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

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

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

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

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

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

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

- There is no national strategy on the protection of journalists within government institutions, the media industry or civil society.

- Improved security management and protection for journalists within media houses would be more cost effective for media owners in the long term than the financial implications of ad hoc responses to emergencies and actual attacks and injuries.

- The general public will benefit from improved reporting by journalists operating in a free and safe environment since they would not have to fear persecution for reporting on sensitive matters.

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

KENYA MEDIA PROGRAMME

APRIL, 2013
### Abbreviations

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

A journalist

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

Safety

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

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

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

It is important to safeguard journalists and media workers from attack, as well as combating the impunity of perpetrators. This is essential to preserve the fundamental right to freedom of expression, guaranteed by Article 19 of

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Barry, James (2002) in . UNESCO Publications:
the Universal Declaration of Human Rights. Indeed, freedom of expression is vitally important for citizen participation, dialogue and democracy, which empowers populations and makes sustainable development possible.” (UN interagency meeting (UNESCO, 2011).²

The International Press Institute has noted that since 2000, over 900 journalists have lost their lives in the course of their duty.³

Security

‘Security’ refers to ‘the freedom from risk or harm resulting from violence or other intentional acts. In other words, security is what the individual and the organizations will be doing to assess risks and consciously implement measures to mitigate the same risks which amount to security management. In practice, among organizations and media, the safety of journalists could mean and apply to both non-human and human made threats. Therefore, in this report we use ‘safety’ to include ‘security’ aspects.

Protection

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

Risk

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

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² The safety of journalists and issues of impunity, 13-14 September 2011, UNESCO HQ Paris
³ The International Press Institute (IPI)
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Acknowledgements

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

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

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

1. **Mr. Francis Peter Muroki**: Assistant lead researcher and in charge of the greater Nairobi, including Kiambu, Narok, Kajiado and Thika;
2. **Mr. William Khayoko**: Nyanza and Kisii;
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4. **Mr. Wealth Wakhaya**: Eldoret and Kitale;
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6. **Mr. Bob Odalo**: Machakos, Kitui, Makueni and Garissa;
7. **Mr. Muthui Mwai**: Nyeri, Kirinyaga, Murang’a, Isiolo and Marsabit;
8. **Mr. Njuguna Mutonya**: Kilifi, Kwale, Malindi, Lamu, Garsen, Hola and Mombasa.

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

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

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

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

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

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

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

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

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

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

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

The journalists felt that media houses lacked the resolve and will to investigate violations committed against their reporters. It was futile, they said, to expect the authorities to investigate attacks on journalists especially when the perpetrators were public figures. It also appeared, from the findings, that media associations and the Kenya Union of Journalists lacked the capacity to protect journalists.

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

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

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

Majority of respondents who reported receiving work-related threats linked them to politicians and political goons, and some unethical editors. It can be inferred from this that the political beat was the most dangerous particularly during election campaigns. Other high risk assignments related to corruption, land and issues relating to local leaders, especially politicians.
The findings suggested that there were two levels of reporting complaints when journalists faced a safety threat; namely, editors or employers and the police. However, not many of the respondents were satisfied with the response mechanisms and they did not trust that their complaints would be adequately addressed. This could be because most editors and employers were ranked very highly as sources of threats to journalists.

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

Conclusions

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

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

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

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

IV. **Mobilize resources**: It is vital that financial and human resources to support the implementation of this integrated national safety and protection programme be mobilized. Further, international support, buy-in and facilitation would be a benefit in ensuring that this intervention draws upon international best practices.
1.0 Introduction

1.1 Background to the survey

A number of journalists have recently been harassed and their equipment confiscated by state authorities and political goons.

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

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

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

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

More importantly, this survey draws inspiration and strength from our country’s progressive Constitution that was promulgated on August 27, 2010. The Constitution has an elaborate and liberal Bill of Rights and, in particular, the stellar and empowering Article(s) 33-34-35-36 that entrench Freedom of Expression, Press (Media) Freedom and Access to Information to all people in the laws of Kenya.
The issue of journalists and media professionals’ safety and protection is critical if not paramount as Kenya starts its transition into a vibrant democratic and inclusive society. Journalists must fully benefit from the new dispensation where basic human rights, the rule of law, transparency and good governance will reign supreme.

Scope of work

The baseline survey was a national undertaking and covered eight major regions with a bearing on ensuring inclusion of the country’s 47 counties. A number of stakeholders were involved in data collection, including the Media Council, Kenya Union of Journalists, Kenya Correspondents Association, AMWIK, KEG and MOA, human rights defenders, individual media houses and individual journalists and members of the journalists’ safety and protection working group.

The baseline survey explored safety and protection issues, support mechanism and existing protection and vulnerability gaps in the media sector, with a particular focus on:

- Journalists’ and media houses’ security awareness, risks behaviour and self-protection;
- Employers’ policy with regard to the security and protection of their journalists;
- Legal framework; including laws, policies or guidelines in place to strengthen the protection of journalists relevant to Kenya;
- Safety from organised gangs, and security agencies: which policies are in place to guide the work of the security agencies vis a vis journalists?
- How the justice system is investigating cases of attacks against journalists.
- Mapping of the nature and types of attacks and harassment, geographical distribution and types of existing response mechanisms.
- Practical and specific recommendations to address the situation.

1.2 Methodology

The survey was carried out at five levels:

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

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

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

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

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

1.2.1 Sampling

The sample was randomly selected. The Media Council of Kenya has a data bank of about 2,205 journalists from across all media categories and regions in Kenya. This formed the population and sampling frame of the study. The formula below was applied to calculate the desired sample size.

Multi-level sampling was applied to capture the variance in the heterogeneous population, sub-population, strata or cluster.

