

Summary Report Release, July 2017

1.0 Introduction

Election Observation Group (ELOG) is a long-term and permanent national platform for Civil Society Organisations (CSOs), Faith-based Organizations (FBOs) and other key stakeholders interested in promoting citizen participation in the electoral processes, through non-partisan, impartial domestic observation and objective reporting of the forthcoming general elections as well as future elections in Kenya and Africa.

As part of monitoring the broad electoral environment, ELOG identified media monitoring for hate speech as one of the strategies to employ in implementing its observation mandate. The strategy monitors, by use of various techniques, hate speech and inflammatory language through the media, with the aim of informing mitigation by relevant state-actors. The project is funded by the National Democratic Institute (NDI) and implemented by the Elections Observation Group (ELOG) secretariat on behalf of the ELOG steering committee. Monitoring started on 2nd of May and since then a number of reports have been prepared and shared with different stakeholders.

This report falls within the period of May 2nd to July 30th and aims at:

- i. Sharing with the public, media and stakeholders some of our important findings and analysis of hate speech and inflammatory language within the project domain.
- ii. Promote dialogue among state and non-state actors on the composition and consequences of hate speech and inflammatory language in Kenya.
- iii. Call to action state agencies responsible for enforcing law on the subject matter.
- iv. Promote research on the subject especially in relation to elections.

2.0 *A summary of the key findings after two months of monitoring*

- A total of 28 hate speech and inflammatory language incidences were received during the months of May and June. This emanated from across the country but were prolific in counties like Nairobi, Kilifi, Uasin Gishu, Narok, Kakamega, Bungoma and Machakos. These statistics are however not representative of the whole country.
- These incidences were perpetrated mostly by candidates/aspirants and state officers. This can be attributed to intensified campaigns however, some of the incidences were reckless utterances by politicians targeting IEBC staff because of their tribal affiliations.
- There were a number of cases where the perpetrators were radio presenters. In one of the incidences an opposition candidate was ridiculed, insulted and stereotyped by presenters in a morning program, for joining the opposition after losing in the jubilee party

Media monitoring for Hate Speech: A Report release for May and June, 2017.

primaries. The reported act also involved playing mocking songs and telling the politician off.

- Moreover, while in mostly all cases the victims were male, except for 2 counts (04%) reported under Radio outlets, there were also cases where the victims were communities or supporters of one or another party. For example, there where hate speech incidences targeted at Jubilee supporters by opposition candidates and the vice versa. In areas like Uasin Gishu Kikuyu communities were targeted for being seen to support an independent candidate. In Kilifi, threats of a possible post-election violence were uttered in case elections were NOT free and fair.
- In other trends, some radio stations (e.g. Kass FM and Kameme FM) were involved in exclusively propagating what can be deemed as government (Jubilee Party) agenda in complete disregard of the existence of the other side of the political divide.
- It is observable that most incidences happened in May and the first two weeks of June.
- However, the number of incidences reported per outlet per week dropped towards the end of June. For example, the third week of June produced 0 incidences for Radio and print and 1 for TV. Whether this is an indicator of a calm environment is for comparative analyses and perhaps further monitoring and research to ascertain.
- Moreover, most of the occurrences happened in a period of heated campaigns by both the government, opposition and independent candidates (these are not necessarily opposition), which led to altercations and in some cases serious incidences of hate speech and inflammatory language as exemplified below:

The case of Uasin Gishu County pitting Jackson Madango (the sitting Governor, Jubilee) and Ezekiel Bundotich aka Buzeki (opponent, Independent Candidate) reported on June 8th was hereby considered a serious (*dangerously inflammatory*) hate speech incident. In this regard, more than 5 incidences were received. In the one below, there was a veiled attack on the Kikuyu community living in the area:

