

ENHANCING THE ROLE OF MAINSTREAM MEDIA IN THE ELECTORAL PROCESSES



**Elections
Observation
Group**

CREDIBLE, PEACEFUL, FREE AND FAIR ELECTIONS



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ABBREVIATIONS

EMB	Electoral Management Body
EOM	Election Observation Mission
EU	European Union
FPE	Fresh Presidential Election
GE	General Election
GECOM	Guyana Electoral Commission
IEBC	Independent Electoral and Boundaries Commission.
ICT	Information Communication Technology
IPC	International Press Centre
IWPR	Institute for War & Peace Reporting
KBC	Kenya Broadcasting Corporation
LTO	Long Term Observer
MCK	Media Council of Kenya
MMU	Media Monitoring Unit
MOA	Media Owners Association
NASA	National Super Alliance
NENR	Nigerian Election News Report
OSU	Operation Support Unit
PSU	Public Support Unit
UNDP	United Nations Development Program

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Regina Opondo

Chairperson, ELOG Steering Committee

EXECUTIVE SUMMARY

The media plays an important role throughout the electoral process. In addition to promoting public debate and educating citizens, they are expected to monitor the integrity of the process and can be a primary vehicle for accountability.

While the centrality of the role of media in the electoral process and the need to safeguard its independence is appreciated, it was clear that the government has made several attempts to interfere with its independence through the use of underhanded tactics. This involved accumulating debt for services offered and withholding funds for the Media Council of Kenya.

This brief, which is based on desk research, identifies and addresses the main challenges faced by the media in the electoral process. The brief's main findings indicate that the primary challenges are related to a lack of appreciation that the media plays a role throughout the electoral cycle and should therefore, be included all through. It also found that despite the numerous gains made, the government still interfered significantly in the freedom of media.

“ *Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter* **”**

- Thomas Jefferson

INTRODUCTION

The media serves a critical role throughout the electoral process. In addition to providing a platform for debates among candidates, allowing candidates to communicate their messages to the electorate, reporting on campaign developments, and educating citizens, they monitor the integrity of the process and they can be a primary vehicle for accountability demands. The media is essential to democracy and a democratic election is impossible without the media.¹

A free and fair election is not only about the freedom to vote and the knowledge of how to cast a vote, but also about a participatory process where voters engage in public debate and have adequate information about parties, policies, candidates and the election process itself to make informed choices. Media plays an outstanding role in creating and shaping of public opinion and strengthening of society. Furthermore, the media acts as a crucial watchdog to democratic elections. As discussions around enhancing the role of the media in the electoral process continues, it will be important for actors to make more proactive use of the electoral cycle approach and engage the media on a long term basis. The complexity of the nature of media engagement will need to be broken down as indeed, it remains a public relations tool for the different stakeholders it serves.

The media affects people's perspective and must therefore, maintain a high level of professionalism, accuracy and impartiality in their coverage.

While the function of media in society has evolved in recent years, primarily due to the digitalization of messages, the basic function of mass media has remained the same: to provide audiences with information they need and want to know, for both educative and entertainment purposes. Information from news media could have a “third-party endorsement” effect, which enhances its perceived credibility.²

Elections constitute a fundamental challenge to the media, putting its impartiality and objectivity to the test. In the electoral process, the voters have a right to receive information while candidates have a right to impart knowledge. The media ensures that the transfer of this information takes place in the fairest of ways. The media exercises this under the umbrella of freedom of media as granted by Article 34 of the Constitution of Kenya (2010).

While the Constitution guarantees freedom of the media, experiences from past electoral cycles have indicated that more needs to be done to enhance the capacity of the media to play their role more effectively. In his analysis of the performance of the media in the 2017 elections, Gathara noted that journalists did a good job of reporting on campaign rhetoric but seemed much less able and willing to unpack the policies and issues that various candidates were presenting³.

¹ MCK Guidelines for Election Coverage (March 2017)

² MCK Guidelines for Election Coverage (March 2017)

³ https://eeas.europa.eu/sites/eeas/files/eu_eom_kenya_2017_final_report_0.pdf

THE KENYAN EXPERIENCE OF THE MAINSTREAM MEDIA IN THE ELECTORAL PROCESS

In the run-up to the 2017 elections, the Media Council of Kenya developed election guidelines that reflected the Code of Conduct for the Practice of Journalism in Kenya, the requirements of the Constitution of Kenya (2010) and other pieces of legislation. The guidelines were meant to ensure proper coverage of the elections by the media. This was done with the understanding that communication practices influenced the public agenda. This was done through framing and agenda-setting theories with the expectation that the agenda being set was in the interest of the public and within the realm of the code of ethics.