1.2.2 Data analysis

A variety of methods were used as follows:

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

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

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

2.1.0 Security risks and threats

2.1.1 Security threats and source

- Ninety one percent (91%) of the respondents indicated they had faced a security threat during the course of their work. Forty-one percent (41%) said these threats came from politicians while another 34% indicated that the threat came from organised groups. 8% of the respondents indicated that they faced threats from business people, 4% from their employers whilst 3% organized goons and religious groups respectively.

- That threats from politicians and political goons are the biggest threats to journalists especially during elections times is an indication for the special attention and measures to be employed by media houses during election related events. Other high risk assignments related to corruption, land and issues relating to local leaders to speaks to why business people, who in most cases are property owners or always in the process of acquiring property are second in terms of threats to the media.

2.1.2 Frequency of threats

- About half (53.9%) had been threatened at least once while another 19.1% had received threats more than five times. 23% had never received any threat during their journalism career.

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

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

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

2.1.3 Establishing reasons for threats

Two-thirds of the respondents (66.3%) indicated they had found out why they had been threatened. The remaining third either had not or chose not to answer. Why they failed and did not seek to find out why they were threatened could indicate either fear or helplessness or they determined it was a minor threat or of a nuisance value. Similarly, the fact that more than 50% of the respondents found it prudent to establish why they received threats, is a confirmation that journalists are concerned about their safety, they are able to identify risks and possibly mitigate them. The 28.7% cadre that failed to follow up on wanting to know the forces behind the threats again indicates some level of ignorance or casual manner in which media deals with issues sometimes.

2.1.4 Threats Risk Levels

Forty-eight per cent of the respondents deemed the risk as serious, 10 per cent very serious and 35 per cent as not serious, 2 per cent as extremely serious whilst 5 per cent opted not to answer.

2.1.5 Nature of threats

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

2.2.0 Risk threat response mechanism

2.2.1 Incident Reporting

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

2.2.2 Frequency of reporting

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

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

2.2.3 Reason for not reporting

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

2.2.4 First steps of action in emergencies

- Thirty five per cent of the respondents reported threats to their editor/media house followed by 22 per cent of the respondents who reported to the police, 14 per cent to the family while 8% reported to journalists’ safety and security agencies. 10 per cent did not answer.
These findings are illustrative of the journalists’ expectations on safety and protection mitigation measures and procedures if not protocol. However, they could also point to the general fear and need for a better threat management process in the industry/profession, and certainly the urgent need to establish a national safety and protection mechanism that tracks, records and documents these threats for a better national redress and distress management processes.

2.2.5 Safety and protection measures enjoyed in the past

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

2.2.6 Skills on how to manage and mitigate risks and threats

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

2.2.7 Trained on journalists’ security and protection

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

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

2.2.9 Training on journalists’ security and protection

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

2.2.10 Presence of safety and protection plan in place in news organizations

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

2.2.11 Sufficiency of safety measures

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

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

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

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

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

3.0 Method of accessing the Internet

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

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

3.2 Advice to fellow journalists for their safety

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

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

3.4 Biggest pressure that can force journalists to release confidential information

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

![Pie chart showing biggest pressure to release confidential information]

3.5 Knowledge of organizations that support journalists facing repercussions because of their work

- Majority of the respondents (74 per cent) were aware of organisations supporting journalists in situations stifling their freedoms as journalists. Only 15.2 per cent said they did not have any knowledge of such organisations while 10 per cent failed to answer this question.
3.6 Organisations known for supporting journalists facing repercussions because of their work

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

3.7 The biggest threat to media freedom and independence of the media and journalists in Kenya today

- Government and media houses’ commercial interests are considered the biggest threat to media freedom in Kenya with respondents showing concerns at 31% and 30% respectively. 21% of the respondents indicated that the safety of journalists poses a threat to freedom of expression and media freedom in Kenya. 7% reported that professional challenges including professionalism and ethics were a factor while 11% did not respond.

- The identification of media houses’ commercial interests as a major worry and factor impeding media freedom by most journalists is a wake-up call for the media industry in Kenya. And perhaps calls to attention the question of editorial independence and the need to address the issues of a public service media that is both diverse and plural and addresses the question of voice poverty.
4.0 Conclusions and Recommendations

Journalists and media workers in Kenya face a lot of challenges in their professional lives. For reasons that they act as public watchdogs, they face special risks, including legal challenges, harassment and, sometimes, physical attacks in the course of their work and in the defence of the public interest.

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

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

Recommendations

A) Knowledge and awareness raising:

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

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

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

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

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

B) Development of a safety and protection national protocol, curriculum and training manual with relevant and domestic context to be used in media training institutions, media houses and related institutions. This will mitigate most of the current risks facing journalists.
C) Establishment of a safety and protection rapid response mechanism, including a safety and evacuation fund, hotline for reporting and systematic documentation of cases of harassment of journalists. Establish an efficient Steering Safety and Protection Group and/or Council to include international freedom of expression/media and human rights defenders support entities and organisations to;

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

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

(iii) Liaise and network with international safety and protection networks and associations, especially so, for international advocacy and lobbying and fund-raising activities and initiatives.

(iv) The National Safety and Protection Council must have a rapid response and surge capacity including the identification/appointment and establishment of a Protection Officer and necessary professional and administrative support.

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

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

F) The National Security and Protection Council should;

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

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

G) Ensure better documentation and sharing of information of cases of journalists in distress and support provided.
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A NATIONAL BASELINE SURVEY REPORT
Prepared for the Kenya Media Programme
Lead researcher: John Gachie
Safety and protection of Kenyan journalists: Is it common sense or common cents?