Selected Dangerously Inflammatory Incidences

<p>Reported on June 8th Perpetrator: Jackson Madango (Uasin Gishu Governor).</p>	<p>On the headline "Storm in the Rift". Governor Jackson Mandago- Usain Gishu threatened to lead rebellion against Jubilee party if it failed to denounce its independent candidates with immediate effect with reference to Ezekiel Bundotich who is the independent candidate. He stated "Kura 100 ikienda kwa "nini" (meaning ballot box), hata hizo zingine tutaambia raia "Ata hizo zingine mnaeza amua vile zitaenda. Kwani lazima tuwe na serikali? Lazima? In the same segment, he adds "Tumepeana county hii, kila ward 4.5million. Badala upatie watoto wa Langas, wanaenda kuleta watoto</p>
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	Naivasha, Nakuru, na Gilgil. Na hata saa hizi, wamejaza Mungiki hapa. Na tunajua, na tunawaona macho hapa, macho kwa macho, na wacha niwaambie...hatutishwi, hakuna, hakuna, hakuna. Vitisho hatutishwi!
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An example of another incident considered *dangerously inflammatory* was reported of Junet Mohamed based on utterances in an opposition rally in Kilifi whereby he is quoted as follows:

Reported on 8 th June. Perpetrator Junet Mohamed of NASA.	<p>During the news segment at 2100hours on KBC, Junet Mohamed is quoted as having uttered the following words in Mariakani Kilifi in a meeting of NASA leaders: ".....Jambo ya pili Jubilee ni wale wakurutu. Kazi yao ni kuiba mashamba ya watu. Wakiiba mashamba hapa Mariakani, William Ruto anaona hiyo ni yake tu. Sasa mnaeza chagua wezi? <i>Hapa tunataka kuchagua Raila Amollo Odinga. Ya mwisho ni ya kusema, tarehe nane, mungu akitufikisha, tunataka tutoke wote, tupige kura kwa maana. Na tunataka wote tulinde hiyo kura kwa nguvu. Safari hii, hatuendi Supreme Court. Jubilee wakiiba kura yetu, tunamalizana nao hapa Kilifi.</i>"</p> <p>A clip on this exists on You Tube: https://www.youtube.com/watch?v=0mtNeiEWqj4&feature=youtube_g_data_player.</p>
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ELOG reported these, together with other incidences to Uwiano, NCIC, KNCHR, and Media Council. Some of these agencies shared the report widely especially with security organs with clear calls for action.

3.0 About the Project: Defining key Terms and Methodology

This section will help you understand the project better. After this you will find a more detailed report on the last section together with recommendations.

In order to effectively and efficiently monitor hate speech and inflammatory language ELOG developed a hate speech occurrence form. This form is coded in such a way that it easily guides the monitor in capturing incidences of hate speech as they occur. Some of the major components of the form include the media outlet being monitored, the time of the occurrence, the genre of the media outlet, the victim, and the perpetrator. The form also seeks to interrogate whether the reported incident is related to the current elections or just a general incident.

ELOG applies hate speech according to the definition provided by the NCIC Act 2008 (revised 2012), which defines hate speech in the terms that it is anything [or anyone] that “uses, displays, publishes, distributes, shows or plays threatening, abusive or insulting words or behaviour

Media monitoring for Hate Speech: A Report release for May and June, 2017.

(including written material, programs, visual images, recordings or plays), with the intent “to stir up ethnic hatred, or having regard to all the circumstances, ethnic hatred is likely to be stirred up.”

Beyond this definition, ELOG has gone further and crystallised hate speech in three categories i.e. somewhat inflammatory, inflammatory and dangerously inflammatory. These categories are important in defining what form of hate speech is being reported and the level of its intensity. These categories are:

- *Somewhat inflammatory*: this is low intensity hate speech, which has no call for action but it creates a negative image of the targeted victim.
- *Inflammatory*: this is hate speech of medium intensity, and among others has a dormant call for action.
- *Dangerously inflammatory*, which ELOG considers as the highest intensity of hate speech as it has the strongest potential to lead to violence and or discrimination.

ELOG media monitors fill out the hate speech occurrence form every single time they hear, watch or read an instance of hate speech during their monitoring time frame. In this regard, ELOG is monitoring both electronic (radio and TV) and print media as indicated on the table below. This is done in what is called real-time monitoring and mapping, which has the advantage of serving as early warning mechanism.

Each monitor is allocated a specific media outlet which he/she monitors throughout the week. In order to do this efficiently radio media is monitored during morning hours (6am – 11am) which is considered prime time for radio; TV is monitored in the evening (6pm – 11pm) which is considered primetime for TV while print media is monitored during the day. Any incidences thereof tracked are reported immediately.

