

BROADCASTING CODE



**Communications  
Commission  
of Kenya**

**THE KENYA BROADCASTING CODE OF  
PRACTICE FOR FREE-TO-AIR RADIO AND  
TELEVISION**

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## **DEFINITIONS**

**Advertise;** means to broadcast any item in return for payment or other valuable consideration to a broadcaster with the intention of: Selling to a viewer/listener, any product or service;

1. Convincing a viewer/listener of a belief or course of action; or
2. Promoting a product, service, belief, course of action, person or organization.

**Blocktimers;** means an independent journalist/producer who buys airtime in order to broadcast programmes on radio or television.

**Broadcasting;** means unidirectional conveyance of sounds or television programmes, whether encrypted or not by radio or other means of telecommunications, for reception by the public.

**Broadcasting station;** means a station equipped to broadcast radio/television programmes.

**Board;** means Kenya Film Censorship Board responsible for film classification and rating.

**Child;** means any human being under the age of eighteen (18) years.

**Code;** means a programme code of practice for broadcasters.

**Commentary;** means a descriptive account of an event or performance as it happens.

**Commission;** means the Communication Commission of Kenya

**Editorial;** means an item on radio/television that expresses the opinion of the station.

**Electoral Body;** means a means a body in charge of organizing and administering election in Kenya.

**Election Period;** means a period of five years when in Kenya national elections are held.

**Education;** means content news, information, acts or experiences that improve life-skills, society and/or the environment.

**Entertainment;** means any broadcast which provides a diversion or gives viewers/listeners amusement in their leisure time.

**Free to air;** means radio/television broadcasts that are distributed unencrypted and may be received by a suitable receiver.

Information; means knowledge of specific events or situations that has been gathered or received through news or any other broadcast communication

**Minors;** means human beings under the age of 7years.

**News;** means broadcast stories that are of impact, prominence, proximity, bizarre, conflict, currency, and/or of human interest and free of political influence and commercial interests.

**Opinion;** means a broadcast item expressing personal views on issues in society.

**Opinion poll;** means techniques of surveying public views from a particular population sample extrapolating and representing generalities in ratio or within confidence intervals.

**Para psychological Programmes;** means programmes that are meant to impart behaviors, events or perceptions that are outside normal human understanding.

**Parental Guidance;** means a programme that requires parents/adults to provide guidance for the viewership of minors/children.

**Political Party;** means a party registered by the Registrar of political parties as a political party in Kenya under the political parties Act, 2007 and other successive Acts.

**Political Propaganda;** means the spreading of ideas, information, facts, allegations or rumors for the purpose of helping or injuring an institution, a cause, or a person by opposing political parties or individuals especially during political campaigns in order to derive political advantage.

**Programme;** means a body of live or recorded material consisting of images, sounds or both embodied in signals and emitted for the purpose of ultimate broadcasting.

**Programming;** means scheduling of programmes.

**Public Affairs Programme;** means a programme on news or events happening in Kenya.

**Radio;** means a communication system that broadcast audio programmes to the audience.

**Television;** means a communication system that broadcast video programmes to the audience.

**Text Crawls;** means sliding of text across the television screen.

**Trailer;** means an advertisement of a feature of a video/film to be broadcast at a later time.

**Watershed;** it is used to describe time in television schedules after which material more adult in nature can be broadcast.

**Watershed Period;** means the time between 5.00 am and 10.00 pm or such other time as may be prescribed by the Commission by notice in the Kenya Gazette, within which content intended for an adult audience is not to be aired.

## **SECTION 1: PREAMBLE**

Broadcasting by its nature exerts a strong influence on a community. It is a medium for entertainment, information and education. Both radio and television combined are accessible to nearly all the people of Kenya, including the young. Because of its impact, programmes over free-to-air radio and television must at all times maintain a standard that is acceptable to the Kenyan communities. For these reasons:

- 1.1 Broadcasting in Kenya should reflect the aspirations, hopes, dreams and interests of all sections of the Kenyan society.
- 1.2 Broadcasting is regarded as a powerful medium for influencing culture, beliefs and social values and a tool for economic growth and development;
- 1.3 Broadcasting because of its immediate and lasting impact on audiences, demands that its practitioners display at all times a high sense of responsibility, morality, fairness and honesty at all times;
- 1.4 Broadcasting services are to uphold the values and customs of the Kenyan society, respect the Fundamental freedoms and rights of all citizens and respect individual privacy, dignity, family, home and to promote national unity, cohesion and development.
- 1.5 It is the responsibility of broadcasters to ensure that their programmes and services comply fully with the Code. The provisions set out in this Code have to be applied in spirit and should be read in conjunction with applicable legislation and broadcasting license conditions.

