either to their seniors or the police. The fear factor to personal and physical harm or injury is very real as these figures amply demonstrate. It includes a general feeling of over-exposure and vulnerability on the part of journalists, which is pervasive and widespread in the country.

3.4.3 Reason for not reporting

![Reason for not reporting diagram]

Forty-eight per cent of the respondents failed to report threats on account of no action taken in the past despite reporting; 29 per cent did not know whom to report to and 23 per cent felt their employer or editor was the source of the threat. The reasons given by journalists for not reporting threats are very demonstrative of the source of threats, including employers/editors being the source of the threats. This aspect needs further research to establish why the journalists felt this way, in particular coming from their employers/editors. It is important to know how their reporting of threats was handled, how the threats were issued and manifested and the nexus between the threats and media institutions. Does this mean that some employers/editors are in collusion or in the employ of the threat givers?

What does it mean when journalists say they do not know whom to report threats to? Does it mean lack of awareness, education or lack of trust and faith in the authorities or their employers/editors or both?

Does this state of affairs call for the need for safety and protection training and knowledge, outreach, training sessions and sensitization campaigns?
3.4.4 First steps of action in emergencies

Thirty-five per cent of the respondents reported threats to their editor/media house; 22 per cent reported to the police, 14 per cent to their family while 8 per cent reported to journalists’ safety and security agencies. Ten per cent did not answer. These findings are illustrative of the journalists’ expectations on safety and protection mitigation measures and procedures, if not protocol. However, they could also point to the general fear and need for a better threat management process in the industry and certainly the urgent need to establish a national safety and protection mechanism that tracks, records and documents these threats for a better national redress and distress management processes.

3.4.5: Safety and protection measures enjoyed in the past

[Diagram showing safety and protection measures enjoyed in the past]
Forty-seven per cent of the respondents said they had enjoyed other safety and protection measures in the past, 22 per cent from police, 17 per cent from journalists’ defenders while 11 per cent took to hiding. These figures amply demonstrate the urgent need to improve the national safety and protection response mechanism, including the need to establish a national rapid response system and process to mitigate these threats and ensure that a fund for journalists in distress is established as well as a journalists’ defence aid fund and the creation or appointment of regional safety and protection focal points.

3.4.6 Skills on how to manage and mitigate risks and threats

Fifty-two per cent of the respondents had no skills on how to manage and mitigate risks while 48 per cent had some skills. These figures perhaps show the urgent need for the sector to enhance outreach and public awareness raising campaigns. In particular, the provision of safety and protection training for journalists and also among media houses and institutions, including the development of a safety and protection training component in journalism training curriculum, seems paramount.

3.4.7 Trained on journalists’ security and protection
Fifty-six per cent of the respondents said they were trained on security and protection while 44 per cent had not received any training. These figures show an almost even split between those trained and those not trained. There is, however, a need to review and benchmark the safety and protection training offered to incorporate best international standards and practice and, most importantly, to expand the training to cover and capture the entire industry and profession as matter of urgency.

### 3.4.8 Trainer on safety and protection

<table>
<thead>
<tr>
<th>Valid who trained you?</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Media Council of Kenya</td>
<td>88</td>
<td>31.2</td>
<td>75.2</td>
<td>75.2</td>
</tr>
<tr>
<td>Other</td>
<td>16</td>
<td>5.7</td>
<td>13.7</td>
<td>88.9</td>
</tr>
<tr>
<td>Employer</td>
<td>13</td>
<td>4.6</td>
<td>11.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>117</td>
<td>41.5</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Not answered</td>
<td>165</td>
<td>58.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>282</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

That the Media Council of Kenya is rated the most active in the provision of safety and protection training for journalists at 31.2 per cent of the respondents shows the need for further training to increase and improve the coverage and penetration. Further, that employers provided safety and protection training for a paltry 4.6 per cent of the respondents is a clear statement of how poorly media houses appreciate the safety and protection needs of their journalists. This situation needs urgent remedial action. It is worth noting that other institutions accounted for training of 5.7 per cent of the respondents whilst 58.5 per cent of the respondent did not respond to this question.

### 3.4.9 Training on journalists’ security and protection
Seventy-five per cent of the respondents indicated that they had received training on safety from the Media Council of Kenya; 14 per cent were trained by other institutions while 11 per cent were trained by the employer. These responses point to the Media Council’s leading role in the provision of safety and protection of journalists.

### 3.4.10 Presence of safety and protection plan in news organizations

<table>
<thead>
<tr>
<th>Table 10: Presence of safety and protection plan in news organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Valid (Does your news organization have a safety and protection plan in place if you or your colleagues are in danger?)</strong></td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Not Answered</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Some 62.8 per cent of the respondents said their news organizations did not have safety and protection plans; 26.6 per cent acknowledged the existence of such a plan while 10.6 per cent did not answer.