Moreover, hate speech incidences are serious incidences, which require immediate action, especially in cases where they are dangerous and have the potential to lead to violence. In order to ensure speedy realisation of results, the project utilises the open data kit (ODK) as its reporting strategy. The ODK is presented in form of an App thus making it easy for the media monitor to access from their android phones and send reports. The ODK has the advantage of working both on and offline in such a way that the user can save work offline and be able to forward (report) when online. ELOG media observers were trained on how to utilise this reporting tool.

Once the data is received by the ELOG server the ELOG media monitoring for hate speech data analyst is responsible for analysing and triangulating data. Based on the ranking criteria above the analyst ranks incidences accordingly. Where there are gaps, the analyst in consultation with the project leader make follow up queries with the monitors where the first step is to determine

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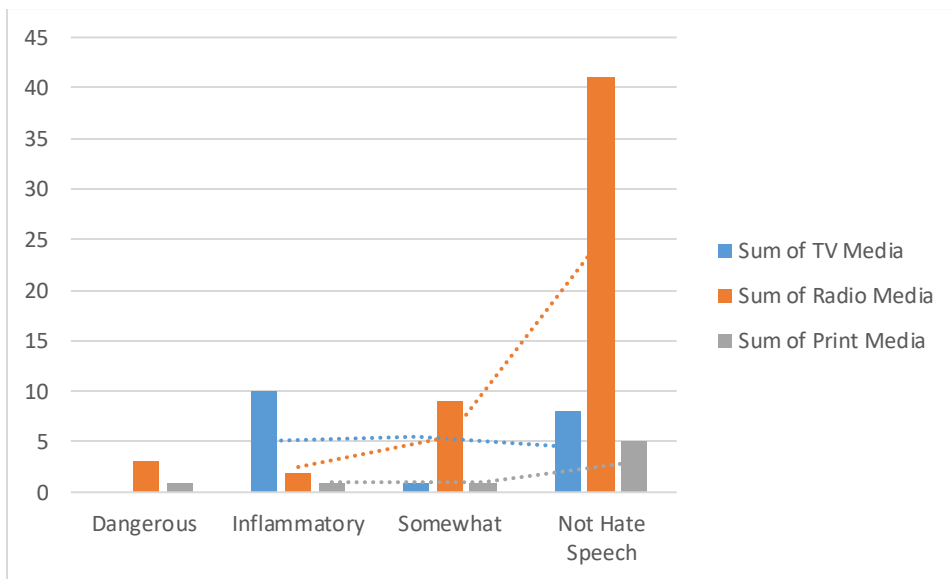
whether the reported incident qualifies to be a hate speech incident. Hate speech incidences are then tabulated and ranked accordingly.

Furthermore, ELOG has in place a media monitoring unit with the aim of providing the monitors and staff involved in this work with the right environment for media monitoring. The monitors implement their mandate from this unit. This kind of centralisation ensures quality of work, and efficiency. The unit contains 5 TVs, 10 mobile phones for monitoring the radios and for ODK reporting; 4 daily print newspapers, head phones and earphones, 4 laptops, SD cards and flash disks.

4.0 The characteristic Period between, May and June: Important Statistics and Analyses

The total number of incident reports¹ received were 82. Out of the 82, only 28 were categorised as hate speech and or inflammatory language based on ELOG definition of the same. The rest were regarded as just abusive language or a general exercise of freedom of expression. These are as shown on Figure I below.

Fig. I: Sum of incidences reported under each media outlet



¹ An incident report is a general report about a conceivable hate speech occurrence. It is only considered hate speech if it meets ELOG's threshold of hate speech and inflammatory language as defined elsewhere in this write up.

Media monitoring for Hate Speech: A Report release for May and June, 2017.

It is deducible from figure one above that 4 incidences were considered dangerously inflammatory, 13 were considered to be inflammatory and 11 somewhat inflammatory. Furthermore, more incidences were reported via the radio followed by TV and then print media. Equally, radio media produced the most dangerously inflammatory statements.

Other important highlights are as follows:

4.1 Electronic Media

Under electronic media, ELOG monitored both sampled outlets of TV and Radio stations targeting both mainstream and community FM stations as highlighted below.

I. TV

ELOG identified 5 TV stations at project inception based on their popularity, strength and length of coverage, viz NTV, KTN, KBC, K24, and Citizen TV. Moreover, the following number of incidences were reported via these stations.

i. Incidences

Table 1: Count of TV incident reports received May/June.

