

Harsh media law casts dark shadow on Kenya

As Kenya prepares to mark her Golden Jubilee on 12 December, we are still lagging behind in tackling some of the challenges we face as a country. Freedom of expression as stipulated in Article 34 of our Constitution is under threat. Corruption and cheap politics still reign supreme.

By [Oscar Okwaro](#) 9 Dec 2013



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Articles 33 and 34 of our Constitution respectively grant the freedom of expression and a free press. The articles cover individuals as well as the media. The media under these provisions is guaranteed non-interference from the government as long as it does not infringe on the rights of other people.

The freedom guaranteed by our Constitution is however under siege. Corruption has permeated every aspect of our life. Reputable Institutions among them the police service, the Judiciary and ministries have fallen prey to the graft menace. The private sector has not been spared either.

Various reports released by bodies like Transparency International have always ranked Kenya among the most corrupt countries.

Bribes to kill stories

Untold stories abound of how brown envelopes exchange hands when journalists attend press conference. This has allegedly been extended to meetings with representatives of other organisations and public figures. All this is done to attract favourable coverage. There are also allegations that some journalists would be bribed to kill stories which if published would taint the image of certain politicians or advertisers.

KTN investigative journalists John Allan-Namu and Mohamed Ali were once offered a bribe of one million dollars in 2009 to drop a story. It emerged that the company in question was offering fake vehicle tracking services. The journalists turned down the offer and went on to expose the company's fraudulent activities. They also disclosed the attempts the rogue company made to bribe them. This expose left an unanswered question, how many journalists have accepted bribes? Media literacy is an issue of great concern in Kenya.

The average Kenyan perceives information disseminated by the media as gospel truth. Media literacy is important since it enables one to analyse and evaluate content churned out via different media platforms. One is able to distinguish between truths and falsehoods.

Lack of media literacy

Lack of media literacy compels most Kenyans to accept everything the media disseminates. This is a dangerous path to take since messages can be tailored with ulterior motives to influence the masses.

Ignorance has left many people in the dark in terms of the limits of their freedom of expression and the power they have. Every year, numerous crimes go unreported simply because those affected do not know the channels to follow. It is even surprising that some Kenyans do not know their leaders. Interference from politicians and the government plays a major role in promoting or curtailing freedom of expression.

The Kibaki administration made remarkable strides in the expansion of our democratic space, but the regime had its share of controversies. The infamous raid on the Standard Group by masked gunmen in 2006 has remained a legendary assault on media freedom in this country.

And now, the Kenya Information and Communications (Amendment) Bill 2013, popularly known as the Media Bill has dealt the media another serious blow.

Bill passed

Last week, Parliament passed the bill without changing the draconian clauses that the media is opposed to. One of the contentious sections of the bill is the formation of a powerful Communications and Multimedia Appeals Tribunal to handle regulatory matters.

The roles of the tribunal include receiving complaints and delivering judgement over contravention of provisions stipulated by the Communications Authority of Kenya or the Media Act.

The other contentious issue in the bill is the move to impose fines of up to Sh20 million for media houses and one million shillings for individual journalists.

A remaining thorn in the flesh

Under the bill, journalists too risk being suspended or completely barred from practising. This is an unacceptable state of affairs. The media's watchdog role cannot be taken for granted. It is ironic that the media is being gagged when it has fought for democracy over the years.

As Kenyans prepare to mark 50 years of independence, bribery, corruption and media illiteracy remain a thorn in our flesh. I exude confidence that although history might judge our leaders harshly, our journalists will have the last laugh. In the meantime, Kenyans should not be so blind not to recognise our achievements so far.