### 3.4.11 Consider safety measures sufficient

<table>
<thead>
<tr>
<th>Table 11: Consider safety measures sufficient</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Valid (Do you consider these safety measures to be sufficient?)</strong></td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Not Answered</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Some 25.5 per cent of the respondents did not consider the current safety measures in their media houses sufficient; 16 per cent considered them sufficient while 58.5% did not respond to this question. These figures capture the prevailing status quo on safety and protection of journalists; in a word, dismal, and calls for urgent sector-wide engagement to address this glaring gap. There is also an urgent need for media houses to improve and put in place safety and protection measures – in particular, the establishment of safety and protection policies.
3.4.12  Knowledge of media laws regulating media industry

<table>
<thead>
<tr>
<th>Table 12: List of media laws known</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Valid</strong> (If yes, kindly list all those you know)</td>
</tr>
<tr>
<td>Not answered</td>
</tr>
<tr>
<td>Others</td>
</tr>
<tr>
<td>Press Freedom/Freedom of Expression</td>
</tr>
<tr>
<td>Media Act</td>
</tr>
<tr>
<td>Code of Ethics</td>
</tr>
<tr>
<td>Article 34 and 35 in the Constitution of Kenya</td>
</tr>
<tr>
<td>Article 19</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

Some 81.6 per cent of the respondents did not answer the question on knowledge of media laws regulating the industry while, of those who answered, only 3.2 per cent knew the laws on freedom of expression while a paltry 2.5 per cent knew about the code of conduct and the media Act respectively. Another 2.1 per cent knew about Article 34 and 35 of the Constitution while 1.4 per cent knew about Article 19 of the Universal Declaration on Human Rights.

These figures point to an alarming situation and illustrate the dire need for media laws knowledge and exposure for journalists in the country. It points to either very poor training on media law or insufficient exposure during journalism training and induction levels either within or outside their training. It needs urgent remedial action across the industry.

3.4.13  Regional or international conventions or treaties that guarantee freedom of expression and the media

<table>
<thead>
<tr>
<th>Table 13: Knowledge of regional or international conventions or treaties that guarantee freedom of expression and that of the media</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Valid</strong> (Do you know of any regional or international conventions or treaties that guarantee freedom of expression and that of the media?)</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Not Answered</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

More than half (51.1 per cent) of the respondents professed ignorance of regional or international conventions or treaties that guarantee press freedom. Another 37.2 per cent said they knew about them.
while 11.7 per cent did not answer the question. This illustrates the dire need to address the situation through training and induction sessions. Such levels of ignorance among journalists on protocols that offer protection are worrying and confirm where the low level of awareness of safety and protection measures springs from.

3.5 Internet access

3.5.1 Method of accessing the Internet

It is clear from the survey that most journalists, particularly correspondents, accessed the Internet through commercial cyber cafes and on their home computers. Those who accessed the Internet through laptops were ranked fourth. Those who used their mobile phones were the last perhaps capturing the need to expand Internet security training and exposure as a major concern.

Thirty-five per cent of the respondents indicated they accessed online communication at cyber cafes; 17 per cent through office desk computers; 16 per cent through mobile phones and 10 per cent via personal laptops. That a significant number of journalists use cyber cafes is worrying when viewed against mounting statistical evidence that marks out online forums as the most common form through which journalists get threats. Elsewhere in this study, a significant number of journalists indicated that they got most threats through mobile phones and emails. This is an indication that interventions for journalists targeting online security are required.
3.5.2 Preferred fund manager for journalists’ protection fund

Table 19: Preferred fund manager for journalists protection fund

<table>
<thead>
<tr>
<th>Fund Manager</th>
<th>Media Council of Kenya</th>
<th>Media Owners Association</th>
<th>Editor’s Guild</th>
<th>Kenya Union of Journalists</th>
<th>Article 19</th>
<th>Other</th>
<th>Total</th>
<th>Not Answered</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freq.</td>
<td>189</td>
<td>24</td>
<td>9</td>
<td>18</td>
<td>9</td>
<td>1</td>
<td>250</td>
<td>32</td>
<td>282</td>
</tr>
<tr>
<td>Percent</td>
<td>67.0</td>
<td>8.5</td>
<td>3.2</td>
<td>6.4</td>
<td>3.2</td>
<td>0.4</td>
<td>88.7</td>
<td>11.3</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Sixty-seven per cent of the respondents said they preferred the Media Council of Kenya as a trusted manager for journalists’ protection fund; 8.5 per cent and 3.2 per cent preferred the Media Owners Association and the Editors’ Guild respectively while 6.4 per cent preferred the Kenya Union of Journalists. This ranking illustrates the need for caution and prudence in identifying and locating a Journalists Protection Fund. There is need for further enquiry into what form a Journalists’ Protection Fund would take and what its mandate would be. It is clear that the final choice must be an institution that enjoys unrivaled trust and management competence, including a clear mandate from the industry. It would also have to be an institution with international credibility and also enjoys the professional recognition of journalists themselves.
### 3.5.3 Advice to fellow journalists for their safety

