KENYANS AT THE BALLOT BOX

How to report on the General Elections 2022:
A resource book for journalists

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Foreword

In preparation for the 2022 elections in Kenya, this resource book supports reporters to have a general understanding about election reporting. In addition, it provides practical strategies for election coverage in a comprehensive, accurate, impartial, unbiased, and fair manner. The book also presents tips on navigating emerging issues such as the role of social media in political campaigns, misinformation and disinformation, fact-checking, and data verification.
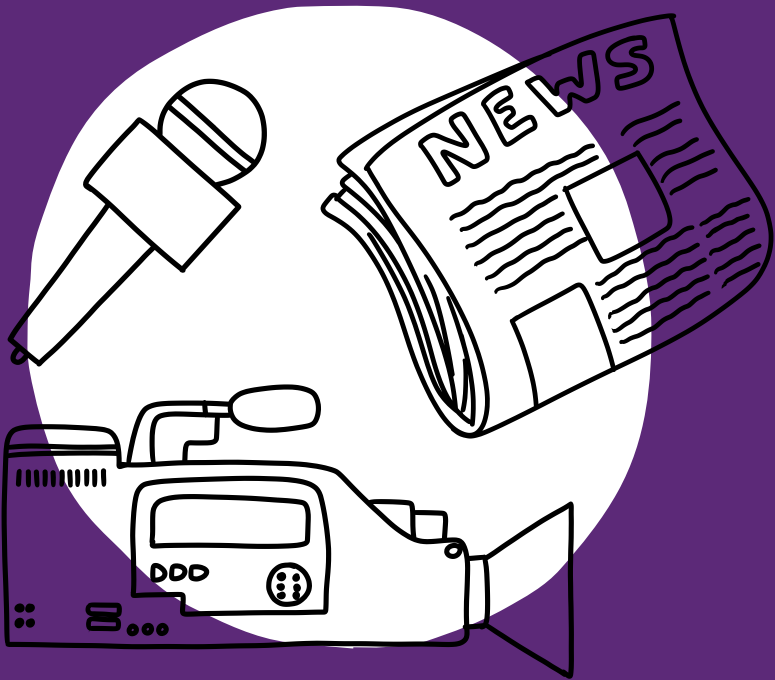
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At The Onset

1.1 Politics and the Role of Journalists

Elections are the cornerstone of any democracy. Through elections, governments obtain their democratic mandate and are held accountable for their performance in office. Media on the other side is commonly known as "the fourth pillar of democracy", which exercises the right of freedom of speech and expression, and hence plays a critical watchdog role in safeguarding democracy. Media is the connecting link between government and citizens, and provides citizens with first-hand information about governmental acts, policies, and inefficiencies. In the upcoming general elections journalists will have the responsibility to equip the citizens with well-researched and neutral information, so they will be able to walk well informed to the ballot box.

Reporters shall:

- monitor activities of the Independent Electoral and Boundaries Commission (IEBC) on election preparations,
- track operations and preparedness of the government, especially the Executive, Judiciary, and Parliament in both pre-and post-election periods,
- monitor, report, and call out incidents of hate speech or electoral malpractices amongst all stakeholders during the campaigns,
- analyze and interpret manifestoes of various candidates and political parties to educate the electorate,
- verify/fact-check the claims and utterances of candidates,
- expose the ethical flaws of all participants in the election,
- monitor the usage of social media platforms by parties, candidates for mobilization and campaign propaganda, hate speech, fake news, mis- and disinformation.

1.2 Freedom of Speech and Media Rights

The Constitution of Kenya entrenches fundamental human rights, but also the right to freedom of expression, and freedom of press. It is binding to all state organs and persons.

Article 33 guarantees every person the right to freedom of expression which includes:

- freedom to seek, receive or impart information or ideas,
- freedom of artistic creativity,
- academic freedom and freedom of scientific research.

The right to freedom of expression **does not extend to:**

- propaganda for war
- incitement to violence
- hate speech
- advocacy of hatred that constitutes ethnic incitement, vilification of others, or incitement to cause harm
- advocacy of hatred that is based on any ground of discrimination.

Article 34 guarantees freedom and independence of media. Therefore, the state shall not:

- exercise control over or interfere with any person engaged in broadcasting, the production or circulation of any publication by any medium
- penalize any person for any opinion or view or the content of any broadcast, publication, or dissemination.

- Media has the freedom of establishment, subject only to licensing procedures that are necessary to regulate the airwaves and other forms of signal distribution, and are independent of control by government, political interests, or commercial interests.

All state-owned media shall be:

- free to determine independently the editorial content of their broadcasts,
- impartial and afford fair opportunity for the presentation of divergent views and dissenting opinions.

Article 35 grants every citizen the right of:

- access to information held by the state,
- access to information held by another person and required for the exercise or protection of any right or fundamental freedom.

Every person has the right to the correction or deletion of untrue or misleading information affecting the person. The state is obliged to publish and publicize any important information affecting the nation.

1.3 Getting set for 2022 Election Coverage

The 2022 General Election has all the ingredients of an emotive and highly competitive process, especially in the presidential contest. All media houses will try to go beyond general coverage and require their reporters and correspondents to sniff out that unique angle to give fresh and interesting news. While the parties and candidates will be trying to set the agenda,

it will be critical for reporters to focus on issues that concern the voter and remain neutral. Therefore, planning is essential for all reporters covering the elections. This includes setting up goals for coverage, selecting and covering issues of concern for the citizens, getting an overview of key poll events, preparations for the coverage of the crucial election days, and focusing on post-poll days. Hence, reporters and correspondents will need to take personal responsibility, and acquaint themselves with electoral laws and regulations as well as voting procedures. They also need to collate background information on political actors and activities, including party structures and operations, financing, and regional strengths. Reporters need to interrogate and address issues that are relevant to the citizens.
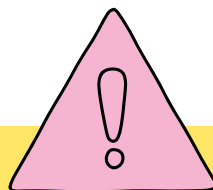
Quick Take for Reporters:

- Ensure that you got official accreditation documents with the Media Council of Kenya, IEBC, and any other regulatory agencies.

- Get familiar with the Code of Conduct for the Practice of Journalists and Electoral Code.

- Do not post political opinions using your corporate or private social media accounts.

- Do not wear clothing that may link them to any party when covering an election event.

- Remain free, fair, diverse, and responsible in your reporting.