Under the Kenya Communication Amendment Act, 2008 (Cap 46H); the Commission has powers to ensure compliance with this Code.

## **SECTION 2: GENERAL PRINCIPLES**

The Constitution of Kenya recognizes and upholds everyone's right to freedom of opinion and expression, which includes Freedom to seek, receive or impart information or ideas but precludes disrespect for the rights, reputation and freedom for others. In line with this constitutional requirement, this programme code outlines the following principles Radio and television broadcasters should ensure that all aspects of their programme service respect the dignity of individual and basic rights of others.

- 2.1. Radio and television stations have freedom to produce programmes while adhering to professional and generally accepted values, ethical and moral standards.
- 2.2. Broadcasters are responsible for the broadcast materials relayed through their stations, regardless of their source, as well as professional activities of its employees.
- 2.3. All broadcasting stations shall adhere to the rules related to copyright and shall refrain from any misappropriation of creative productions and/or programmes.
- 2.4. Broadcasting stations are expected to schedule programme materials that adhere to generally accepted standards of decency. These standards include but are not limited to respect of ethnic, cultural and religious diversities in Kenya.
- 2.5. Broadcasting stations shall take care not to schedule parapsychological programmes that intend to manipulate individual interpretations of viewers/listeners.
- 2.6. It's the duty of broadcasting stations to ensure special attention in programmes is dedicated to treatment of vulnerable persons who appear on such programmes.
- 2.7. Broadcasters shall be obliged to abide by Section 9 of this code in relation to electioneering period and political parties. But this does not preclude them from abiding by the rules of the electoral body and the country's laws related to elections. All broadcasting stations shall fully and factually represent facts and events, and also promote freedom in expressing opinions.

## **SECTION 3: FAMILY PROGRAMME POLICY**

It is the aim of the Commission to ensure that unsuitable material for children and minors is not broadcast at times when there is likely to be a large audience of young listeners or viewers. For this reason, the following should be observed by broadcasters at all times.

### **3.1. Family Viewing Policy**

- 3.1.1 All programmes broadcast between 5.00 AM and 10.00 PM must be suitable for family audiences. These are programmes or movies classified/rated as General Exhibition (GE) or rated 10 by Kenya Film Censorship Board (KFCB). The transition from family-oriented to a more adult programming after the watershed time of 10.00 PM shall be gradually executed.
- 3.1.2 Consumer advice such as warnings, labeling, classification details and other announcements should be given prior to the telecast of the programme or its trailers. Classification details/rating should be shown throughout while the programme is running. However, this does not diminish the broadcaster's responsibility for sensitive scheduling of programmes to reduce the risk of causing offence.

### **3.2. Programmes Requiring Parental Guidance (PG)**

- 3.2.1. Programmes requiring parental guidance (PG) usually contain mild adult themes or content that may be sensitive in nature but may be of particular education or entertainment value to younger viewers. They are classified/rated as PG by the Board. These programmes should be aired after 10.00 PM and should be preceded by at least a five seconds advisory warning that also includes their rating.
- 3.2.2. Broadcasters are encouraged to include in all parental guided programmes warnings in other publicity materials like the TV page in newspapers and TV guides.
- 3.2.3. All trailers and promotional material shown before the watershed time must comply with the family programme policy.

- 3.2.4. Trailers for programmes that require parental guidance should not be broadcast during the watershed period.

#### **SECTION 4: CHILDREN'S PROGRAMMES AND WELFARE**

- 4.1. It is encouraged that children's programmes should help develop them to their full physical, mental and social potential.
- 4.2. Broadcasters should ensure that at least fifteen percent (15%) of a radio or TV station's airtime is devoted to programmes suitable for children.
- 4.3. Broadcasters should aim at children's programmes that promote appreciation of good social and moral values.
- 4.4. Children's programmes shall not foster violence as a desirable means of resolving conflicts and problems.
- 4.5. Children's programmes shall not depict inappropriate sexual subjects, images or violent actions.
- 4.6. Broadcasters should avoid programmes that portray any dangerous or harmful behavior easily imitated by children.
- 4.7. Children's programmes should avoid scenes depicting the consumption of liquor or tobacco products unless an educational point is being made, in very exceptional cases if the dramatic context makes it absolutely necessary.
- 4.8. Advertisements of products or services which are not suitable for children or which might cause them physical, mental, psychological or moral harm shall not be aired in or adjacent to children's programmes.
- 4.9. No material which might be physically, mentally, psychologically, or morally harmful to children shall be aired immediately before, during or immediately after a children's programme.

