



Kenya Union of Journalists

Affiliated to the Central Organization Of Trade Unions (COTU) and the International Federation Of Journalists (IFJ)

April 12, 2022

To all Media Houses

STATEMENT BY KENYA UNION OF JOURNALISTS ON THE ESTABLISHMENT OF THE TECHNICAL WORKING GROUP BY THE MINISTER FOR ICT.

On 8th April 2022, the Cabinet Secretary for Communication, Information and Technology issued a gazette Notice establishing the Technical Working Group on Local Media Gubernatorial, Senatorial and Women Representative Debates.

The Kenya Union of Journalists has reviewed the Gazette Notice for its full tenor and import and wishes to state as follows:

Conducting political debates for all the positions in the upcoming general election is a very important part of the electoral and democratic discourse. Coverage and facilitation thereof is a programming and editorial functions at the heart of all media, and interests all media houses be they national, regional, community or local language.

Indeed, media industry players, under umbrella of the Kenya Media Sector Working Group have been seized of this matter and have over the last one year put in place mechanisms to ensure the media covers the general election slated for August 9 objectively to help the public make informed choices.

In line with **Section 108 of the Elections Act, which requires that all candidates and political parties participating in an election shall be allocated reasonable airtime on all broadcasting media during the campaign period**, a team was established to organize presidential debate and plans are on going for debates for other candidates.

In our view, setting up the Technical Working Group in the manner and under the structures on which it is contemplated to operate is unconstitutional illegal and untenable for the following reasons:

a. The functions, powers and obligations of the technical working group is not only an encroachment into the programming and editorial matters of Media Houses and usurpation of the mandate of other media sector players, Moreover, the process is parallel to the initiatives by other media sector players. The objectives, functions and operations of the Committee expressly contravene the provisions of Article 34 (2) of the Constitution.

2) The State shall not—

(a) exercise control over or interfere with any person engaged in broadcasting, the production or circulation of any publication or the dissemination of information by any medium;

b. The gazette notice provides for the involvement of the Media Council of Kenya in coordination through provision of secretariat facilities for the Committee. This mandate directly places the Council in conflict with its normative and legal mandate as a regulator. Section 6 which prescribes the functions of the Media Council deliberately excludes the Council from involving in programming issues as the Council cannot simultaneously be a regulator and operator of the Media.

c. The process and criteria upon which the Working Group was established is not clear. This violates the principles of inclusion, transparency and accountability are directly put the Cabinet Secretary in new production in media houses.

The Union calls on the Cabinet Secretary to rescind the gazette notice and allow the necessary democratic institutions and the media to conduct their democratic responsibilities without apparent interference by the government.

Erick Oduor



Secretary General