The ABC of the 2022 General Elections
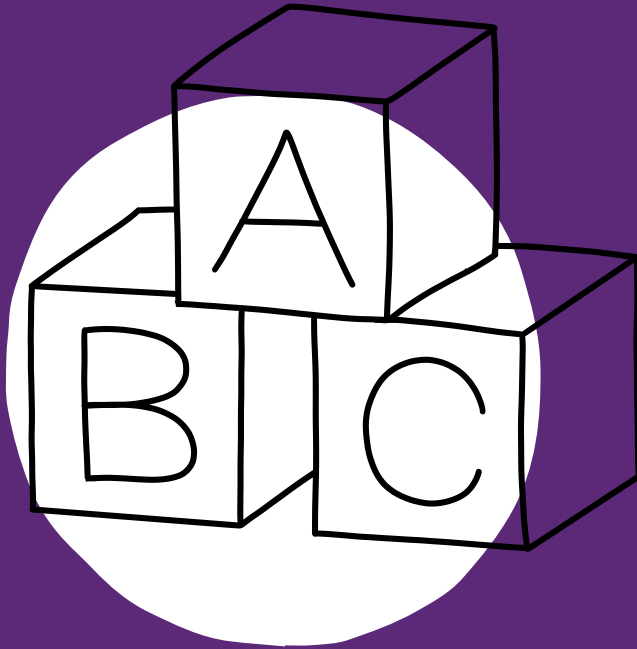
Kenya has a five-year electoral cycle. The Constitution has fixed the General Elections on the second Tuesday in August every fifth year. It is essential for journalists to not only know but map out the seats and slots being contested. Media professionals must also know the requirements for candidates and institutions that will be constituted by both elected and nominated individuals at national and county governments.

These are:

National: President and Deputy President

County: 47 counties, each one governor, one senator, and a woman representative

Constituencies: 290 constituencies, each electing one member of parliament and wards, 1.450 county assembly members.

2.1 Outline of Elective Positions

The 2010 Constitution provides for the election of representatives in four institutional bodies:

1. **Presidency (President and Deputy President)**
2. **Parliament (National Assembly and Senate)**
3. **Governors (47 and their deputies)**
4. **County Assemblies.**

The voting process will involve the election of six people: The President, the Senator, the Member of Parliament, the Governor, the County Representative, and the Women Representative (source: **https://www.iebc.or.ke**).

The Presidency

The **President** is elected directly by all registered voters for a five-year term. For a person to be declared winner of the presidential vote, he or she must receive at least 50 percent plus one of the total votes, plus at least 25 percent of the votes cast in more than half of the 47 counties. The election is held on the same day as elections for members of parliament.

The **Deputy President** is the President's principal assistant. During the presidential election, each presidential candidate nominates a running mate. Upon election, the running mate becomes the Deputy President.

For one to be qualified to run as president, he/she must be:

- a Kenyan citizen by birth,
- qualified to be elected as member of parliament (MP),
- nominated by a political party or be an independent candidate,
- nominated by at least 2.000 voters from each of more than half of the counties.

If no candidate meets the threshold provided, the candidate with the greatest number of votes and the runner-up will proceed to a run-off where the one with the most votes wins. If there are questions about the validity of the Presidential Election, a petition is to be filed within seven days of the results. The Supreme Court shall determine it within 14 days and its decision is final. In case of the results are declared invalid, fresh elections are to be held within 60 days.
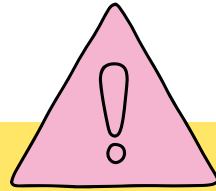
Quick Take for Reporters:

The 2022 election is a transition poll with outgoing President Uhuru Kenyatta, who has been elected on the Jubilee Party ticket since 2013. His Deputy William Ruto is running to succeed the president, whom he seems to have fallen out with, but will have to face off with opposition leader Raila Odinga, who is making his fifth stab at the presidency.

Other key contenders coalescing under the banner One Kenya Alliance (OKA) include former Vice President Kalonzo Musyoka (Wiper), Musalia Mudavadi (ANC), Gideon Moi (Kanu) and Moses Wetangula (Ford-Kenya). There will also be independent candidates and fringe parties. On Party lines, the controversial Political Parties amendment Bill to create room for coalition parties will likely alter the race landscape and reduce it to a three-horse race: Ruto-led United Democratic Alliance (UDA), Raila's Azimio La Umoja and the One Kenya Alliance (OKA).

Important Note:

Kenya's political landscape is "chameleonic"—
it changes colors, contexts, and even outlook but
its DNA, architecture, and players remain the same.
Therefore, reporters will need to keep eye on
and understand the evolutionary tactic for
political survival.
(source: **https://nation.africa/kenya/news/politics/mps-plot-to-change-law-on-party-hopping**)

Parliament

The Legislature, which comprises the National Assembly and Senate, is one of the three arms of government. To qualify to run as a member of parliament he/she must:

- Be a registered voter
- Satisfy educational, moral, and ethical requirements set out by Acts of Parliament
- Nominated by a Political party or is an independent candidate
- Nominated by at least 1.000 voters from the constituency for a member of the National Assembly, and 2.000 voters from each county in the case of a Senator
- Have been a citizen of Kenya for the proceeding 10 years
- Not be a state officer nor have served in the IEBC within 5 years
- Not be a member of a County Assembly
- Not be subject to a prison sentence of at least 6 months before the date of registration
- Not have been found to have abused a state or public office.

The National Assembly

The National Assembly comprises the Speaker and 349 members:

- 290 constituencies for elected members
- 47 elected women representatives from 47 counties
- 12 nominees of parliamentary parties to represent special interests such as youth, persons with disabilities, and workers (source: **https://parliament.go.ke**).

The Senate

The Senate includes the Speaker and 67 members. Its composition is as follows:

- 47 elected members from 47 counties.
- 16 women nominees from party lists
- 4 nominees: two women and two men from party lists representing special interests (youth and persons with disabilities) (source: **https://www.parliament.go.ke**).

County Assemblies

Each county will be divided into wards of which each will have one member directly elected by the voters of the ward. Within the counties, there must be no more than two-thirds men or two-thirds women in the overall leadership. Like in the Parliament, the interests of the youth, women, and people with disabilities are also catered for in the nomination slots from party lists. (source: **https://www.countyassembliesforum.org**)

2.2 Electoral Roadmap for the 2022 Presidential Elections

Activity	Timeline
Presidential Elections	
Candidates delivering to the Commission a list of at least 2000 voters registered in each of most of the counties	Monday, 23rd May, 2022
Political parties and candidates shall appoint and submit the names of the National and Constituency Chief Election Agents to IEBC	Monday, 25th July, 2022
Nomination of political party candidates and independent candidates for the Presidential Election	Sunday, 29th May 2022 to Monday, 6th June, 2022
Election for the Members of the National Assembly	
Nomination of political party candidates and independent candidates for the National Assembly Elections	Sunday, 29th May, 2022 to Tuesday, 31st May, 2022
Disputes arising from nominations shall be determined within ten days of the lodging of the dispute with the Commission	Not later than Thursday, 9th June, 2022