## **SECTION 5: NEWS AND PUBLIC AFFAIRS**

### **5.1 General Requirements;**

- 5.1.1. The objective of news and public affairs programmes shall primarily target to inform the Kenyan public on important current events and issues, not entertainment.
- 5.1.2. For broadcasting stations where news is part of the daily programming, news schedules shall be not less than three (2) hours of a station's daily programming.
- 5.1.3. News reports shall be fair, factual, accurate and objective.
- 5.1.4. Receiving bribes, gifts, privileges or any consideration to favour one side of the story, stop a story from airing, or put any person in either bad or favourable light is prohibited.
- 5.1.5. **Side comments expressing personal opinions while a news item is being reported or delivered are prohibited to prevent the listener from mistaking opinion for news.**
- 5.1.6. When presented as part of the news programme, editorials or commentaries must be identified as such and presented as distinct from news reports.

### **5.2 News Sources**

- 5.2.1 Care must be taken in selecting news sources since the credibility of the news rests upon its sources.
- 5.2.2 News sources must be clearly identified, except when confidentiality of the source was a condition for giving information.
- 5.2.3 Before airing information provided by a confidential source, an effort should first be made to look for a source who can be identified or who can corroborate the information provided by the confidential source.
- 5.2.4 Press releases may be used as news sources only after the station has verified that it has come from an authentic source.
- 5.2.5 Suspects or fugitives from the law may be interviewed as news sources. However, they should not be aided, abetted, or encouraged when in the act of planning or committing a crime nor shall they be accompanied on their way to committing a crime.
- 5.2.6 Rumors or gossips shall not be aired in the guise of news. Using terms like "anonymous source", "confidential source", or "unknown source" shall not justify airing rumors and gossips especially in news programmes.

5.2.7 Conflict coverage that aggravate conflict situation from the publicity given are not permitted and in such situations the stations must broadcast remedial programming on peace, cohesion and unity.

### **5.3. Unconfirmed Reports**

5.3.1. Unconfirmed reports shall not be aired unless there is an immediate and urgent need for the public to know about them, for example when the public needs to be warned of the possibility of an imminent danger. When such reports are aired, it must be emphasized that they are unconfirmed.

5.3.2. An unconfirmed report must be verified as soon as possible. If an unconfirmed report is found to be false, an announcement saying so must be made as soon as possible.

### **5.4. News and Interviews**

5.4.1. Interviews must be presented in the proper context. Replies of interviewees to questions must not be edited or editorialized in a way that would distort their intended meaning.

5.4.2. Selecting and phrasing of questions during an interview shall be the primary responsibility of the interviewer. Such questions must be determined primarily by the public interest to be served.

5.4.3. When the interviewer is not free to choose his questions or the interviewee or source has imposed conditions on the interview, this fact must be made clear to the public during broadcast.

### **5.5. Unconventional News Gathering and Reporting**

5.5.1. Only after conventional news gathering and reporting fails to meet an overwhelming Kenyan public right to know or necessary to prevent profound harm are unconventional methods, such as, hidden cameras, tape or record and other similar techniques may be engaged. In all cases, the use of such techniques must conform to the law.

5.5.2. When material obtained through such techniques is broadcast, this must be presented fairly, factually and in proper context. The right to privacy must be observed and harm to the innocent avoided.

5.5.3. Unconventional techniques and equipment for information gathering shall be allowed only for trained journalists and those who are skilled in their use.

5.5.4. When materials that have been obtained through unconventional techniques are received from third parties, their broadcast must be in conformity with the relevant provisions under this section.

## **5.6. News Production Aids and Techniques**

5.6.1. News production aids should not mislead the public.

5.6.2. Archived file video, photo, and audio materials should be properly labeled as such when aired and must not be presented in a manner that may cause the viewer/listener to mistake them as a broadcast of a live or more recent or is a repeat event.

5.6.3. Subjects of video and voice clips should be clearly identified.

5.6.4. The simulation or re-enactment of actual events must be clearly labeled as such to avoid misleading the viewer/listener.