**Table 20: Advice to fellow journalists for their safety**

<table>
<thead>
<tr>
<th>What is your advice to journalists when it comes to their safety?</th>
<th>Total</th>
<th>Not Answered</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Journalists should not take risks in pursuing a story if they think they might be killed or injured</td>
<td>64</td>
<td>30</td>
<td>282</td>
</tr>
<tr>
<td>It is important for journalists to have safety training</td>
<td>63</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Media houses should provide journalists with safety equipment while going for dangerous assignments</td>
<td>45</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Journalists should refuse a dangerous assignment</td>
<td>42</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Journalists assigned to cover dangerous assignments should be given life insurance cover</td>
<td>38</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Freq.</td>
<td>252</td>
<td>10.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Total Percent</td>
<td>89.4</td>
<td>10.6</td>
<td>100.0</td>
</tr>
</tbody>
</table>

In order of ranking, most journalists (23 per cent) would advice their colleagues against taking risks; 22 per cent would recommend safety and protection training while 16 per cent would ask media houses to provide safety equipment on dangerous assignment. Some 13 per cent would recommend the establishment and issuance of a life insurance cover for journalists assigned to cover dangerous events. Eleven per cent did not answer.
3.5.7 **Ways security risks and threats affect your ability to fully report stories**

<table>
<thead>
<tr>
<th>Valid (In your professional life, how do security risks and threats affect your ability to fully report stories?)</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affected</td>
<td>120</td>
<td>42.6</td>
<td>47.8</td>
<td>47.8</td>
</tr>
<tr>
<td>Less affected</td>
<td>63</td>
<td>22.3</td>
<td>25.1</td>
<td>72.9</td>
</tr>
<tr>
<td>Extremely affected</td>
<td>47</td>
<td>16.7</td>
<td>18.7</td>
<td>91.6</td>
</tr>
<tr>
<td>Not affected</td>
<td>21</td>
<td>7.4</td>
<td>8.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>251</td>
<td>89.0</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Not Answered</td>
<td>31</td>
<td>11.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>282</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Just under half of the respondents (42.6 per cent) said they were affected by security risks and threats when filing their stories; 22.3 per cent were less affected; 16.7 per cent extremely affected while 7.4% said they were not affected. Eleven per cent did not answer this question.

3.5.8 **Biggest pressure that can force journalists to release confidential information**

Most journalists (43 per cent) said that the greatest pressure to release confidential information came from their bosses. Sixteen per cent said the threats came from the subject of the story, 13 per cent said the threats came from the government, 10 per cent from the police and 10 per cent following a threat from a politician, and an interesting category at 8 per cent from need for finances – perhaps implying that for financial inducement journalists would release/reveal their sources.
3.5.9 Knowledge of organizations that support journalists facing repercussions because of their work

<table>
<thead>
<tr>
<th>Valid (Do you know any organizations that support journalists facing repercussions because of their work?)</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>209</td>
<td>74.1</td>
<td>82.9</td>
<td>82.9</td>
</tr>
<tr>
<td>No</td>
<td>43</td>
<td>15.2</td>
<td>17.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>252</td>
<td>89.4</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Not Answered</td>
<td>30</td>
<td>10.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>282</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Most of the respondents (74 per cent) were aware of organisations supporting journalists in situations stifling their freedoms as journalists. Only 15.2 per cent said they did not have any knowledge of such organisations while 10 per cent failed to answer this question.