Political parties participating in the General Election to submit to their Party List to IEBC	Saturday, 25th June, 2022
Political parties and candidates to appoint and submit to the IEBC the names of the one Constituency Tallying Centre Agent and Polling Station agent	Monday, 25th July, 2022
Elections for the Members of the Senate	
Nomination of political party candidates and independent candidates for the Senate Elections	Sunday, 29th May, 2022 to Tuesday, 31st May, 2022
Political parties and candidates to appoint and submit to the IEBC the names of the County Tallying Centre Election Agents	Monday, 25th July, 2022
Election for the County Woman Member to the National Assembly	
The days for the nomination of political party candidates and independent candidates for the County Woman Member to the National Assembly elections	Wednesday 1st June, 2022 to Friday, 3rd June, 2022
Political parties and candidates to appoint and submit to the IEBC the names of the County Tallying Centre Election Agents	Monday, 25th July, 2022

Election for the County Governors	
Nomination of political party candidates and independent candidates for the County Governor Elections	Saturday 4th June, 2022 to Tuesday 7th June, 2022
Political parties and candidates to appoint and submit to the IEBC the names of the County Tallying Centre Election Agents	Monday, 25th July, 2022
Elections for the Members of the County Assemblies	
Nomination of political party candidates and independent candidates for the County Assembly Elections	Wednesday 1st June, 2022 to Tuesday 7th June, 2022
Political parties and candidates to appoint and submit to the IEBC the names of the County Tallying Centre Election Agents	Monday, 25th July, 2022

(source: **Vellum.co.ke**)

2.3 Stakeholders in the 2022 Poll

<mark>Everyone who has an interest or influence in the upcoming election is a stakeholder.</mark> The successful interaction of the individual stakeholders determines the success of free and fair elections.

Here is an overview of important stakeholders for the 2022 poll:

Statutory Stakeholders:

- Independent Electoral and Boundaries Commission (IEBC): **https://www.iebc.or.ke**
- Office of Registrar of Political Parties: **https://www.orpp.or.ke**
- Ministries of Interior and Coordination: **https://interior.go.ke** Twitter: **@interiorKE**
- ICT and Innovation: **https://ict.go.ke/info@information.go.ke**
- National Treasury: **https://www.treasury.go.ke**
- The Judiciary: **https://judiciary.go.ke**
- Parliament (National Assembly and Senate): **https://www.parliament.go.ke**
- Authority of Kenya (CA): **https://www.ca.go.ke**
- Ethics and Anti-Corruption Commission (EACC): **https://eacc.go.ke**
- Media Council of Kenya (MCK): **https://mediacouncil.or.ke**
- The Kenya National Police Service (NPS): **https://www.nationalpolice.go.ke**
- National Cohesion and Integration Commission (NCIC): **https://cohesion.or.ke**

Others Include the Following:

- The Electorate
- Media organizations and civil society groups
- Kenya Human Rights Commission (KHRC)
- The Law Society of Kenya (LSK)
- International Commission of Jurist (ICJ)
- Federation of Women Lawyers (FIDA)
- The East African Community (EAC)
- The Inter-Governmental Authority for Development (IGAD)
- The African Union (AU) and The United Nations Organizations (UN)
- Political parties
- Observers, monitors, and poll officials
- Development partners.

Eligible Voters

The most important primary participants in the process on election day will be the citizens. To qualify for voting, one must be a Kenyan citizen of 18 years and above, of sound mind, a registered voter, and a holder of a national identity card or a Kenyan passport.

2.4 Opinion Polls

Opinion polls have become an integral part of election reporting. They provide the best direct source of information about public opinion. Well-conducted surveys are valuable tools for journalists and the foundation for accurate, informative news stories. But not every opinion poll is accurate or representative – some are even wrong or misleading. Journalists must evaluate and verify these polls within a few minutes and ensure that the results comply with the Electoral Opinion Polls Act. This act stipulates how such polls are to be conducted and reported. The British Polling Council has published a guideline for journalists to undertake a critical evaluation of opinion polls (see appendices).

Before publishing any opinion poll, you should have the answers to the following questions:

1. **How and when was the poll conducted?**
2. **Who was interviewed?**
3. **How were they chosen?**
4. **Who sponsored or paid for it?**
5. **What questions were asked?**

Developing Story Ideas
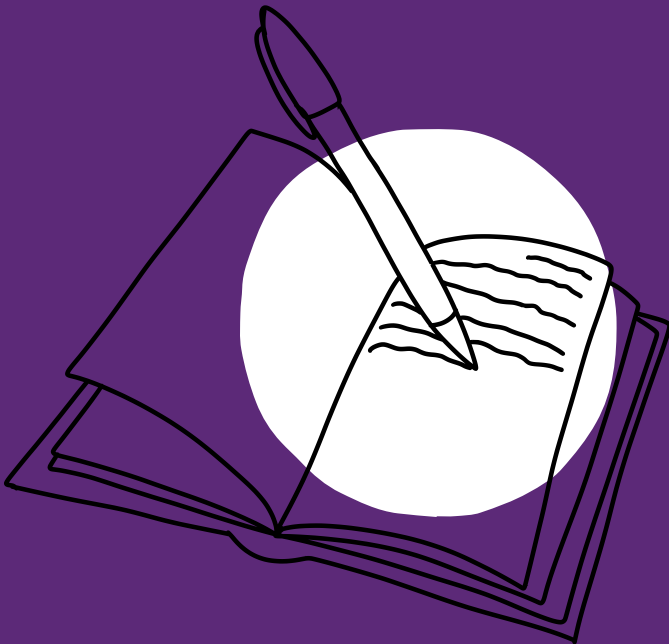
Election coverage might be one of the most challenging tasks for reporters, and the flood of information and potential stories can be overwhelming. The election period itself is a mix of rules and chaos, predictable events, and surprises. Make sure to plan event coverage and the production of feature stories ahead of time.

3.1 The Big Issues in the 2022 Poll

In the countdown to the 2022 election, journalists preparing to cover the poll should keep a keen eye on some of these issues that are possibly dominating the campaigns, and how they are likely to influence voting patterns and perceptions.

Economy

National debt debate, division, and distribution of national health, safeguarding economic interests of counties, food sufficiency, unemployment, and dwindling fortunes for farmers.

Politics

In the succession debate some of the key issues likely to dominate include parties' nominations in the light of the passage of a law that re-engineers coalitions formation with three distinct entities: The Handshake team Azimio La Umoja fronted by Uhuru and Opposition leader Raila Odinga in partnership with regional parties; the Kenya Kwanza Alliance comprising United Democratic Alliance led by Deputy President William Ruto, Musalia Mudavadi (ANC) and Moses Wetangula (Ford-K), while the third axis under the banner One Kenya Alliance (OKA) comprising Kalonzo Musyoka (Wiper), Gideon Moi (Kanu), Martha Karua (Narc-K) and Cyrus Jirongo (UDP). Other issues include corruption and leadership integrity, executive impunity, disregard or

violation of the constitution and court rulings, national cohesion, future of multipartyism vis-à-vis Handshake politics, the divisive and aborted Building Bridges Initiative (BBI), controversial amendment of the Political Parties Bill, independence or interdependence vis-à-vis executive overreach to the other arms of government (Judiciary and Legislature), women representation, the revenue sharing vis-à-vis equalization fund to county governments.