5.6.5. Text crawls shall not be used for advertising messages during a newscast except during the closing credits.

## **5.7. Sensationalism**

5.7.1. The presentation of news and commentaries must always be in good taste.

5.7.2. Morbid, violent, sensational or alarming details not essential to a factual report are not allowed.

5.7.3. Presentation of news and commentaries must not be done in a way that would create unnecessary audience panic, alarm or harm.

## **5.8. Station Editorials**

5.8.1. Station editorials shall be clearly identified as such and the station assumes responsibility for the views expressed in the editorials.

5.8.2. Station editorials may be prepared only by persons who are qualified and expressly authorized by the station to do so and the identity of such persons be made known.

## **5.9. Advertisements in the News**

5.9.1. Advertisements must be clearly distinguished from the news.

5.9.2. Advertisements in the guise of news are not allowed.

## **SECTION 6: ANALYSIS AND COMMENTARIES**

6.1. Airing of public affairs programmes and commentaries is encouraged, particularly to give the public the opportunity to participate in discussions of current affairs 6.2. Public affairs programmes and commentaries shall be handled only by persons who have thorough knowledge of the subject and practice broadcast ethics.

6.3. Public affairs programmes shall aim to enlighten the Kenyan public on significant issues, concerns and events.

6.4. Public affairs programmes shall strive to elicit responsible views on public issues, concerns and events from all the sectors of Kenyan society.

6.5. Public affairs programmes aired on time contracted to other parties (such as *blocktimers*) shall name who is responsible for producing programmes every time they are aired.

6.6. Opposing or contrasting sides of public issues should be fairly presented.

6.7. Personal bias or prejudice shall not be allowed to distort facts.

## **SECTION 7: INDIVIDUAL RIGHTS AND FUNDAMENTAL FREEDOMS**

The rights of an individual are an integral part of Kenya's democratic state and is a framework for social, economic and cultural policies. Recognising and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and the realization of the potential of all human beings. The media as an agent for information, entertainment and education is expected to play a pivotal role in promoting individual rights and fundamental freedoms. This programme code therefore directs that;

- 7.1. The right to privacy of individuals shall be respected. Unwarranted intrusion into personal matters that have no bearing on serving public interest is prohibited.
- 7.2. Persons affected by tragedy or grief shall be treated with sensitivity, respect and discretion.
- 7.3. News coverage must not violate nor interfere with an individual's right to be presumed innocent until proven guilty.
- 7.4. Care and reasonable discretion should be exercised in disclosing the identities of persons, by face or by name, so as not to harm their reputation and safety. Proper labeling of a person as a "suspect," "alleged perpetrator," "accused," or "convict(ed)," is required.
- 7.5. Broadcasts involving children must conform to Child rights legislations and regulations.
- 7.6. The broadcast of material showing arrested or detained persons being physically assaulted or verbally abused in a manner that demeans or humiliates them should be avoided.
- 7.7. Telephone calls or interviews must not be aired without informing the other party before hand.

## **SECTION 8: PERSONAL ATTACKS**

Kenya is a multi-cultural, multi-ethnic and multi-religious society. It is imperative that our national identity and unity is upheld and safeguarded against all forms of non-cohesive actions. In this respect, the programme code of practice directs that;

- 8.1. Personal attacks, that is, attacks on the honesty, integrity, or the personal qualities of an identified person, institution or group, on matters that have no bearing on the public interest are prohibited.
- 8.2. Programmes intended to malign, unfairly criticize or attack a person, natural or juridical, are prohibited.
- 8.3. Personal attacks against fellow broadcasters are prohibited.

- 8.4. When personal attacks against any person, institution or group are aired, that person, institution or group shall be given a fair opportunity to reply immediately in the same programme, if possible, or at the earliest opportunity. If not, the opportunity to reply should be given under similar conditions.