At the heart of every election are three interlocking sets of rights⁴:

- The right of the voter to make informed choices;
- The right of the candidates to put their ideas across; and
- The right of the media to report freely and express its opinion on matters of public interest.

The Media Council of Kenya spelt out the duties of the media fraternity to citizens, candidates, and the nation in the 2017 election guidelines.



Source: *The Media Observer*

Duty to the Citizens

In an election, the media has a duty to provide coverage that gives the citizen sufficient, accurate and reliable information on electoral matters to enable them to make informed choices. The information helps to ensure that the voters know and understand their right to exercise their democratic duty, free from fear, intimidation or coercion.⁵ The media has a responsibility to debunk myths, stereotypes, and counter fake news.

For voter registration, the media ran paid-up adverts by the Independent Electoral and Boundaries Commission (IEBC), which called upon citizens to register as voters. These adverts were only common during mass registration drives as a way to sensitize the masses on the registration process.

⁴ <https://journalism.uoregon.edu/news/six-ways-media-influences-elections>

⁵ <https://theconversation.com/how-the-media-covered-kenyas-general-election-82324>

Information on the process of voting came from the IEBC. There was not much to add on to what the IEBC provided regarding the how of voting. The media disseminated the information through mediums that ensured that Persons with Disabilities all had an understanding of the voting process; radio adverts catered for the visually impaired, while television and print media sources catered for the hearing impaired. Some discussions sought to sensitize citizens on their civic duty of participating in elections. These bordered closely on campaigns.

Most of these discussions engaged the public through social media platforms where questions and comments were made, and read out during various shows, whereby panelists responded. The media would select panelists from different organizations that enriched debates and enhanced the learning experience for the audience.

There was extensive political campaign coverage before 8 August, though the broadcast media could have given more in-depth analysis. In some counties, there were televised debates among gubernatorial candidates and others, but at times such efforts by the media failed due to a lack of interest in the candidates. The highly anticipated 2017 presidential debate did

not offer voters the opportunity to compare the leading candidates as the incumbent President did not participate.⁶ The media did not perform as expected in helping Kenyans to understand details of the party manifestos, leadership qualities and past achievements of the competing political groupings; instead, they focused on the glamour, crowds and fake news by the rival groups.

The most significant criticism of the media was its failure to tally and publish the 2017 August election results from the polling stations and constituencies as declared by the IEBC officials. Even when the electoral body itself had in press statements and engagement with media stakeholders stated that the media was free to do so based on the results declared by its officers in the field, the media was still reluctant to do so. Published figures from the constituencies by the media could have enhanced the transparency and accountability of the process by IEBC amid the political contestations.

However, in October 2017, the media provided live autonomous reporting of the tallying process, with major media outlets collecting election results from constituency tallying centers and organizing teams to tabulate results to provide timely, transparent information to the public.

“The greatest power of the mass media is the power to ignore. The worst thing about this power is that you may not even know you’re using it.

Sam Smith”

⁶ https://eeas.europa.eu/sites/eeas/files/eu_eom_kenya_2017_final_report_0.pdf

⁷ <https://theconversation.com/how-the-media-covered-kenyas-general-election-82324>



Duty to the candidate/political party

One of the ways media gets involved in elections is by choosing the candidates to cover, and how much cover they should receive. Those choices alone can have a massive effect on voter perception. The thing that drives elections is simple name recognition. The media attempted to maintain accurate, fair, balanced, and impartial coverage of elections. The media was at the forefront of showcasing different opinions with leading newspapers, television and radio stations presenting different views and carrying opinions from political figures across the spectrum.