National Security

National Security matters are both internal and external. The internal challenges include rising insecurity incidents and concerns, especially in resource-stressed regions amid climate change, fight against terrorism. Reporters should keep a keen eye on potential election violence hotspots and how the National Cohesion and Integration Commission (NCIC) is responding to incitement and hate speech during the campaigns. Externally, there is territorial integrity (Kenya-Somali Maritime boundary dispute) and cross-border terror incursions by Somalia-based Al Shabab.

Health

The Covid-19 impact on society and individual socio-economic, political, and healthcare well-being will be a key concern vis-à-vis observation of the Ministry of Health protocols to contain the pandemic during the campaign period.

Social Issues

Gender-based violence (GBV) is on the increase and has been the main tool to keep women from the poll contests. This undermines the gender parity in representation, an elusive constitutional requirement whose failure still haunts the current Parliament.

3.2 Pre-election Stories

In the pre-election stage, reporters focus on activities that may frame the phases of the electoral cycle:

- Appointment of the Independent Electoral Boundary Commission (IEBC) Chairperson
- Boundary delimitation
- Voter registration and education
- Shifting political alliances; party primaries
- Electoral body nominations and declarations of candidates and campaign timelines
- Assess the performance of the outgoing government (scorecard against its manifesto).

Note:

The stakeholders (parties, aspirants, civil society, and state actors) are usually keen to infuse their input into the processes to their advantage.

3.3 Registration Stories

The reporters should extensively cover voter registration by the IEBC and parties' status at the office of the Registrar of Political Parties. Also, keep an eye on monitoring voter education and enactment of any legislation on the election. For instance, the controversial Political Parties Amendment Bill, 2021 to govern coalitions recently passed by Parliament.

The focus should be on:

- Party campaigns
- Voter listing for each county and how numbers may affect the election results
- Comparative analysis of party manifestos, party membership, and party histories
- Nature of ballot papers
- Campaign methods employed by different political parties, key campaign messages of different political parties, and strengths and weaknesses of different political parties.
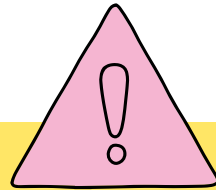
Sources for Data on Various Registration:

Independent Electoral and Boundaries Commission:
https://www.iebc.or.ke/registration/?how

Office of the Registrar of Political Parties:
https://orpp.or.ke/index.php

Parliament: https://www.parliament.go.ke

Kenya Law Reform Commission: https://www.klrc.go.ke

Law Society of Kenya: https://lsk.or.ke

3.4 Campaign Period Stories

During the campaign period (90 days) parties, and candidates go all out to sell their policies/ manifestos in a do-or-die duel. This is the most intense period for reporters who must cover and report on:

- The general conduct of political party campaign
- Present and analyze party manifestos, party primaries, and activities of the Independent Electoral and Boundaries Commission (IEBC) compilation and inspection of the voters' roll
- Nomination process and presentation of papers, the release of election candidates list
- Printing of ballots and voter education
- Election regulations (guarantee of the free and fair poll, political advertising, communication of electoral information by IEBC, access to information).

Note:

Do a comparative analysis of past election trends and the current one, anomalies (if any) in electoral structures, materials, and procedures. Isolate the main issues of interest in the election and how each party is handling them and highlight any violations of the Elections Act and likely consequences to the election.

3.5 Election Week Stories

Every media house and journalist should be set with all briefs and assignments, logistics, and personal security at hand.

Reporters should keep an eye on:

- Emerging voting patterns, any unopposed candidates
- Preparations for the D-Day (voting day)
- Results transmission mode, prevailing mood, weather conditions, opinion polls
- Adherence to laws and guidelines, plus updates from the electoral commission.

On voting day, the reporters should focus on:

- Investigating and reporting any irregularities that might affect the outcome of the results
- Reporting and analyzing data (results, voter turnout against registered voter)
- Providing an accurate context of the exit polls —indicative or claimed—results
- Comprehensively covering polling processes, results, and implications (more than 1.200 polling stations)
- Covering accounts and reports by independent observers.

3.6 Post-Election Stories

The key focus for reporters during the post-election period will be on inauguration processes and the establishment of elected bodies (Parliament, County Assemblies). It will be important to compare the inauguration with the past one. Most importantly, reporters to be effective public watchdogs must hold politicians accountable to:

- their campaign manifestos and pledges,
- monitor performance of elective bodies other constituted constitutional commissions like state appointees, government's socio-economic programmes, and governance.
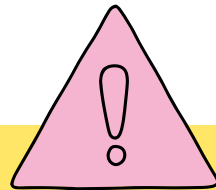
Quick Take for Reporters:

The Independent Electoral and Boundaries Commission (IEBC) in liaison with other stakeholders such as the Office of Political Parties (ORPP), parties, and other state agencies have the mandate to make and release guidelines, timetables, and timelines in the countdown to the August 9, 2022 poll. As the electoral body kick-starts the election countdown, reporters assigned to cover the poll should pay particular attention to participating political parties' histories, membership, manifestos, programmes, innovativeness, and adherence to electoral laws.

Upholding the Professional Ethos

CODE OF
CONDUCT
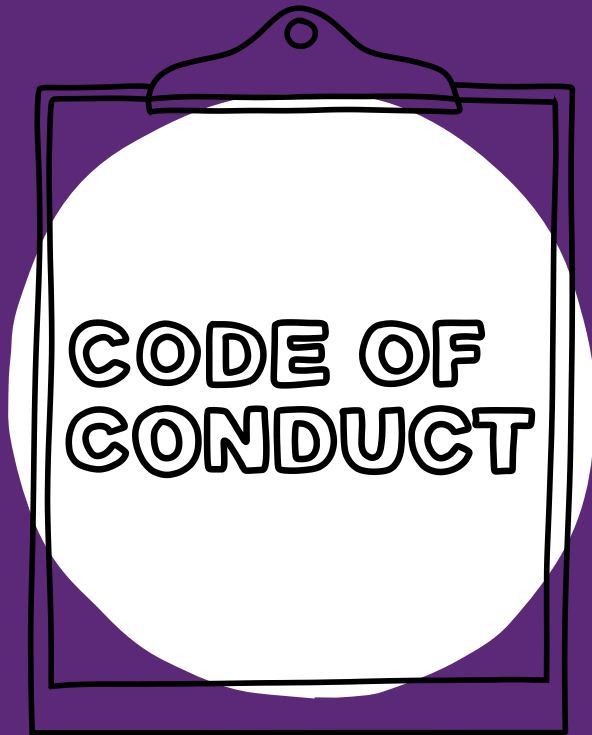
Journalists have an immense influence on the formation of public opinion. Therefore, they hold a great deal of responsibility and have to consider ethical and moral standards. They must represent the entire population in their reporting, including marginalized groups like people with disabilities, give those people a voice and ask questions that are relevant to their lives. When it comes to election reporting, media professionals must ensure they include all sides and all groups – be it religious, ethnic, gender age, or people with disabilities – and ensure negative stereotypes are avoided and their rights as citizens are protected.