No of Count	Total Count(s)	Count %
Not Hate Speech	08	42%
Somewhat	01	05%
Inflammatory	10	53%
Dangerous	00	00%
Grand Total	19	100%

This means that 11 hate speech and inflammatory language incidences (equivalent to 58%) were reported. 53% percent of these were categorised as inflammatory, meaning that they were of moderate intensity and had a dominant call for action.

Figure 2: shows range of speech under which particular hateful utterances fall in terms of selected categories

Media monitoring for Hate Speech: A Report release for May and June, 2017.

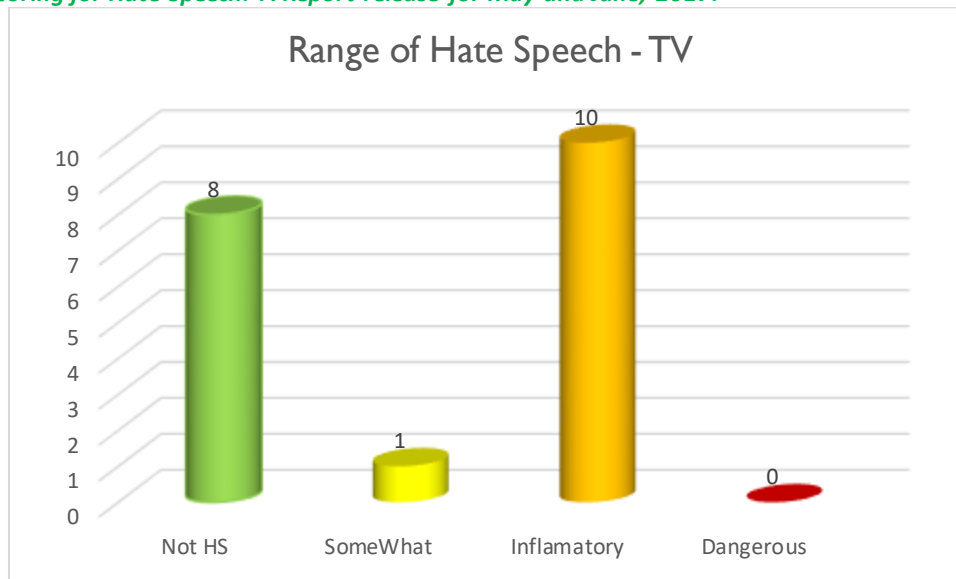
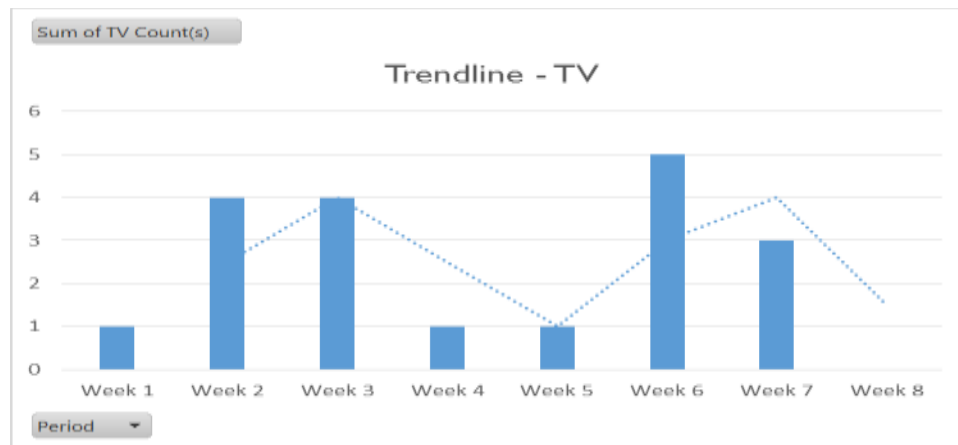


Figure 3: Count of TV incident reports received for 8 weeks of monitoring



The above diagram (Fig 3) clearly indicates the number of incidences received per week for 8 weeks. This is indicative of the unpredictability of the context being monitored. It is also indicative of the observable fact that media houses are also being careful on what is aired/carried via their various outlets.

Under TV outlets, the victims were varied (i.e. Kuria, Mijikenda, and Maasai) at 84%, to Kalenjins at 11% and finally Luo at 05%. This is indicated by the table below. Moreover, in terms of gender men formed the highest number of individual victims at 55%. There were no women individual victims. The others were either communities or there were no clear victims.