One popular election-coverage script was the “horserace” narrative. The media saw elections through the prism of competition. The coverage of campaigns was similar to that of sports events. Whereby the emphasis was placed on who was winning and how they were competing based on polling data, it was often reduced to a two-horse race between the leading contenders. It was no wonder that

the largest media houses were criticized for offering limited coverage outside of the two main coalitions; the National Super Alliance (NASA) and the Jubilee Party (JP).⁷ The Kenya Broadcasting Corporation (KBC) gave fair news coverage, although they favored the Jubilee Party in some programmes. Private vernacular radio stations favoured one or the other political camps. An extensive paid media campaign promoting government achievements raised concerns about the incumbent’s advantage and was suspended by a High Court ruling on 19 October.⁸

Duty to the nation

Media enterprises, being corporate citizens, have a stake in the future and wellbeing of the nation. There is a need, therefore, for the media to use the opportunity offered by the elections to work to promote stability by advocating for the rule of law and the proper functioning of institutions. Similarly, the media should establish in-house structures and mechanisms for managing internal

conflict that could otherwise negatively influence or compromise election coverage. The media has a duty to reflect a diversity of voices in its coverage, including those of minority and marginalised communities. Sections of radio, especially local language stations, promoted extreme partisan politics that were more aligned to local audiences than to national interests. While openly declaring support for a candidate may not necessarily be wrong, as audiences would be aware of the kind of debate to expect, this was not the case. Kameme FM was, as an example, reported to be leading in engaging in hate speech.⁹

Freedom of media

Kenya is grounded on the principles of democratic governance with the 2010 Constitution guaranteeing freedom of expression of the press and prohibiting state interference in journalists' editorial decisions. The Access to Information Act was passed in 2016, although regulations were

yet to be adopted to enable its full use. MCK and Communications Authority of Kenya played a regulatory role for professionalism but were unable to reign in the Media Owners Association (MOA), Media Houses, journalists and citizen journalists.¹⁰ The inability of the Media Houses to stay true to the code of ethics jeopardized the lives of journalists who worked for these institutions. For instance, Citizen TV's Francis Gachuri and Nation TV's Jane Gatwiri were roughed-up by NASA supporters, who believed that the stations were biased against their presidential candidate Former Prime Minister Raila Odinga.¹¹ A month to the election, the government, through the Information and Communications Technology (ICT) Cabinet Secretary, Joe Mucheru, issued a threat to the media that if any of them decided to release their own results, they would be shut down immediately.

The media thus refrained from releasing results despite having set up tallying centres. This was after the High Court ruling that elections results publicly declared at polling stations and constituency tallying centres were final and not subject to alteration by the IEBC at the national tallying centre in Nairobi.¹² The authorities stopped news outlets from covering a planned public event by a political opposition leader 30 January 30, 2018. The Communications Authority of Kenya switched off three television stations and their affiliated radio stations.

During the elections, the Media Council of Kenya, which is the body mandated to set

Tunai flags off drugs worth Sh9 million

May 29, 2019 - by MY GOV - 159 Views



Source: MyGov.go.ke



media standards and ensure compliance with Article 34(5) of the Constitution, was side-lined as its activities were hampered by inadequate funding. While it is independent of the government in terms of the selection of its members, it depends on funding that is allocated by the government. Instead, the Communication Authority of Kenya (CA), the communications sector regulatory body in charge of media licensing and technical aspects of broadcasting, took on a prominent role. The Communication Authority (CA) adopted a Programming Code in 2016, which in part overlapped with the ethics and media standards already regulated by the MCK. The CA stated that it was controversial with its directive to stop live coverage of political events, thereby attempting to limit the media and public's access to information.

Kenya Broadcasting Corporation is the national broadcaster obliged to provide fair and balanced election coverage. However, KBC lacks editorial and financial independence as its board of directors and managing director are government appointees. Secondly, it relies in part, on government subsidies. KBC is obliged to allocate free airtime during the campaign period to registered political parties.¹³ While KBC provided free airtime to some candidates, the criteria for allocation were not transparent and the slots did not

appear to be granted systematically, with Jubilee receiving additional coverage in other editorial programmes on KBC TV.¹⁴

The media found themselves reporting more on the incumbent's activities, in itself malpractice when the government changed tact on how it approached advertising. They established the Government Advertisement. The Government Advertising Agency

All things must be examined, debated, investigated without exception and without regard for anyone's feelings
Denis Diderot

(GAA) in a move to centralize government advertisements, aimed at cutting government's costs in advertising and thus introduced a state-owned publication known as MyGov. The publication carried government advertisements and was circulated by inserting it in major daily newspapers on a weekly basis.