Media professionals also face moral dilemmas on almost a daily basis: For example, you might have the legal right to publish stories about the private life of a politician, but on the other side, he/she has also the right to privacy. Is this story affecting his/her work? Is it of public interest? Different editors will have different answers to this question, but for most other ethical questions, the Code of Conduct for Journalists determines the right behavior.

4.1 Code of Conduct for Journalism Practice

The Media Council of Kenya (MCK) is the leading institution in the regulation of media and media professionals across the country. The Code of Conduct for the Practice of Journalism promotes high professional and ethical standards amongst journalists.

1. Accuracy and Fairness

Media professionals shall write fair, accurate, and unbiased stories of public interest. All sides should be considered. Inaccurate or misleading stories shall be corrected immediately.

2. Independence

Journalists shall defend their independence from those seeking influence or control over news content. News shall be gathered and reported without fear or favors.

3. Integrity

Journalists shall present news with integrity and decency, avoid conflicts of interest, and respect the dignity of the audience and the subjects of news. Sources shall be identified whenever possible; confidential sources shall only be used when it is in the public interest, or the source might be harmed. Journalists need to clearly label opinions and commentary. Media professionals should not pay sources, nor accept gifts or favors.

4. Accountability

Media professionals are accountable for their actions. Therefore, they shall respond to public concerns, investigate complaints, and correct errors promptly.

5. Opportunity to Reply

A fair opportunity to reply to inaccuracies shall be given. The editor has the discretion to publish the request for correction in full or in its abridged and edited version.

6. Unnamed Sources

Unnamed sources shall not be used unless the pursuit of the truth will best be served by not disclosing the source, who shall be known by the editor and reporter.

7. Confidentiality

Journalists have a professional obligation to protect confidential sources of information.

8. Misrepresentation

Journalists shall identify themselves and not obtain information or pictures through subterfuge. Subterfuge can only be justified when material relevant to the public interest cannot be obtained by any other means.

9. Obscenity, Taste, and Tone in Reporting

Publication of photographs showing mutilated bodies, bloody incidents, and abhorrent scenes shall be avoided unless it serves the public interest.

10. Paying for News and Articles

Media professionals shall not receive any money as an incentive to publish any information.

11. Covering Ethnic, Religious, and Sectarian Conflict

News or comments on ethnic, religious, or sectarian disputes shall only be published after proper verification of facts and with due caution and restraint in a manner.

12. Recording Interviews and Phone Conversations

Journalists shall not tape or record anyone without the person's knowledge. An exception may be made only if the recording is necessary to protect the journalist from a legal action.

13. Privacy

Aspects concerning a person's home, family, religion, tribe, health, sexuality, personal life, and private affairs are covered by the concept of privacy. The public's right to know shall be weighed against the privacy rights of people in the news.

14. Intrusion into Grief and Shock

Inquiries involving personal grief and shock shall be made with sensitivity and discretion. In hospitals, journalists shall identify themselves and obtain permission from a responsible executive before entering non-public areas.

15. Gender Discrimination

Women and men shall be treated equally as news subjects and news sources.

16. Financial Journalism

Journalists shall not use the financial information they receive in advance for their own benefit and shall not pass the information. They shall not buy or sell, directly or through nominees or agents, shares or securities and other market instruments about which they intend to write.

17. Letters to the Editor

Editors opening a column on a controversial subject are not obliged to publish all the letters received regarding that subject. The editor may select and publish only some of them. These shall not be one-sided and a fair balance between different opinions.

18. Protection of Children

Children shall not be identified in cases concerning sexual offenses, whether as victims, witnesses, or defendants. Journalists shall not interview or photograph children in the absence, or without the consent, of a parent or other adult who is responsible for the children.

19. Victims of Sexual Offences

The media shall not identify victims of sexual assault.

20. Pictures and Names

The media shall not publicize pictures of a person when it can possibly cause harm. Manipulated pictures distorting reality shall be avoided, as well pictures of grief, disaster, or promoting sex.

21. Innocent Relatives and Friends

The media shall not identify relatives or friends of persons convicted or accused of crime unless the reference to them is necessary for the full, fair, and accurate reporting.

22. Acts of Violence

The media shall avoid presenting acts of violence, armed robberies, banditry, and terrorist activities in a manner that glorifies such antisocial conduct.

23. Editor's Responsibility

The editor shall assume responsibility for all published content, including advertisements.
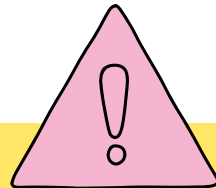
24. Advertisements

The editor shall not allow any advertisement which is contrary to the Code of Conduct.

25. Hate Speech

Quoting persons making derogatory remarks based on ethnicity, race, creed, color, and sex shall not be allowed. Racist or negative ethnic terms shall be avoided.

(source: **https://mediacouncil.or.ke/node/158**)

Quick Take for Reporters:

During your election coverage be aware and wary of subtle overtures by politicians and political parties which may compromise your independence and integrity. Such bribery may include offers for meals, gifts, transport to and from meeting venues – and in the most brazen cases cash rewards or inducements to give favorable coverage or even kill a story. In addition, it may damage the reputation of your media house, but also your own reputation as a professional journalist.

4.2 Conflict-sensitive Reporting

Conflict-sensitive reporting is essential for press freedom. Reporting on a violent conflict might not only be dangerous for journalists on the assignment, but reporters can also pose a serious risk for victims of conflicts and even escalate the conflict. Media professionals need to be aware of the role they play in this ongoing conflict and should:

- consider the consequences of their work
- provide context to the public through analysis and diverse views
- report on elections accurately and constructively
- use words carefully to avoid and reduce tension between contending parties
- be sensitive to the emotions and fears of audiences to avoid causing distress
- respect human dignity without sanitizing the realities of violent conflict (source: MCK Guidelines on Election Coverage 2020).
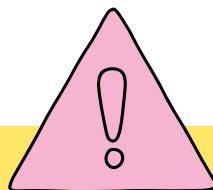
4.3 Gender-sensitive Reporting

Election reporting needs to integrate the interest and needs of all people, regardless of their gender, age, social, or health status. According to a report by the International Women's Media Foundation (IWMF), women tend to be underrepresented in the global mainstream media. 2020 only 23 percent of protagonists in Kenyan news headlines have been women. In political news coverage, men's share of voice is up to seven times higher than that of women. This also applies to women's representation in politics and political campaigns – male candidates are often covered extensively ahead of female candidates. While women in political offices often face gender stereotypes.