3.5.10 Organisations known for supporting journalists facing repercussions because of their work

<table>
<thead>
<tr>
<th>Valid (If yes, which organisations do you know)</th>
<th>Responses</th>
<th>Percent of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Media Council of Kenya</td>
<td>174</td>
<td>73.4% 79.1%</td>
</tr>
<tr>
<td>Article 19</td>
<td>14</td>
<td>5.9% 6.4%</td>
</tr>
<tr>
<td>Media house/my employer</td>
<td>24</td>
<td>10.1% 10.9%</td>
</tr>
<tr>
<td>Committee to Protect Journalists</td>
<td>25</td>
<td>10.5% 11.4%</td>
</tr>
<tr>
<td>Total</td>
<td>237</td>
<td>100.0% 107.7%</td>
</tr>
</tbody>
</table>

Most of the respondents (73.4 per cent) deemed the Media Council of Kenya as the lead organization in supporting journalists in distress; 10.5 per cent identified the Committee to Protect Journalists; 10.1 per cent media houses while 5.9 per cent identified Article 19. This ranking shows the need for more structured networking and co-operation among media support organizations and the need to conduct a more structured sensitization and outreach campaign.
3.5.11 The biggest threat to media freedom and independence of the media and journalists in Kenya today

The biggest threat to media freedom and independence

- Government: 31%
- Media houses commercial interests: 30%
- Safety and threat of journalists related issues: 11%
- Professional challenges i.e. failure to adhere to the code of conduct: 7%
- Not Answered: 21%

Note: The % are to the nearest decimal number

Government and media houses’ commercial interests are considered the biggest threat to media freedom in Kenya with respondents showing concerns at 31% and 30% respectively. 21% of the respondents indicated that the safety of journalists poses a threat to freedom of expression and media freedom in Kenya. 7% reported that professional challenges including professionalism and ethics were a factor while 11% did not respond. The identification of media houses’ commercial interests as a major worry and factor impeding media freedom by most journalists is a wake-up call for the media industry in Kenya. And perhaps calls to attention the question of editorial independence and the need to address the issues of a public service media that is both diverse and plural and addresses the question of voice poverty.
CHAPTER 4

4.0 Case Studies

a. Walter Barasa of The People Daily and Mathew Ndanyi of The Star.

The two journalists are based in Eldoret town and were victims of leading politicians, who suspected that they might have been the source of press reports to the International Criminal Court’s evidence on cases of crimes against humanity following the post-2007 election violence in Kenya. The journalists happened to have worked closely with a visiting team of Sky News Television in the build up to 2007 elections. They received telephone calls and sometimes verbal warnings to move out of the town- apparently they are not from the indigenous communities in the town. Following the threats they were relocated for two months in February 2012.

They resumed normal duties in their stations two months later. However, there are still some pockets of local politicians who try to direct veiled warnings at them. Barasa was again under threat in August 2012 for reporting on the grabbing of 470 acres of land from a widow in Uasin Gishu County by influential politicians and provincial administration officials.
Safety and protection of Kenyan journalists:

b. **Cosmas Ekuam of the *People Daily* based in Isiolo.**

Cosmas has tasted the horror of political hatred against journalists in Kenya. In 2007, he was stabbed several times and left for dead by goons suspected to have been sponsored by a leading politician in the area who felt the reporter’s stories did not favour him. The same politician is suspected to have been behind his woes since December 2012 with the onset of ethnic fighting among the Turkana, Borana Somalia and the Ameru. Members of one of the communities, who felt his stories were not favourable, attacked his family and torched their house. A suspect is in court.

c. **James Wakahiu, a freelancer, started receiving threats in May 2012.**

The aggressor started by sending threatening messages about his stories relating to the ICC cases. First there were death threats, followed by a threatening email to the paper’s newsroom and, finally the aggressor visited *The Star*’s offices and threatened to bomb it. The incident was reported at Kilimani Police Station by *The Star*’s managing editor, Ms. Catherine Gicheru, but no action was taken. Wakahiu had himself reported the threats at his local police station in Thika but no action was taken against the politician.

d. **Another case is that of Francis Kasaya of *Radio Mambo FM* based in Bungoma district.**

The radio reporter filed a story about an attack on a junior staff at Nzoia Sugar Company by the wife of a senior manager. The manager was incensed by the report and summoned the reporter to Bungoma Tourist Hotel claiming he wanted to give his side of the story.

On reaching the hotel, the manager, who was having a drink with his wife, demanded to know source of the reporter’s story. When the reporter refused to co-operate, the pair physically assaulted him, and left him with serious cuts on the face.

e. **In Nakuru, Boniface Thuku of the *Standard Group* and Suleiman Mbatia of the *Daily Nation* were attacked by traffic policemen for filming a crackdown on public motor vehicles.** Mbatia’s camera was destroyed and although they filed a complaint at the local police station no action was taken.

f. **Following a story on corruption in the distribution of relief food meant for the needy and sale of fake maize seeds to farmers in Kitale, Onside Bare of the *Standard Group* nearly lost his life.** The local District Commissioner and police threatened him with death for the expose. He relocated and returned later in the year after the DC was arraigned in court.