The editorial content in MyGov could not be edited by media houses to meet the set standards due to the contractual obligation not to alter what the government had presented, whether factual or not. This thoroughly affected the editorial independence of media houses to edit news articles that met the

⁸ https://www.peacepencommunications.org/wp-content/uploads/2017/12/Media_Besieged.pdf

⁹ <http://www.nation.co.ke/news/Nasa-youths-attack-journalists/1056-4163580-yr6fs0z/index.html>

¹⁰ <https://www.theelephant.info/features/2017/09/14/broken-news-kenyan-medias-election-coverage-betrayed-kenyans/>

¹¹ https://eeas.europa.eu/sites/eeas/files/eu_eom_kenya_2017_final_report_0.pdf

¹² https://eeas.europa.eu/sites/eeas/files/eu_eom_kenya_2017_final_report_0.pdf

¹³ https://www.peacepencommunications.org/wp-content/uploads/2017/12/Media_Besieged.pdf

¹⁴ https://eeas.europa.eu/sites/eeas/files/eu_eom_kenya_2017_final_report_0.pdf

professional standards and requirements of the code of conduct for the practice of journalism in Kenya. MYGov was used during the campaign period to spread news stories on the achievement of the ruling Jubilee Party administration. The ban on the direct placement of advertisements in newspapers by ministries and government departments affected the media houses. It forced them to embrace the publication that had both advertisements and editorial content from the government. This affected the independence of the media because government agencies and newspapers produced editorial content and circulated it as their content just to get revenue from advertisements placed through the MyGov publication. The government went further, allegedly withholding payment for the advertisements while demanding for positive editorial content.¹⁵

National Elections and Communications Center

The IEBC recognized the vital role that the media played in elections and was intentional about promoting a working framework. They engaged with the media through direct interviews, statements, in press conferences, and the use of electronic and social media platforms. They also established a National Elections and Communications Centre (NECC). The NECC had the following units: Operation Support Unit (OSU), Public

support unit (PSU) and the Media Monitoring Unit (MMU). In addition to promoting media relations, the commission also hoped to encourage responsible coverage, information sharing, openness, and transparency through the media. Over 4000 local and international journalists were accredited in 2017. In addition, 700 domestic and foreign journalists were accredited to access the National Tallying Center main auditorium. For journalists to examine and interrogate the results effectively, there was a need for

“**Kenya is ranked 95th out of 180 countries in RSF 2017 World Press Freedom Index.**
Reporters Without Borders”

proper capacity building. Some journalists interviewed by EU EOM LTOs noted capacity constraints and a lack of training on the results process.¹⁶

They, therefore, did not have a full understanding of their responsibilities within the reporting on results.

Most media houses engaged in self-censorship when reporting on campaigns. This was in part due to the political and business interests of those who control the media. This was also attributed to concern over the withdrawal of government advertising (historically a valuable source of media revenue).

¹⁵ <https://aceproject.org/ace-en/topics/me/onePage>

¹⁶ <https://aceproject.org/ace-en/topics/me/onePage>



ROLE OF MAINSTREAM MEDIA

The media is essential to democracy and a democratic election would be difficult to achieve without the media. A free and fair election is not only about the freedom to vote and the knowledge of how to cast a vote, but also about a participatory process where voters engage in public debate and have adequate information about parties, policies, candidates and the election process itself in order to make informed choices. The critical role of the media as a fundamental pillar of democratic societies is widely recognized. It is indeed a core component of electoral processes that grants citizens the ability to demand for, and direct democratic outcomes.

¹⁷.

Media is essential to safeguarding the transparency of democratic processes, often called its ‘watchdog’ role. Transparency is required on many levels, including access to information, accountability and building trust in individuals, institutions and processes themselves; and for rightful participation and public debate. This includes access to legal and operational proceedings as well as information about officials and institutions. Media’s role as a public educator is, in essence, a combination of media’s three other functions with a few added aspects. For example, media as a mechanism for transparency ensures voters are provided

with the necessary information to fully evaluate the conduct of officials as well as the process at large.