Journalists play a vital role to ensure that news reports cover perspectives of both women and men equally without prejudice – be it on the side of the candidates or on the side of the voters. The election coverage can even be enhanced by distinguishing the different experiences of women and men in the electoral processes. Gender stereotypes are socially constructed beliefs about men and women. For example, some memes and jokes on social media portray women in discriminative ways, which reinforces discrimination. Journalists also adopt these stereotypes in their reporting. Sexist language is often used to intimidate female candidates and voters, and this should be avoided by any serious media professional.

Describing female candidates by their physical looks is tantamount to subjecting them to sexism.

Any reporter should be aware of gender concerns related to the portrayal of women and men. Journalists need to understand gender roles, inequalities, biases, and stereotypes, encourage equal and fair coverage of women and men, and expose gender-based violence.

Tips for Gender-Sensitive Reporting:

- Collect data on the gender distribution of parties, voters, and elected representatives.
- Encourage political parties to engage a female spokesperson.
- Address gender discrimination and promote equal participation.
- Increase the use of images of women and men challenging stereotypes.
- Report on all genders fairly, objectively, and equitably.
- Select and use sources carefully to achieve gender balance.
- Avoid negative stereotypes, sexist, and demeaning language.
- Expose gender-based violence.

Social Media and Misinformation
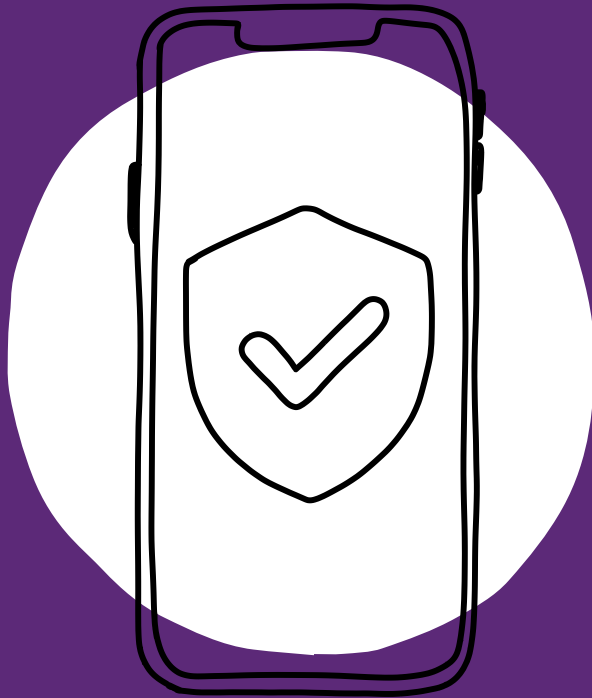
Within the last decade, social media has changed the media sphere tremendously. Journalists, celebrities, and politicians link in real-time across the globe. It has become inevitable for television channels, newspapers, organizations, companies, and political parties to have a social media presence. Never had journalists access to so many sources without having to leave their offices. Digital media has brought many advantages for media professionals but also bears challenges and threats. The lines between professional journalists and amateurs have been blurred: The consumer has become a producer, and there is no gatekeeper anymore. Every message can go online, often unfiltered.

5.1 The Power of Social Media

As an election reporter, you should keep in mind to produce content for the social media outlets of your station any time you go on an assignment. Instead of regarding it as an extra burden that needs to be done on the side, you should rather see it as an asset. Social media allows you to:

- break the news in real-time
- update election results
- get engaged and create loyalty between yourself and your audience
- do research while you are on the ground
- find interview partners, effected people
- get information from citizen journalists (e.g.: election fraud, violence)
- show behind-the-scenes footage from your work
- do a live piece-to-camera (PTCs) (e.g.: Facebook, Instagram Lives).

5.2 Misinformation, Fake News and Propaganda

Misinformation and fake news have the potential to polarize public opinion and promote violent extremism and hate speech. Hence, they are threats that can undermine democracies and reduce trust in the democratic processes. Though these phenomena are not new, they have significantly increased with the widespread use of the social network. Nowadays dangerous misinformation and fake news can go viral within hours when shared among individuals on social networks like WhatsApp, Twitter, or Facebook. The terms fake news, misinformation, and propaganda are often used as synonyms. But they differ clearly in their intentions:
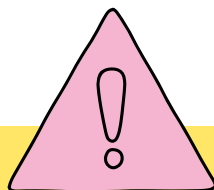
Misinformation: False information shared with no intention to cause harm

Dis-information/Fake News: False information shared intentionally to cause harm

Mal-information: True information shared intentionally to cause harm

Propaganda: Deliberate, systematic attempt by politicians to shape perceptions of voters

(source: Wardle, C. / Derakhshan, H. (2017)

Misinformation and fake news can be harmful in a heated election period. They aim to either misinform or mislead the citizens and thus influence the voter. In recent elections worldwide political aspirants have used fake news to paint their political rivals in bad light. Also, in Kenya's 2013 and 2017 elections the increased exposure to smartphones and social media had allegedly a major impact. It is essential that reports covering elections spot such content and verify it. There are different types of mis- and disinformation you should keep your eyes open while covering the elections:

(source: **https://firstdraftnews.org**)
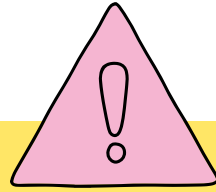
5.3 Verification

In a news world that is becoming increasingly faster and more chaotic, journalists are more in demand as gatekeepers than ever. Media professionals play an important part in guaranteeing free and fair elections in 2022 by verifying lies, tactics, or sources before they strike. Therefore, they need to validate each piece of information they publish.

By fact-checking your sources, you not only serve the public well but also build trust towards your audience. Bigger media houses have verification and fact-checking departments; but in most newsrooms, the reporter on the ground or at the desk is his/her own fact-checker. The Verification Handbook (see appendices) is a useful source introducing several fact-checking tools and skills.

There are some simple tactics you can apply to spot fake news and misinformation:

CONSIDER THE SOURCE
Click away from the story to investigate the site, its mission and its contact info.

READ BEYOND
Headlines can be outrageous in an effort to get clicks. What's the whole story?

CHECK THE AUTHOR
Do a quick search on the author. Are they credible? Are they real?

SUPPORTING SOURCES?
Click on those links. Determine if the info given actually supports the story.

CHECK THE DATE
Reposting old news stories doesn't mean they're relevant to current events.

IS IT A JOKE?
If it is too outlandish, it might be satire. Research the site and author to be sure.

CHECK YOUR BIASES
Consider if your own beliefs could affect your judgement.

ASK THE EXPERTS
Ask a librarian, or consult a fact-checking site.

(source: International Federation of Library Associations and Institutions)

Quick Take for Reporters:

- Verify fake news, including where possible exposing their purveyors.
- Develop and enforce own social media policies that uphold journalistic values.
- Reject information that cannot be verified.
- Use appropriate tools to verify authenticity of images and audio-visual material.
- Always verify social media content before publicly engaging with it.
- Use fact-checking tools to verify information before publication or reach out to credible fact-checkers.