See Table 2 for more details.

Media monitoring for Hate Speech: A Report release for May and June, 2017.

ii. **Table 2: Target/Victim(s)**

Community(ies)	No of Count	Count %
Kalenjin	02	11%
Luo	01	05%
Others (i.e Kuria, Mijikenda, Kajiado)	16	84%
Grand Total	19	100%

iii. **Table 3: Gender of Victim(s)**

Community(ies)	No of Count	Count %
Female	00	00%
Male	11	58%
Both	08	42%
Not Applicable	00	00%
Grand Total	19	100%

iv. **Table 4: TV Perpetrator(s)**

As indicated by the table below nearly all the perpetrators were candidates the number standing at 14 count against a total of 18.

Individual(s)	No of Count	Count %
Candidate(s)	14	74%
Public Figure	01	05%
Party Supporter(s)	01	05%
Media Personality	01	05%
Voter / private citizen	01	05%

Media monitoring for Hate Speech: A Report release for May and June, 2017.

II. Radio

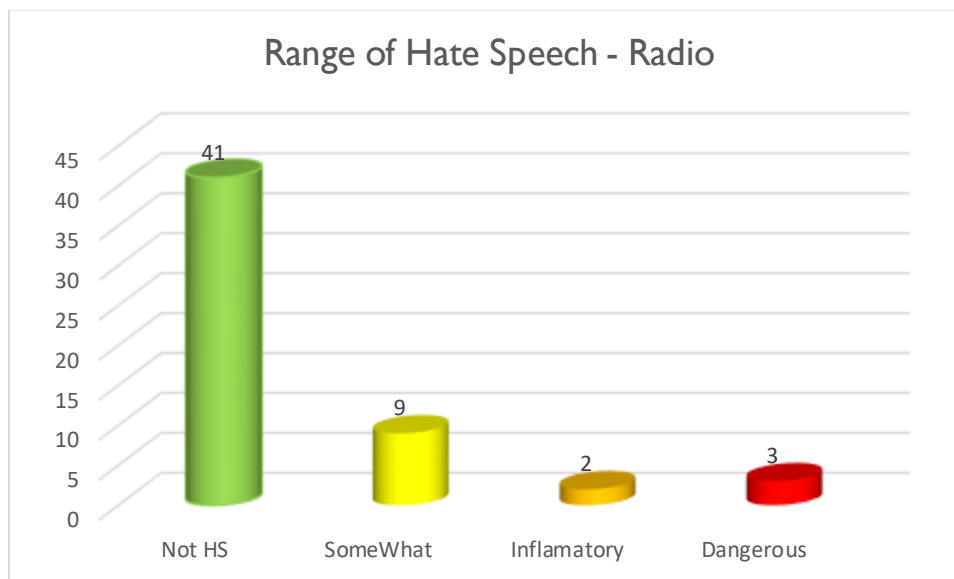
ELOG identified 14 radio stations for purposes of monitoring hate speech in the country. These were identified based on their target community and how big this community is, their political affiliations in terms of ownership and their listenership. These stations are: Citizen Radio, Radio Jambo, Kameme FM, Inooro FM, Mbaitu FM, County FM which broadcasts in Kitui, Radio Rahma, which broadcasts in the Coast, Ramogi FM, Radio Lake Victoria, broadcasting from Nyanza, Kass FM, Chamige FM, Ingo FM, Mulembe FM, and Ghetto Radio.

These following incidences have been drawn from the radio outlets:

i. Incidences

This section of the media produced the highest number of incident reports and incidences of the entire media. A total of 55 incident reports were produced. Out of this 15 (25%) were hate speech and inflammatory language occurrences. These are as categorized in the figure below.

Figure 4 (Radio): shows range of speech under which particular hateful utterances fall in terms of selected categories.