g. **In March last year, Osinde Obare and David Musundi of *Citizen Radio* exposed a syndicate involving a leading business man who was selling fake maize seedlings in Trans Nzoia district.** The businessman threatened them with dire consequences if they ran the story. They did run the story and the next threat was from the local police.

h. **Paul Gitau of the *Standard newspaper* based in Malindi carried a story on the corrupt operations of the Italian mafia based in Malindi.** He was threatened with death. Police in Malindi are yet to take any action yet he recorded a statement. In fact, the OCPD disputed that a report was made yet Gitau has the OB No. Up to now the Investigating officer does not take Gitau’s calls when he wants to inquire on the progress.
Covering the Tana River Massacres- Personal testimonies

The Media Council of Kenya with the support of the International Media Support (IMS) carried out a pilot training for journalists from the Coast Province who had covered the Tana River massacres that left nearly 200 people dead. Journalists recounted some of the dangerous situations they found themselves in while covering conflict and sought to know what would be the most appropriate action on their part and also learn from the mistakes committed in the past.

DAISY OPAR – “I felt confused and scared.”

Daisy Opar was relatively new in Lamu when the first attack in Tana River Delta happened.

“The incident at Kilelengwani affected my work as I realized that much as I tried I could not get the images from my mind for a number of weeks. I never sought any medical assistance but we would spend hours talking about it before we could get sleep. I effectively lost control and it still bothers me.

After the three gruesome attacks and counterattacks, I do not foresee any ending or resolution soon despite the peace efforts being undertaken.

LABAN WALLOGA– Photographer, the Daily Nation

Question: Describe the moment you received the news of the first killings in the Tana Delta and how you reacted to the information.

Answer: When I received the information about the attack it was very surprising because although the two communities have been living together with tension, the magnitude of the killings was shocking. I was afraid it could lead to even more serious revenge killings.

Q: What steps did you take?

A: I organised my cameras and our team moved to the ground in Kao village.

The office provided logistical support in terms of transport and accommodation, but the environment was hostile.

The Nation team first went to Witu district hospital where we found a four-year-old girl with burn injuries. We were told both her parents had been killed in the attack on the Orma village.

We visited other patients who had various injuries. We tried to get to Kao but it was difficult because we had to hire a boat in order to access the village along the banks of River Tana.

We arrived at Kao after three days because of delays in getting the boat. The whole village had been burned down. Smoke was still billowing in the air. With all occupants having fled, there it was engulfed in a deathly silence.

Q: How did it affect you emotionally?

A: I felt very sad because the raiders had not even spared schools and places of worship. A mosque was among the structures destroyed and the only clinic in the village had been looted. It left me wondering the extent of hatred these two communities had for each other.

Q: Was it a first time to witness such scale of gruesome killings?

A: Yes. This was the first time I witnessed such mass killings. Although I have been involved in covering violence, this was the most serious I had ever witnessed in my life.

Q: Were you at any one time afraid for your personal safety?

A: While heading to cover the Semi Karo village attack, we met youths from the Orma and Wardei
communities armed with crude weapons singing war songs along the road. They stopped and asked us many questions like, where are you going? Why are you going to cover those idiots [Pokomos] or you are part of them? … We tried to convince them that we are journalists and that we cover all sides without favour, but it was very difficult. We had to part with some cash to be freed, but still they insisted in boarding our car so that they can see what we were going to do. We pleaded with the elders who convinced them and then we were freed. That was the toughest moment in my life… going for a picture that endangers your life. And again when we went to Riketa that was the mother of all fears that I have ever faced.

We arrived at Dide Waride primary school after having assessed the conditions to get to Riketa. The conditions were that you MUST have polythene bags to wrap your clothes and cameras in because we were to wade through swamps.

At Riketa, we found many animal shackled to death, all houses razed down, 52 people buried in a mass grave, and only one mosque was standing in the entire village.

On the way back to Dide Waride and after crossing the swamp, our guide told us that a crocodile had killed two cows at the crossing we had just used.

We all fell silent in fear. But then again I remembered that it was me who needed the photos. Then I asked myself; was the photo worth my life? I told myself – No.

That was the worst adventure I have ever taken.

Q: Explain the process and difficulties of filing your first photographs and how you eventually transmitted them to your head office?

A: The mobile telephone network in Tana River is very unstable and always fluctuates. I had a problem in filing my images until around 10 p.m.

There were the problems of network, the harsh terrain and the incessant demand for copy by editors without consideration of your physical incapacitation.

The photo editor demanded the images as if it was just an easy thing. My bosses could not understand why I could not file the photos on time. Pressure was far too much to bear.

From my understanding, the two communities were fighting over grazing land that has seen Pokomos who the farmers are accusing Ormas and Wardei of grazing in their farms.