5.4 Political Propaganda

Political propaganda is the deliberate, systematic attempt to shape perceptions or direct behavior to achieve the desired response. During the countdown to the 2022 elections, some aspects of political propaganda are taking center stage: Aspirants, political formations, and campaign agents using social media intensively to spread mis- and disinformation or woo voters by either coloring their messages or discrediting their political opponents. Journalists need to be aware of the motives behind every

utterance of political aspirants during the campaign and should be highly alerted to the signs of political propaganda.

The following characteristics are typical for propaganda:

- appeals to the emotions rather than intellect
- information is value-driven and addresses the judgments and prejudices of the audience
- uses selective information and is not balanced
- there is a specific intention or motive behind the information. (source: **https://www.storyboardthat.com/articles/e/propaganda**)

Pointers to propaganda

1. Creating a sense of togetherness while isolating people who have not joined the cause. It strongly targets the human need of conformity and belonging to a part of a group. The aim is to mobilize votes on ethnic, demographic, and social status.

Example:

"Our people must be in the next government to enjoy development …"

2. Endorsement popular celebrities, political figures, or other entities. This creates a sense of trust and likeability for the cause because of the person promoting it.

Example:

Francis Atwoli, Secretary General of Central Organization of Trade Unions Kenya (COTU-K), supports Raila Odinga.

(source: **https://www.capitalfm.co.ke/news**)

Example:

Senator Mithika Linturi, one of Kenya Kwanza coalition leaders in Meru County, supports William Ruto.

(source: **https://www.capitalfm.co.ke/news/2022/05/merus-kenya-kwanza-formation-reaffirms-support-for-ruto/**)
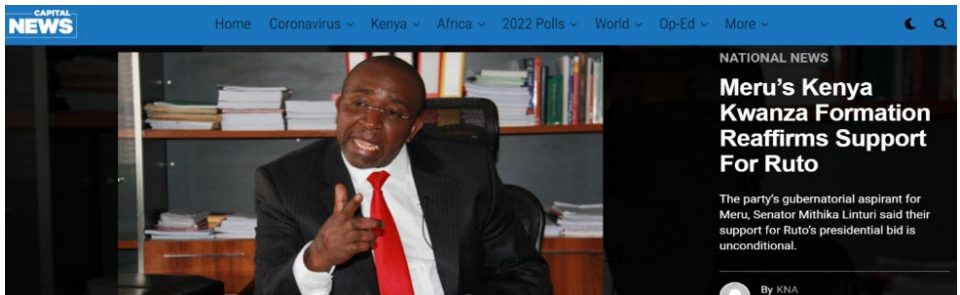
3. Transferring symbols or expressions that access the audience's preconceived positive feelings about something. This involves employing techniques that transfer positive emotions to the idea.

Example:

Many Kenyan parties have picked symbols that working groups can identify with, e.g.: wheelbarrow (UDA), orange (ODM), dove (Jubilee), lion (Ford Kenya), or umbrella (Wiper).

However, the different party logos should only be published for documentation purposes; it is not the journalists' task to advertise for certain parties.

4. Using names that evoke negative responses, such as fear, anger, or annoyance. By comparing the opponent or his/her idea with something that is hated, the audience creates an association between the two in their minds.
Example:
Words such as Mwizi (thief), mfisadi (dirty and corrupt), Mzee wa Kitendewili (old guy of riddles), tapeli (con man) are common phrases used at political campaign rallies.

5. Deploying strongly loaded words to stir positive emotions in the target audience. Typically, this employs the use of slogans, and carefully selected words in the slogans often appeal to the virtues the audience holds dear.
Example:
Expressions like 'Hustler' and ´Dynasty', 'umoja na maendeleo' (unity and development), 'zero tolerance to corruption, and 'in whose hands are you safe?' are common at rallies.
 (source: https://www.storyboardthat.com/articles/e/propaganda)
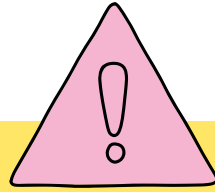
5.5 Tackling Hate Speech and Defamation

The rise of social media has been a big step for freedom of speech worldwide. However, our right to express freely stops where it harms others. Particularly media professionals need to be aware of the power of speech, but also the harm words and particular images can cause.

Hate speech refers to an expression of hate or encouragement of violence towards a person or group based on race, religion, sex, or sexual orientation. It is rampant because political campaigns are largely centered on ethnic mobilization. Therefore, it is not unusual to find utterances and use of social media on ethnic hate for political gain. Among other organizations, Article 19 published a useful toolkit explaining hate speech (see appendices).

Defamation means the intentional act of communicating false statements about a person to injure the reputation of that person.

Both hate speech and defamation are offenses under Kenyan law and can be fined up to one million shillings or imprisonment for up to three years.

Particularly in the countdown to the 2022 elections, hate speech and defamation have become a serious concern. Political players and their supporters are already engaged in feverish pre-mature campaigns making unfounded allegations against their real or perceived competitors. Publication or broadcast of unsubstantiated utterances that injure reputations is either defamatory or libelous.

All cases on libel or defamation should be reported to:
Complaints Commission of Media Commission Kenya: https://complaintscommission.or.ke
Judiciary Service Commission: https://judiciary.go.ke
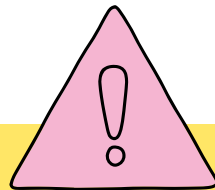
Quick Take for Reporters:

If a publication has defamatory words against an individual, the affected media house or practitioner concerned should immediately remedy it through an apology or the retraction of the story. Though this may not insulate the media house or journalist from liability, it can reduce the penalty in form of the award if found liable by the court.

Examples of Hate Speech

The 2007/08 post-election violence over the disputed presidential election outcome was fueled by hate speech and ethnic profiling at campaign rallies and on social media. Its key characteristics include the use of negative stereotypes, particularly cultural, gender, ethnic or racial, emotive media content, hateful speeches, especially at political rallies, and incendiary political advertisements. For instance, Meru senator Mithika Linturi has been arrested over utterances at DP William Ruto's rally in Eldoret for asking Rift Valley voters to reject anti-Ruto aspirants, whom he refers to as madoadoa (loosely translated as non-conformity in political leaning). The coded political term is associated with the eviction of non-locals from the region during the 2017/18 post-election violence. In a nutshell, utterances not only created tension but incitement.

Meru Senator Mithika Linturi arrested over utterances at DP Ruto rally

NATIONAL
By Winfrey Owino | January 9th 2022

INCITEMENT

MP Ng'eno arrested over Mama Ngina slur

He tells Uhuru not to dictate who will succeed him, adding that he should work with his DP

In Summary

• This is the third time, Ng'eno is being arrested over incitement.