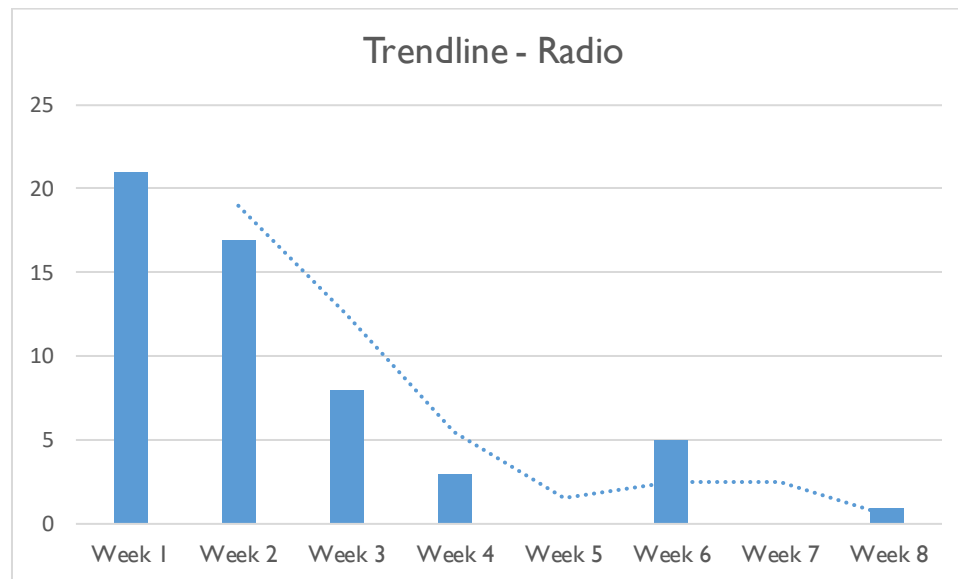


9 out of the 11 occurrences were categorised as somewhat inflammatory, while 3 were dangerously inflammatory. 2 met the remaining category of medium intensity i.e. inflammatory.

Media monitoring for Hate Speech: A Report release for May and June, 2017.

The count indicating frequency of incidences per week is as indicated on the table below. It is observable that there was a reduction in the number of incident reports received, week 6 being the only exception with 5 incidents.

Figure 5: Count of Radio incident reports received for 8 weeks of monitoring



ii. **Target/Victim(s)**

Most of the affected victims lay mainly within the “other” category of the questionnaire which included aspirants, political parties, individuals, IEBC and political candidates. See table 4 for more details.

Again, like under the TV outlets, most of the reported victims are male (at 51%) as indicated on table 6 below on gender of victims, while 04% were women.

Table 5: Target Victims

Community(ies)	No of Count	Count %
Luo	03	02%
Kamba	08	15%
Youth	08	15%
Luhya	03	05%
Kalenjin	03	05%

Media monitoring for Hate Speech: A Report release for May and June, 2017.

Women	01	02%
Others (i.e Aspirants, Political Party, Individuals, IEB, Candidates)	29	53%
Grand Total	55	100%

iii. **Gender of Victims(s)**

Table 6: Gender of Victim(s)

Community(ies)	No of Count	Count %
Female	02	04%
Male	28	51%
Both	07	13%
Not Applicable	18	33%
Grand Total	55	100%

iv. **Table 6: Radio Perpetrator(s)**

The table below indicates the count of perpetrators for each variable. It is observable that public figures and public officers are the biggest perpetrators at 27% and 20% respectively. Political candidates follow with 15%. Radio presenters are also ranked number four at 13% with 7 counts.

Individual(s)	No of Count	Count %
Candidate(s)	08	15%
Public Figure	15	27%
Public Officer / State Officer	11	20%
Community Leader	01	02%
Presenter	07	13%
Party Supporter	05	09%
Media Personality	01	02%
Voter / Private Citizen	05	09%
Others(Elgeiyo Marakwet resident & Busia Community)	02	04%
Grand Total	55	100%

4.2 Print Media

Media monitoring for Hate Speech: A Report release for May and June, 2017.

Media monitoring for hate speech under this category targeted the four main dailies i.e. the Daily Nation, the Standard, the Star and the People. These are the main newspapers in the category whereby while the rest are widely distributed, the people is given freely within major towns.