The Ormas I believe under-estimated the Pokomos who seemed fully armed and determined.

Q: What lessons have you learnt from the Tana Delta experience?

A: Emotionally, I could not stand seeing helpless women and children being killed without any cause. They were innocent of the differences between their men.

Professionally it has taught me so many things in terms preparations of going to such incidents. It has taught me that despite the fears, one has to go on being strong.

At a personal level, I notice I get angry sometimes very easily over petty things only to realize that dialogue would have solved the whole issue.

Q: Compare these experiences with being embedded with the Kenya Defence Forces in Southern Somalia.

A: In comparison to KDF embedment, the Tana River one was more dangerous because in most cases we were alone without security while in Somalia, we had full security. However in Tana River I could file my photos without being censored unlike with in Somalia where KDF scrutinized every image.
5.0 Conclusions and Recommendations

5.1 Conclusions

From the foregoing discussion, it is fair to conclude that journalists and media workers in Kenya face a lot of challenges in their professional lives. For reasons that they act as public watchdogs, they face special risks, including legal challenges, harassment and, sometimes, physical attacks in the course of their work and in the defence of the public interest.

The most trying moments for journalists in terms of their safety are political electioneering periods, when covering social unrest, exposing corruption, documenting the heinous activities of criminal gangs and drug networks, and, strangely, when covering sports events, particularly football.

Law-enforcement authorities should respect the right of journalists to report on matters of public interest and refrain from arresting them or confiscating their equipment or property without exceptionally strong evidence that such action is necessary in the public interest. Indeed, it is strongly recommended that state officers acknowledge and uphold the rights of journalists as civilians who report on conflict zones to keep the public informed.
Safety and protection of Kenyan journalists:

Both State and non-State actors acknowledge that they have an obligation to protect the physical safety of those who are threatened, including journalists. Given that most of the journalists interviewed indicated reporting to the police whenever harassed, it would be prudent that measures are put in place to investigate threats against journalists, ensuring that those responsible are brought to justice immediately.

Journalists, editors and media owners are responsible for taking all possible measures to safeguard the physical safety of members of the media operating in areas of conflict and on dangerous assignments, including providing personal insurance and support systems.

Indeed, as it has become clear, the safety and protection of journalists should be part of their employment contracts. This should be an integral part of the terms of employment, with the media houses committing to provide specific safety measures and support over and above the normal employment obligations.

Police forces and journalists’ organizations should conclude agreements on media guidelines for the police and train officers to ensure understanding and respect for the guidelines.

5.2 Recommendations

A) Knowledge and awareness raising:

Public knowledge and awareness on safety for journalists should be done at four levels:

i. Sensitising media owners and managers on their responsibility and obligations for safety and protection. Perhaps even more urgent is the need to expand/improve and penetrate the media law training including targeted media law instructions and exposure for all journalists including refresher courses and seminars both within and without the media institutions including the correspondents.

ii. Media literacy campaigns and sensitisation on the critical role of the media in a democratic society

iii. Raising awareness and increasing knowledge within and outside the all media sector bodies, including National Police Service Commission, Judiciary, Parliament and related institutions

iv. Similar awareness among civil society and in particular human rights defenders and other non-state actors

B) Development of a safety and protection national protocol, curriculum and training manual with relevant and domestic context to be used in media training institutions, media houses and related institutions. This will mitigate most of the current risks facing journalists.

C) Establishment of a safety and protection rapid response mechanism, including a safety and evacuation fund, hotline for reporting and systematic documentation of cases of harassment of journalists. Establish an efficient Steering Safety and Protection Group and/or Council to include international freedom of expression/media and human rights defenders support entities and organisations to;

(i) Manage and proactively address any safety and protection violations, issues and concerns including threats.

(ii) Raise funds and administer the safety and protection emergency distress fund.

(iii) Liaise and network with international safety and protection networks and associations, especially so, for international advocacy and lobbying and fund-raising activities and initiatives.
(iv) The National Safety and Protection Council must have a rapid response and surge capacity including the identification/appointment and establishment of a Protection Officer and necessary professional and administrative support.

D) **Formation of media and state dialogue and engagement mechanism** to facilitate constant meetings, joint trainings and discussions on safety issues.

E) **Reach out to the Judiciary, journalism training institutions and Law Society of Kenya**, including law schools, to interest them in taking up media law related issues including an urgent and sustained exposure/training on media laws, media regulation, the international legal provisions training and skills upgrading for all journalists in Kenya both within and without the media houses/institutions and;

F) **The National Security and Protection Council should**;

(i) Develop and establish National Safety and Protection Standard Operating Procedures, including a national referral system and manual to serve as a guidebook.