• He tells President to 'shoot or lock us up but the country will still run'.

(sources: The Standard / The Star)

https://www.standardmedia.co.ke/national/article/2001433858/mithika-linturi-arrested-over-utterances-at-dp-ruto-rally,

https://www.the-star.co.ke/news/2020-09-07-emurua-dikirr-mp-johanna-ngeno-arrested-over-incitement/

MP Emurrua Dikir Johanna Ng'eno has repetitively been arrested for incitements. He was charged by the Director of Public Prosecution and faces two counts, namely "using abusive language in which ethnic hatred was likely to be stirred up and offensive conduct during a public gathering by directing insults at the President." The court granted MP Ng'eno a one million Kenya schilling cash bail.

To spot hate speech ask the following important questions:

1. What are the motives of the speaker, and should they be listened to or just ignored?
2. What is the value of the statement?
3. What is the reach of the speech, and does it have a pattern of hate?
4. Is it deliberately intended to cause harm to others?
5. Is the speech dangerous, and could it incite violence or cause harm?
6. Is there a history of conflict or discrimination?
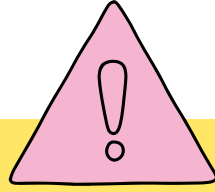
Quick Take for Reporters:

- Avoid negative campaigns against certain groups and minorities in society and avoid inflammatory metaphors negatively describing groups of society.
- Avoid inflammatory videos, pictures, cartoons, audios.
- Avoid repeating inaccurate allegations and insults or twisting the truth about a person.
- Verify any information that has been published or broadcast elsewhere.
- Avoid abusing your privileged positions to malign and twist information to injure any political player's reputation. Be impartial, objective, and fair to all.
- Avoid xenophobia and disseminating attacks on ethnic minorities, foreign nationals, sexual minorities, and other minority groups, who are easy targets by the majority.
- Avoid name-calling of another ethnic groups, stereotypes, bigotry, and slurs.

(source: **https://mediacouncil.or.ke**)

Safety for Journalists Covering Elections

According to Reporters Without Borders (2021), the global COVID-19 pandemic has led to increased repression and attacks on journalists worldwide. Africa is no exception: In 2021, more than 100 journalists have been arbitrarily arrested and 26 detained. Journalists across the continent have been targeted by both governments and armed groups seeking to control the flow of information.

Understanding the risks involved in covering your stories is crucial to staying safe and carrying out your work without fear, intimidation, harassment, or attacks.

In their own words: Testimonials from colleagues

"I was embedded in the Jubilee Party campaign in 2017. The demand to deliver within the stipulated time was crazy. In some parts of the country, there was hostility based on the political party or clan politics. We had to leave the campaign when violence broke out. (…) Being a female political reporter has its challenges and advantages, but above all, it gives you first-hand experience of the hurdles the country's political system still faces. This year being a transition, it is bound to be tougher, but I am ready."

– Chemtai Goin, Political Reporter, K24 TV

"The 2017 General Election was unique. But what was more challenging was access to information. We had to go live with a move that the government was against. We got arrested simply because we had helmets and bulletproof vests which we were told painted the country in a bad light, making the country look like a war zone. But thanks to protests from other media colleagues, we were freed. I still think access to information will still be a challenge in the 2022 poll, and this will compromise the media in what is promising to be a very closely fought and tense election."

– Duncan Khaemba, Political Reporter, KTN

6.1 Reducing Risks

Using safety manual

Many international organizations are providing guidelines and manuals for minimizing risks for reporters, and some are even offering training. The Security Guide of the Committee to Protect Journalists (CPJ) is one example and can be found in the appendices.

Conducting risk assessment and management

Media houses should assess risks 48 hours before sending teams to the field. They also need to make capacities available to act on incidents where their staff is exposed to risks.

Prevention

Media houses should provide training to their staff to train them for the behavior during dangerous or risky assignment (Hostile Environment and First Aid Training). These trainings equip them with skills such as first aid, basic rules, use of communication systems, dressing behavior. Some international organizations even offer safety training courses free of charge.

Personal Protective Equipment (PPE)

Whether reporting from a war zone, a protest, or in an undercover investigation: relevant PPE can save lives and reduce the risk of injuries. Reporters should identify threats they may potentially face in advance of an assignment and choose their PPE accordingly: it can vary from ballistic-grade PPE to a covert soft body vest that is more discreet.

Addressing gender concerns

Media manager shall establish special protection measures to address gender sensitive issues to empower female reporters to go to the field. Assigning female reporters may contribute to a gender equal election coverage. Excluding women from political or election related assignments is not protective but discriminative.
(source: The Professional Election Reporter; Guidelines for Journalists Covering Elections in Zimbabwe 2018)

6.2 Digital Safety and Security

Cyber-attacks and data theft have become one of the highest rated risks for the society of the 21st century. Hence, digital safety and security is becoming more and more critical for journalists and media houses. Therefore, the Medica Council of Kenya (MCK) is advising journalist to:

- install licensed antivirus programmes and secure Virtual Private Network (VPN) on all internet-enabled digital equipment to protect your data,
- get training that empowers you to deal with trolls, cyberbullying, hacking, and other cyber-attacks.

6.3 Reporting in Times of Covid-19

The COVID-19 pandemic has created new socio-economic, health, and political pressures. While thousands of employees worldwide work from home, journalists have no other choice but to head into their studios, newsrooms, or out to the field. Particularly the election coverage involves close interaction with crowds, politicians, and fellow journalists.

To protect yourself but also to avoid spreading the virus yourself, you should:

- Wash hands regularly with running water and soap, sanitize hands and equipment.
- Avoid close contact with anybody with symptoms, such as coughing, shortness of breath, or fever.
- Preferably conduct interviews in an open area; ensure a safe distance between yourself and the interviewee. If possible, use a boom microphone.
- Wear a medical face mask.
- Seek medical advice or treatment if you develop symptoms. Self-quarantine to prevent infecting others is recommended.
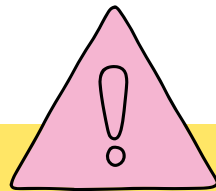
Quick Take for Reporters:

- Always carry essential documents such as identification cards, medical insurance card, press passes and accreditation cards.
- Carry emergency first aid kits and know how to use them.
- Wear clearly marked protective gear and display it prominently.
- Maintain regular communication with employer, colleagues, and have an exit plan.
- Observe all safety protocols on COVID-19, including wearing of personal protective equipment, sanitizing and social distancing.

Appendices

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Acknowledgements

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Kenyan Partner Grand Wave Consortium (GWC)

GWC is a consortium of radio stations spread across Kenya that have a diverse national culture and are deeply invested in locally produced programming and media content. Currently, the network includes 12 stations and has a collective reach of over 15 million listeners.

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How to report on the General Elections 2022:
A resource book for journalists

Authors: Ken Bosire, Gwendolin Hilse-Lardner