## **SECTION 9: ELECTION PERIOD AND POLITICAL PARTIES**

It is the duty of the media to uphold, deepen and widen the democratic principles of the nation especially during the electioneering period by providing equitable coverage and opportunities to political parties and candidates. This programme code of practice directs that;

- 9.1 Equitable opportunities in the access of airtime shall be given to candidates and political parties.
- 9.2 No programme or sponsor shall be allowed to manifestly favour or oppose any candidate or political party. However, the right to responsibly inform the public on significant issues and events and the duty to provide a forum for the discussion of such issues and events shall be respected.
- 9.3. The amount of airtime allotted to political propaganda and the rates to be charged for it shall be consistent to all parties.
- 9.4. When a person employed or engaged in any capacity in a station becomes a candidate or is employed or retained in any capacity by a candidate or a political party, he/she shall go on leave for the duration of the election period or his employment may be terminated by the station.
- 9.5. All broadcasts of election propaganda shall be identified through words “paid for by” followed by the name of the candidate or political party for whom the election propaganda is being broadcast.

- 9.6. All broadcasting stations shall declare their political parties and candidates policy as either “neutral” or “supporting” a particular party and/or candidate to inform and enable audiences better judgement on the stations coverage during election periods.
- 9.7.. All programmes related to campaigns and elections shall be subject to the relevant provisions of this code and all other Kenya’s laws related to elections.

## **SECTION 10: CRIME AND CRISIS SITUATIONS**

A crime is committed when someone breaks the law. A crisis can be defined as an emotional and physical response to some participating event or series of events that disrupts an otherwise our normal daily functioning. In some cases, the experience can be overwhelming leading to a diminished personal self esteem. The media plays a vital role in either encouraging or preventing crimes and crisis situations. Therefore this programme code of practice directs that;

- 10.1 The coverage of crimes in progress or crisis situations such as hostage-taking or kidnapping shall not put lives in great danger than what is already inherent in the situation. Such coverage should be restrained and care should be taken so as not to hinder or obstruct efforts by authorities to resolve such situation.
- 10.2 Coverage should avoid inflicting undue shock and pain to families and loved ones of victims of crimes, crisis situations, disasters, accidents, and other tragedies.
- 10.3 The identity of victims of crimes or crisis situations in progress shall not be announced until the situation has been resolved or their names have been released by the authorities. The names of the fatalities should be released only after their next of kin have been notified or their names released, by the authorities.
- 10.4 Coverage of crime or crisis situations shall not provide vital information or offer comfort or support to the perpetrators.
- 10.5 Stations are encouraged to adopt standard operating procedures consistent with this code to govern the conduct of their news personnel during coverage of crime and crisis situations.

- 10.6 Persons who are taken into custody by authorities as victims or for allegedly committing private crimes (such as indecency or lasciviousness), shall not be identified, directly or indirectly unless a formal complaint has already been filed by or against them. They shall not be subjected to undue shame and humiliation, such as showing them in indecent or vulgar acts and poses or in a prejudicial manner.

## **SECTION 11: COVERAGE INVOLVING CHILDREN**

Children are involved in programmes in a number of ways and programme makers must have due regard to their welfare at all times. Particular care should be taken to avoid causing any distress or alarm to children involved in programmes. Under no circumstances may children be put at physical or moral risk, for example, in factual programmes concerning criminal activity. In this regard, this programme code directs that;

- 11.1 The right to privacy of the children must be respected. Since undue publicity or wrong labeling can cause harm to them, children who are victims of abuse or conflict with the law shall not be identified, directly or indirectly. Any information that might cause them to be identified shall not be aired.
- 11.2 Surprise and unplanned (“ambush”) interviews of children are not allowed.
- 11.3 Child victims, child suspects, child accused of a crime, child arrested or detained on suspicion of wrong-doing, and child that are undergoing trial shall be protected from further suffering emotional distress or trauma; they shall be interviewed only upon consent of their parent or legal guardian, unless the parent or the guardian is the accused.
- 11.4 Children should not be required, coerced or bribed to recall and narrate traumatic experiences, demonstrate horrific acts, or describe them in graphic details. Programmes and materials involving children must comply with all applicable laws, rules and regulations, such as the children’s Act, 2001.

## **SECTION 12: RELIGIOUS PROGRAMMES**

Kenya is multi-religious nation whose laws guarantee, safeguard and protect the freedom of worship and association. Every person has the right to freedom of conscience, religion, thought, belief and opinion. This programme code of practice therefore directs that;