Media as a campaign platform ensures the public is sensitized on the political agendas of all participating parties and candidates equally. Media as an open forum for debate and discussion ensures that voters can engage with politicians and officials.¹⁸

The education conducted by the media is done subtly, for example through the transmission of voter information. The media reports on the details of an electoral event such as polling stations, the necessity of voter registration, vote tallying, and so forth to the audience. This is a significant reason as to why an Electoral Management Body (EMB) must frequently communicate with the media, providing the necessary facts and figures to ensure accurate reporting.¹⁹

The Media also plays an essential analytical role, which enhances its ability to perform its other functions, as watchdogs, providing a debating platform, and so on. The analysis comes in almost naturally for the media, where follow up on press releases and engagements on panel discussions are done with expert opinion being sought and policies being scrutinized. The press releases are usually put in context and given meaning for the benefit of the audience.

¹⁷ <https://aceproject.org/ace-en/topics/me/onePage>

¹⁸ <https://aceproject.org/ace-en/topics/me/onePage>

¹⁹ <https://www.idea.int/sites/default/files/publications/media-assistance-and-elections.pdf>

To fulfill its role, the media needs to maintain a high level of professionalism, accuracy and impartiality in its coverage. Regulatory frameworks can help ensure high standards. Laws and regulations should guarantee fundamental freedoms essential to democracy, including the freedom of access to information and expression, as well as participation. Meanwhile, provisions such as requiring government media, funded out of public money, to give fair coverage and equitable access to opposition parties, help ensure appropriate media behavior during elections.²⁰

The big question however, is where the media fits in the broader world of democracy, governance, and elections. Should it be regarded and approached as a separate, stand-alone institution, or should it be seen and treated as part and parcel of elections programming, in much the same way as voter registration, political party development and electoral technology? The answer is complex²¹, for while the media is '*the fourth estate*' and therefore a political institution in its own right, it is also a core aspect of and actor within the electoral process.

It is crucial to promote a free and independent press through the development of necessary journalistic skills. Still, it is also critical to ensure that journalists are equipped with the specific knowledge and technical know-how

to report on elections effectively. It is often a contested matter and can be politically sensitive, with candidates and their supporters looking for evidence to prove the victory or loss of an opponent.

Media and the Electoral Cycle

When engaging the media, the focus appears to be on elections as an event rather than a continuous process. This outlook not only leaves out the critical elements of planning but also denies an opportunity to emphasize other key areas within the electoral process. Employing the electoral cycle approach in engaging the media would play a critical role in enhancing the role and capacity of media throughout the cycle while building confidence in the electoral process.

The electoral cycle is divided into three significant parts; pre-electoral period, electoral period, and post-electoral period.

Pre - Electoral Period

This electoral cycle phase encompasses issues that relate to elections and the media that occur, in the years leading up to the electoral year. These include tasks like the delimitation of boundaries, reforming the electoral legal framework, population censuses, Candidate nominations, Voter registration, Voter information, voter education and civic education and so forth. The EMB would need

²⁰ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2009\)031-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2009)031-e)

²¹ http://ecycle.idea.int/#search&field_actor_tid=32&field_purpose_tid=363,37,59&field_phase_tid=5,725,9,757,10,628,11,728,8,824,15,659,17,660,16,783&field_area_tid=19,683,20,763,21,667,22,826,23,807,24,622,25,593,384,719,103,810,834,104,658,112,718,77,774,122,604,124,742,126,581,129,607,131,646,132,678,835,133,825,142,723,145,677,381,790,372,789,149,770,154,799,836,158,666,159,615,161,727,164,616,168,619,137,791,169,800,171,692,174,779,175,620,176,687-,177,649,52,656,379,831,26,626,183,684,186,676&source=any



to communicate to the public, through the media, on all these issues.

Legal Framework

The media assists citizens to interrogate and unpack the legal framework, which includes the outcomes of petitions, litigations, policy development, and debate on reform bills. The legal framework should be consistent with the principles of freedom of expression. If there is inconsistency, the legal framework should be reviewed. It is during this phase that media regulation is agreed upon. The regulations should be clearly stated, leaving no room for manipulation or misinterpretation. Importantly, they should be aimed primarily at protecting voters' and candidates' right to freedom of expression. Any limitations on media coverage should be imposed only for this purpose and should be proportionate to the objectives sought.²²

Planning and Implementation

Here, the media should also identify key stakeholders in the process and assess their needs regarding information and the most effective channels to reach them. Relationship building with key stakeholders is important to facilitate access to information and minimize conflicts and misunderstandings. Media could promote civic participation by generating inclusive, critical, political dialogue throughout the electoral cycle.