(ii) Develop and establish a journalists and other media professionals’ Legal Aid Defence Fund to ensure that any safety and protection violations are prosecuted.

G) **Ensure better documentation and sharing of information** of cases of journalists in distress and support provided.
Safety and protection of Kenyan journalists:

References


Appendix 1

International best practices on safety and protection measures for journalists deployed in hostile areas (adopted from various safety manuals)

Practical steps news/media organisations can take to minimise harm and ensure safety of its journalists

- Avoid keeping reporters in the office till late, particularly in conflict zones and allow them flexibility to work from safe areas in case of a security threat.
- Assign only qualified, senior and trained journalists on conflict reporting
- Have a written protocol/guide on safety and stay regularly and constantly in touch with reporters covering conflict
- Make sure your reporters have all information about safety and the situation they will report on; also the conditions in the field, the routes and the terrain; don’t send reporters to report from active conflict sites until all security arrangements are in place.
- Hire a security expert to advice staff on security issues
- Encourage reporters to report and alert the organisation and the authorities to threats Make sure your reporters have proper identification documents, especially when they are in the field
- Immediately inform all relevant quarters if your reporter goes missing
- Develop your own in-house safety protocols and emphasise adherence of a code of ethics and,
- If the editors want to make changes to a story or add information to a story, it should be discussed with the reporter first.
- Some reporters feel the stories do not carry their by-lines. While this may be important in view of safety of the reporter in case of sensitive information, the newsroom staff needs to consult the reporters who deserved to be credited for a difficult assignment.
- The newsroom staff should receive orientation about the sensitivities in the field and risks to reporters, preferably from reporters covering conflict so they are alert to the situation on ground.

Professional considerations editors/sub-editors should follow while editing stories to minimise harm to reporters covering conflict

- The newsrooms should, in consultation with reporters covering conflict and in view of the risks involved, prepare a standard stylebook for covering conflict.
- Expressions and headlines that may expose a reporter to threat or invite trouble should be avoided. Sensational headlines should be avoided.
- Newsrooms should ensure that a story is prepared keeping in view principles of responsible, ethical journalism.
Safety and protection of Kenyan journalists:

- The News Desk should stay in touch with reporters covering the conflict zone; coordination between reporters and sub editors/editors should be improved
- The News Desk should advise reporters, whenever necessary, on taking precautionary measures

Practical steps for journalists to reduce threats and risks

- Be vigilant to security/threat environment around you; read up and actively seek information on threats
- Do not entertain news and information from anonymous sources
- Avoid going alone to report from a dangerous area with a possibility of threat
- Know the geography and nature of people and place you will be reporting on
- Avoid going near active and live hostile/assault zones; keep considerable distance from the venue of immediate incident/action
- Learn basic first aid techniques
- Never violate curfew and never travel in an active conflict zone without proper permission from the authorities
- While it is important for the journalists to be impartial, organisations should do the same, without a tilt towards any of the warring parties and have a written policy that emphasises ethics and professional neutrality
- Make sure your journalists and equipment are insured
- Arrange trainings on safety and security for your reporters
- Train your journalists in journalism best practices including ethics that can help minimise threats and risks
- Seek your reporters’ consent before sending them to a danger zone; never force or push them to file stories that may pose risk to their lives
- Don’t credit your reporters with a by-line in case of sensitive information or story/report; don’t publish stories with unidentified sources or those that are one-sided;
- Discourage the trend of breaking news from conflict theatres/field sites at the expense of reporters’ safety; don’t demand risky stories from your reporters in conflict zones
- Change the station of a reporter if s/he faces a security problem in a specific area
Appendix 2

THE MEDIA COUNCIL OF KENYA KEY INFORMANT GUIDE ON THE SAFETY AND PROTECTION OF JOURNALISTS/MEDIA PROFESSIONALS WORKING IN KENYA

Basic Data

1. Name
2. Gender
3. Position in the Media house
4. Age
5. Level of Education
6. Region

Safety/Protection/Security Environment:

1. Does your media house/union/association/organisation keep records of your employee’s issues/concerns/threats to their safety – if so, how many over the last one year, two years and over the last five years?

2. Does your media house/union/association/organisation keep records of your employees/members’ issues/concerns/threats to their protection – if so, how many over the last one year, two years and over the last five years?

3. Has your media house/union/association/organisation your media house/union/association/organisation brought to the attention of/discussed these Safety/Protection/Security issues/concerns/threats with the employer – if so, how many instances over the last one year, two years and over the last five years?

4. Has media house/union/association/organisation brought to the attention of/discussed these Safety/Protection/Security issues/concerns/threats with governmental authorities/department including Parliament, the Judiciary, the Executive (the police-security/local administration) – if so, how many instances over the last one year, two years and over the last five years?