- 12.1 All religious programmes shall be geared towards emphasizing the positive role of religion in the society.
- 12.2 Religious programmes shall not spread falsehoods, charges or accusations against persons, groups of persons or organizations of different faith or beliefs. Such programmes shall not be used to maliciously attack, insult, harass, or ridicule other churches, faiths, sects or denominations or their followers merely because of their beliefs.
- 12.3 Religious programmes shall give due regard to the freedom of religion and religious expression.
- 12.4 Broadcasters shall ensure that religious programmes do not misuse any susceptibilities of the audience for such a programme.
- 12.5 Broadcasters shall not discriminate any religious belief, individual or group over the other in their religious programming.
- 12.6 Religion and religious activities of those belonging to a particular religion shall not be misinterpreted. Broadcasters must use their best endeavors to provide accurate, correct of religious programmes.
- 12.7 The religious beliefs of any person shall not be degraded by the content of the programme.
- 12.8 Individual religious groups shall not be treated inappropriately in the programme.
- 12.9 Broadcasters shall not engage in proselytism.
- 12.4 Religious programmes shall comply with other pertinent provisions of this code and laws.

### **SECTION 13: ADVERTISEMENT**

The general principle which governs all broadcast advertising is that it should be legal, honest, decent and truthful. Broadcasting, and particularly radio and television broadcasting, because of its constant presence in the home, raises problems which do not necessarily occur in other media and it is therefore essential to

maintain a consistently high quality broadcast advertising. Advertisements shall uphold consumers' right to access information necessary for them to gain full benefit from goods and services and protect consumers from misleading information by being fair, honest and decent in taste. Therefore, this Code directs that;

13.1. Advertising shall **not** –

13.1.1. Prejudice respect for human dignity,

13.1.2. Include any discrimination on grounds of race, sex or nationality,

13.1.3. Be offensive to religious or political beliefs, or

13.1.4. Encourage behaviour that is prejudicial to the protection of the environment.

13.2. Advertisements shall be clearly distinguishable as such and recognizably separate from the other items of the programme service by optical and/or acoustic means. In principle, they shall be transmitted in blocks and isolated advertising spots shall remain the exception.

13.3. Surreptitious advertising, meaning the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the broadcaster to serve advertising purposes and might mislead the public as to its nature, purpose, fitness and/or merchantability are prohibited. Such representation is considered to be intentional in particular if it is done in return for payment or for similar consideration.

13.4. Advertisements shall not feature, visually or orally, persons regularly presenting news and current affairs programmes, and the expression "News Flash" must not be used as an introduction to an advertisement, even if preceded by an advertiser's name.

13.5. Situations and performances reminiscent of broadcast programmes must not be used in such a way as to blur the distinction between programmes and advertisement. References to programmes are unacceptable in advertisements.

13.6. No television advertisement may include any technical device which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of, members of an audience without their being aware or fully aware, of what has been done.

13.7. Advertisements should not encourage behaviour prejudicial to health or safety. Advertisements should not without justifiable reason depict or describe situations which show dangerous practices or a disregard for safety. Special care should be taken in advertisements directed towards or depicting children.

- 13.8. All forms of advertising for cigarettes, cigars and other tobacco products are prohibited.
- 13.9. Advertisers must exercise the utmost care and discrimination with regard to the content and presentation of advertisements transmitted during breaks within or near or adjacent to programmes designed for children.
- 13.10. Advertisements shall not exhort children to buy a product or service by exploiting their inexperience or credulity.
- 13.11. Advertising shall not exploit the special trust minors place in parents, teachers or other persons.
- 13.12. Advertisements shall not directly encourage minors to persuade their parents or others to purchase or make inquiries about the goods or services being advertised.
- 13.13. Advertisements shall not unreasonably show children in dangerous situations.
- 13.14. Advertisements shall not unreasonably show children in dangerous situations.

#### **14. OCCULTISM AND SUPERSTITION**

Occultism is a belief in the efficacy of various practices based on hidden knowledge about the universe and its mysterious forces. These practices include astrology, alchemy, divination, and magic. Those who believe in such practices maintain that they can use occult knowledge, for example to effect healing or to predict the future. Occultists may also believe in beings, such as angels, deities, or spirits, whom they can contact by gaining appropriate knowledge. In to avoid glamorizing occultism and to avoid its undesirable consequences to the people of Kenya, this code directs that;

- 14.1 Programmes featuring superstitious and pseudo-scientific beliefs and practices, such as supernatural powers, foretelling of the future, astrology, phrenology, palm-reading, numerology, mind-reading, hypnotism, faith healing or similar subjects shall be carefully presented as not to mislead the viewer/listener. Care should be taken to prevent the exploitation of people who may be easily swayed by such superstitious and pseudo-scientific beliefs and practices.
- 14.2 Programmes or programme materials that promote or encourage occult practices, black magic, witchcraft and similar activities are prohibited.