Training and Education

This is a crucial role for media as the vast majority of voters use media as their primary source of information during elections. Relevant electoral legislation has to be explained clearly to citizens. Information on how, when and where to vote; how to register to vote; secrecy of the ballot; and the importance of voting must also be elucidated. The role of the Media in informing voters on legislative changes is particularly important during times of political reform.²³

Voter Registration

The media should investigate and report irregularities in voter registration.

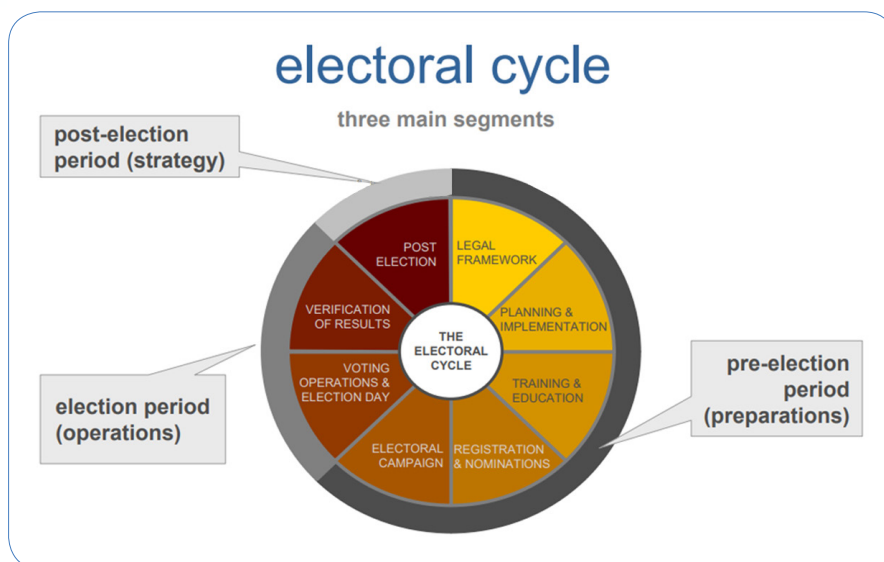
Campaign period

Campaigns constitute a significant activity in the pre-electoral period. For the media, the election coverage commences once the campaign period takes off. Coverage should aim to demystify campaigns, explaining policies and the implications. It should question and interrogate candidates and political parties on behalf of voters. Media organizations should issue clear guidelines on political broadcasts, including clarity on the amount of time and space allocated for free broadcasts. In addition, the EMBs have to establish clear rules that specify the maximum amount that parties can expend on broadcasts and advertisements. A pre-organized EMB Media Relations Department

²² <https://aceproject.org/ace-en/topics/me/default>

²³ <http://asiapacific.ifj.org/en/articles/media-interference-in-electoral-reporting-in-png>

The Electoral Cycle



Source: <https://www.idea.int/sites/default/files/speeches/GEO-presentation-on-post-election-issues.pdf>

would be better equipped to cope with the increased media interest. In Kenya, the National Elections Communication Centre was set-up in 2017 as the central hub during the electoral period to engage the media on various electoral matters impacting the 2017 General Elections. Similarly, if an EMB is responsible for monitoring the media, it is recommended that the legal framework and an effective monitoring system be established prior to the commencement of the campaign period.

At this point, the process of accreditation of journalists, if any, also starts. A Media Relations Department will also be involved in numerous other communication activities like holding press conferences, releasing press releases and statements, holding media tours and so forth, in order to provide the media with accurate and comprehensive

information about the operations and decisions of the EMB, as well as the progress of the elections in general.

Voting period

Once the polls have opened, the role of the media changes from what it was during the campaign period. Specific rules may require to be devised to govern this shift. In practice, the shift may have taken place earlier, with a blackout placed on political campaign reporting, opinion poll reporting, direct access broadcasts, or advertisements - or all of these factors which may influence the vote as it progresses.

Commonly, an EMB will hold several press conferences on Voting Day, at the opening and closing of polling stations, and on a need basis, such as providing updates on results transmissions. There may, for example,



be incidents that need to be responded to publicly, such as violence at polling booths. To maintain its reputation, and to prevent escalation of problems, an EMB must respond to these issues as quickly as possible to reassure the public on the measures taken. A Media Centre hosted by an EMB might serve as a hub for reporting on the Election Day.