5. Has your media house/union/association/organisation brought to the attention/discussed of these issues/concerns/threats with international organizations (UN, EU,AU), regional (EAC/IGADD etc) and Diplomatic Missions in Kenya – if so, how many instances in the last one year, two years and in the last five years.

6. Has your media house/union/association/organization brought to the attention of/discussed these issues/concerns/threats with local or international journalists/media support institutions (CPJ,RSF, IFJ, Protection International, ARTICLE 19 etc)- if so, how many instances over the last one year, two years and over the last five years.
Safety and protection of Kenyan journalists:

7. Has your media house/union/association/organization brought to the attention/discussed these issues/concerns/threats with the Media Council of Kenya – and if so, how many instances in the last one year, two years and over the last five years.

8. Has your media house/union/association/organization brought to the attention of discussed these issues/concerns/threats with other journalists support organization and allied/affiliated professional bodies (Media Owners/KUJ/KCA/Editors Guild etc.) if so, how many instances in the last one year, two years and over the last five years.

9. Has your media house/union/association/organisation brought to the attention of discussed with affected individual/members these issues/concerns and threats – if so, how many instances in the last one year, two year and over the last five years?

Mapping the Safety/Protection/Security threat zones in the country

1. What are the most common/constant safety issues/concerns and threats that face your Members/employees?

2. What are the most common/constant Protection/Security issues/concerns/threats that face your members/employees?

3. Which regions/areas/zones do your members/employees face the most common/constant issues/concerns/ threats to their Safety.

4. Which are the most common news beats that compromise journalists’ safety and security?

5. What are the gaps that perpetuate the situation and allow for attacks and harassment against journalists?

6. What are geographical distribution of the attacks and harassment of journalists?

7. Does your media house/union/association/organization doing to publicize attacks and harassment of journalists.

8. What is your media house/union/association/organisation doing to address/respond and mitigate against attacks/harassments against journalists? What specific action/response/action has your Union taken over the last one year, two years and over the last five years?

9. Are you/is your media house/union/association/organization satisfied with the government’s response/action/measures to combat attacks/harassment against journalists – if not, what specific action/measures policy and or otherwise would you recommend that the government take to end attacks/harassment of journalists.

10. What measures/policies and actions has your media house/union/association/ has put in place to address journalists’ in distress/under threat – in the last one year, two years and over the last five years.

11. Has your media house/union/association/organization sought support from international human rights defenders’ for their members/journalists in distress – if so, how many instances in the last one year, two years and over the last five years?

12. What other issues/concerns/threats in your media house/union’s/association experience threaten/compromise journalists safety/protection and security.
Appendix 3

THE MEDIA COUNCIL OF KENYA FOCUS GROUP DISCUSSION GUIDE ON THE SAFETY AND PROTECTION OF JOURNALISTS/MEDIA PROFESSIONALS WORKING IN KENYA

1. Do you think there is enough public and official awareness on Safety and Protection issues/concerns for Journalists and Media professionals in Kenya

2. What are the major challenges/hurdles and obstacles that compromise Journalists and media professionals safety and protection issues and concerns?

3. How are investigations of attacks on journalists handled by
   a) Media Houses
   b) Authorities
   c) Media Associations/Unions
   d) Civil Society/Faith based organizations
   e) International organizations/Diplomatic and Union Agencies

4. Do you think there is need for specialized training for police/judicial officers, prosecutors and lawyers on how to handle/follow-up on threats and attacks against journalists and media professionals.

5. What would you recommend should be done to protect journalists and media professionals against threats and harassment by state authorities/agencies and other groups?

6. What do you think/recommend should be done to enhance/secure and entrench safety and protection of journalists in the laws and the constitution?

7. What do you think/recommend that should be done to protect journalists/media professionals and their sources?

8. When are Journalists most vulnerable and open to threats/attacks?

9. Do you think there is need for security sector and media dialogues to improve working environment for justices and why

10. Any other comments and gratitude.
About the lead researcher

John Gachie has an M.A. in journalism studies from the University of Wales, Cardiff.

He is a former foreign news editor with the Nation Media Group and is currently a media consultant and trainer.

He was the founder chief editor of the *Sudan Mirror Newspaper* and *Insight Sudan Magazine*.

Gachie has covered major conflicts in Africa, Middle East and Asia as a journalist, and has authored various reports and publications on the media, human rights and safety and protection of journalists in the region.

He has sat on the board of the Legal Resources Foundation Trust (LRF) and is currently a member of ARTICLE 19 Eastern Africa regional board.
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