#### **SECTION 15: DISCRIMINATION**

Every person is equal before the law and has the right to equal protection and equal benefit of the law. Viewers/listeners have the right to expect broadcast services responsibly preserve their individual and communal dignity. This programme code of practice directs that;

- 15.1 No programme should be transmitted which is intended to stir up tribal, racial or, ethnic hatred taking into account the circumstances that are likely to do so: where appropriate, schedules should give a fair reflection of the contribution of all communities to the society.
- 15.2 Racist terms, insensitive comments or stereotyped portrayal, which may cause offence, should be avoided. Their inclusion is acceptable only where it can be justified within the context of the programme.
- 15.3 Broadcasters must exercise sensitivity and avoid humor which offends good taste and decency. Examples include jokes based on race, gender, disability; as such humor (even malicious intent) can easily cause hurt or humiliation.

## **SECTION 16: VULGAR SEX, OBSCENITY AND PORNOGRAPHY**

Much great fiction and drama is concerned with love and passion which can shock and disturb. Careful consideration should be given to programmes involving sex and nudity and any portrayal of sexual behavior must be defensible in context. This programme code therefore directs that;

- 16.1 Sex and related subjects must be treated with care and must conform to what is generally acceptable to the Kenyan society.
- 16.2 Explicit depiction of sexual arts, sexual perversions, nudity and pornography are prohibited.

- 16.3 Unless there is a strong editorial justification, explicit or graphic descriptions of sexual organs, other private parts of the body, and acts generally considered indecent or offensive are prohibited.
- 16.4 Offensive, obscene, blasphemous, profane and vulgar double meaning words and phrases are prohibited, even if only understood by the segment of the audience.

#### **SECTION 17: LIQUOR, CIGARETTES, AND DANGEROUS DRUGS**

Tobacco and alcohol can constitute health risks. It is therefore, desirable that programmes generally should not include smoking and drinking unless the context or dramatic veracity requires it. Particular care is needed with programmes likely to be seen by children. In view of the above, this programme code directs that;

- 17.1 The use of liquor and use of dangerous drugs shall never be presented as socially desirable or acceptable.
- 17.2 Drug abuse, smoking and alcohol abuse shall not be presented in the programmes primarily intended for minors, except in cases where programmes are indicating consequences of such abuse.
- 17.3 Drug abuse, smoking and alcohol abuse shall not be promoted as acceptable, nor shall it be encouraged or justified in the programmes.

SECTION 18: Provided in Addenda

#### **SECTION 18: PROPORTION OF LOCAL CONTENT IN TELEVISION/RADIO PROGRAMMES**

For purpose of this code, local content are radio and television programmes originally produced in the indigenous languages of Kenya including Kiswahili and English, as well as programmes on the cultural heritage of Kenya provided they fulfill the following conditions;

- a. the production is made in either Kenya's native languages or official languages of Kenya;
- b. production was done in Kenya;

- c. the content deals with issues that are unique and relevant to Kenyan audiences;
- d. at least 20% of the share of the production company are owned by Kenyans;
- e. at least 50% of the artistes are Kenyans;
- f. The location of shooting, in case of audiovisual programmes or performance was in Kenya;
- g. The author thereof must be a Kenyan national and in case of co-authorship or multi-authorship 50% or more of the authors must be Kenyan; or
- h. The production is made under Kenyan creative and technical control.

18.1 Television station shall ensure, within one year, more than 40% of the programming is Kenyan. The annual programming from this paragraph excludes advertising and teleshopping.

18.2 Radio station shall ensure, within one year, more than 40% of the programming is Kenyan. The annual programming from this paragraph excludes advertising and teleshopping.

18.3 Television/radio station which does not possess the proper proportion of local content at the moment of this code's adoption must increase the share of these works every year by a suitable percentage, so that it progressively achieves the overall proportion within a period of one year for radio and three years television from the day of entering into force of this code. Such stations must provide detailed information on the progress of these programmes' proportion update on half yearly basis.

## **SECTION 19: USER GENERATED CONTENT**

User generated content (UGC)/ user created content can be defined as publicly available content that is produced by end-users. UGC may be relayed through traditional as well as non-traditional sources of media such as twitter, you-tube, facebook, blogs, podcasts, mailing lists and mobile telephony to mention but a few.