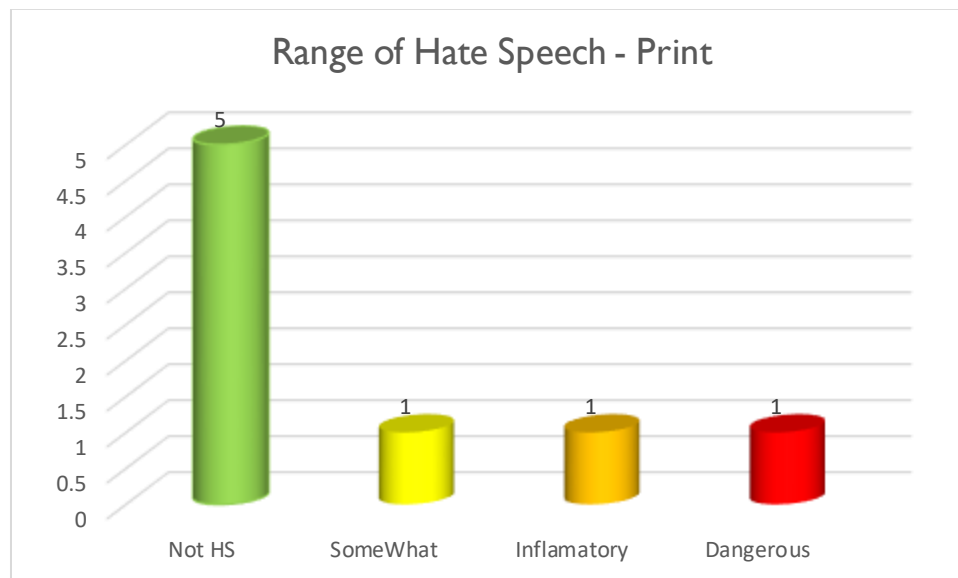
From these 4 newspapers only a total of 8 hate speech incident reports were received. Out of these only 3 qualified for categorization as hate speech incidences. This is as tabulated below.

i. Incidences

Table 7: Summary of the Print Incident Count Monitored

No of Count	Total Count(s)	Count %
Not Hate Speech	05	63%
Somewhat	01	13%
Inflammatory	01	13%
Dangerous	01	13%
Grand Total	08	100%

Figure 6: Graphical tabulation showing the range of speech under which particular hateful utterances fall in terms of selected categories



5.0 Important Observations and Recommendations

Based on the above findings and analyses, ELOG makes the following observations:

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- I. There are clear cases of failure by candidates to adhere to legal statutes governing electoral conduct and campaign period including utter disregard of the common sense principle of self-restrain even in obvious circumstances.

Such offences are governed under the Elections Act (2011), under Section 72 (election offence by candidate or political party) and the Second Schedule (Electoral Code of Conduct), which regulates the process and conduct of elections in Kenya. These statutes prohibit any person from conducting political campaigns using threatening, abusive or insulting language or engaging in any kind of action which may advocate for hatred, incite violence or any form of discrimination.

Section 72 (of the Elections Act) mandates the Commission (IEBC) to take stern measures on such perpetrators to the extent of barring or disqualifying candidates from contesting.

The Commission is proving to be very slow in enforcing these provisions even in cases where there are clear offences. This is basically setting a wrong precedence simultaneously putting the country on a path to electoral violence and related uncertainties come the August VOTE. ELOG urges the commission to up its game and address criminal acts as such. Immediate response will prove as the most sustainable deterrence mechanism.

- II. ELOGs recommends that the NCIC, as the body charged with the mandate of ensuring enforcement of the NCIC Act, 2008 (revised in 2012) takes up these reported incidences for further investigation and action. In this regard, ELOG is ready and willing to proffer more details where and when necessary to promote smooth and efficient fast-tracking of these and other related cases.

Even then, NCIC just like IEBC seems to be dillydallying where the so called “big fish” are involved. In the interest of maintaining peace and calm during the elections period, hate speech incidences, especially dangerous ones which have the potential to lead to violence need be sorted out immediately.

- III. Further, abusive language can lead to hate speech, potentially resulting to violence thus preventing certain pockets of communities from participating in elections. Subsequently, the credibility of not just the process but also the final outcome of the elections will be affected. As such, it is recommended that all stakeholders involved in observing or monitoring elections should coalesce in one focused platform to exchange findings and establish fact-based pressure groups to advance for not just peaceful, but free, fair and credible elections.



Media monitoring for Hate Speech: A Report release for May and June, 2017.

- IV. Moreover, the Media Act No. 3, 2007 through the regulations code of conduct for the practice of journalism in Kenya, prohibits quoting or giving air time to persons making derogatory remarks based on ethnicity, race, creed, colour and sex. It is notable that based on this report, a number of journalists, especially those from private outlets are engaging in acts contravening this code of conduct. We recommend that action be taken as may be necessary.

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An ELOG Project Funded by NDI, 2017.
Leo Mutisya, Project Lead.