The proliferation of UGC comes with a set of risks and pitfalls which have made it necessary to take precautionary measures and mitigation. This programme code therefore directs that broadcasters should:

- a) Ensure no harmful UGC is broadcast on their stations;
- b) Not broadcast libelous, threatening and hate UGC on their stations;

- c) Guard against copyright and trademark infringement on their UGC broadcasts;
- d) Avoid obscene, indecent, and spam in their UGC programmes; and
- e) Ensure that the UGC broadcast generated by their stations are accurate and reliable.

## **SECTION 20: PUBLIC COMPLAINTS**

For the purposes of this programme code of practice, a complaint is an assertion:

- a) Made in writing by letter, e-mail or fax by a person who provides his or her name and address;
- b) To a broadcaster or a person at the television/radio station concerned who is acting with the apparent authority of the Broadcaster.

That the broadcaster has broadcast matter which, in the opinion of the complainant, breaches this code. Complainants need not specify the section of the code to which the complaint relates, but must adequately identify the material broadcast and the nature of the complaint.

- 20.1 The broadcaster must make appropriate arrangements to ensure that complaints are received and recorded by a responsible person during normal office hours.
- 20.2 Listeners who telephone a station alleging a breach of the codes, and who wish to make a complaint, will be asked to make the complaint in writing, in accordance with the provisions of this code.
- 20.3 Written complaints must be conscientiously considered by the broadcaster and the broadcaster must use its best endeavors to respond substantively in writing within 30 days of the receipt of the complaint. If the broadcaster needs to investigate the complaint or obtain professional advice and a substantive response is not possible within 30 days, the broadcaster must, in any event, acknowledge receipt of the complaint within 30 days and provide a final reply within 45 days of receiving the complaint.
- 20.4 The response must inform the complainant that he or she has the right to refer the complaint to the Commission if the complainant is not satisfied with the response by the broadcaster.
- 20.5 If a complaint is made more than 30 days after the broadcast of the material on which the complaint is based, the broadcaster is not obliged to comply with the requirement of this Code of Practice.

- 20.6 The broadcaster must make every effort to resolve complaints made in accordance with this Code, except where the complaint is, in the reasonable opinion of the broadcaster, frivolous, vexatious or an abuse of the complaint process under the Code.
- 20.7 The broadcaster is under no obligation to respond to or record comments provided anonymously to the broadcaster.
- 20.8 A record of complaints must be kept by the broadcaster in written form and must include:
- 19.8.1 The date and time the complaint is received;
  - 19.8.2 The name and address of the complainant;
  - 19.8.3 The substance of the complaint;
  - 19.8.4 The substance and date of the broadcaster's response(s)
- 20.9 And each such record must be retained by the broadcaster for a period of ninety (90) days from the date of receipt of the complaint.
- 20.10 The broadcaster must cause an extract of the records of complaints and responses prepared in accordance with Clause 19.8 to be supplied to the Commission in the prescribed form.

## **SECTION 21: COMPLAINTS WITH THE CODE**

- 21.1 Complaints of violations of this code shall be handled by the Commission and the Tribunal which shall hear and rule on such complaints in accordance with the duly established rules of procedure.
- 21.2 Persons, natural and juridical, who are granted airtime, whether by sale or donation (including *blocktimers* and independent producers) shall be required to execute an undertaking that they shall be liable, jointly and severally with the station, for all applicable penalties that may be imposed for violations of this code in their programmes. Individuals who go on air during such a time shall also be required to execute the same undertaking.
- 21.3 Persons who regularly go on air and news writers, scriptwriters, editors and directors whose job is to produce material which go on air are expected to know and understand the provisions of this code.

- 21.4 Copies of this code shall be provided by the station to all its personnel who go on air, produce materials for airing or who participate in such work, all persons granted programming airtime and those who go on air during such time.

## **SECTION 22: SANCTIONS**

In cases of violating this code of practice, the Commission is authorized under the Kenya Communications Amendment Act (Cap 46K) to impose Fines proportionate to the gravity and nature of the violation and in accordance with the regulations and license conditions for each broadcasting market category.

## **SECTION 23: ENTRY INTO FORCE**

- 23.1 With entry into force, broadcasters will be given duration of six months within which they are expected to fully implement this code of practice, with the exception provided in section 18.
- 23.2 This code of practice becomes effective from the day of its publication in the “official Gazette of the Government of the Republic of Kenya”.