The count and results

The transparency of the count and the public announcement of results are some of the most important tasks of an EMB. The whole country is usually awaiting on news updates about the election results. This is sometimes marked by clamor and conflicting news coverage. Depending on the circumstances and specific procedures of an election, the count period might be a matter of hours. For Kenya, a period of up to seven days is provided by the law. The length of this period significantly affects the nature and size of a Media Relations Department's task. During the 2017 GE and FPE, Kenya had a media centre within the National Elections

Communication Centre. The IEBC provided journalists with facilities and communication infrastructure that enabled them to file stories and undertake election coverage. This included a live video feed that was shared with all media houses.

During the seven day waiting period, the media will usually be present at the counting centres, results transmission centres, or both. Depending on the regulations concerning the media, reporting during the counting process might be riddled with silence on the media part, or it may be buzzing with activity on speculative results, opinion polls, results from exit polls and so forth.

As election results are usually the most awaited news in any election, media outlets will often compete with each other on the transmission and analysis of provisional results. There is need to project provisional results in order to build transparency. The analysis helps to put a context to the results by explaining that the results could be from one party's stronghold and may therefore, not be sustained as results from other areas are



Source: The Conversation journal

received. A winning candidate in presidential elections now has to obtain 50 percent plus one votes and a further 25 percent of the votes in at least 24 counties. Tabulation and projection of results would allow an opportunity to give meaning to results and assess how candidates are performing and whether they were garnering numbers that would grant actual victory.

While a poorly handled analysis has the potential to add confusion and potentially harm an electoral process, a well-founded analysis has the potential of benefiting and bolstering the process. Kenyan media has unfortunately been shy in its conduct of election results coverage as it was partly blamed for the 2007 post-election violence. The media's role in enhancing transparency in the transmission, counting, and announcement of results has therefore been lost in light of this fear, alongside other opportunities to manage the expectations of voters and candidates.

In other cases, although preliminary results might be declared, official results can only be announced once elections complaints are lodged and concluded. This process can take months as was in the case of the Afghan presidential, parliamentary and provincial council elections in 2009 and 2010. When results emerge, they should be reported promptly and accurately. This facilitates public scrutiny of the counting process and lessens the possibility of manipulation of the count.

The chain of command is also paramount when results are reported. All EMB staff and commissioners need to know who is in charge of announcing results, when and where they will be announced. In Papua New Guinea in 2012, accusations were made that Voting Centre staff were asking for bribes from journalists to provide information on election results²⁴. These practices must be avoided and sanctioned by an EMB.

The provision of a Media Centre facilitates media access to results, especially if the counting process is centralized. The facilities and procedures in decentralized counting centres will also greatly determine the degree to which media is able to report accurate figures²⁵.

Post voting period

The post-election period is a time for evaluation, capacity-building, planning and consultation. The media should conduct an internal performance assessment against the elections coverage plan, document lessons learned and plan adjustments for future elections. In addition, the post-election period may raise several issues, particularly where an EMB is required to communicate with the public. This may be the case, for example, if there are disputes over the probity of the election process or challenges to the official results.

This would be a time to report on electoral reform issues, how reforms can affect the political system and what impact the reforms could have on the lives of citizens.



The International IDEA summarizes the role of the media in the electoral cycle as follows:

<p>Legal Framework</p> <ul style="list-style-type: none"> Review electoral law and codes of conduct relating to media Raise potential problems/issues with electoral law <p>Planning and Implementation</p> <ul style="list-style-type: none"> Generate inclusive and critical political dialogue throughout the electoral cycle Ensure availability of analysis and political content in non-majority languages Build relationships with key stakeholders <p>Training and Education</p> <ul style="list-style-type: none"> Explain electoral legislation, rights and duties to voters Inform and engage voters on the campaign and election day Be transparent about media ownership and political relationships <p>Voter Registration</p> <ul style="list-style-type: none"> Investigate and report irregularities in voter registration Ensure that journalists and the public understand rules regarding voter registration <p>Electoral Campaign</p> <ul style="list-style-type: none"> Cover rural issues and events Ensure that due weight is given to the views and policies of all parties/candidates Assess and report public opinion and response to campaigns and policies Put safety measures in place to support journalists Provide the right of reply to criticism Ensure fair and impartial coverage of elections in other countries Accredit campaign journalists Report and analyse the election campaign Exercise caution in reporting opinion polls and survey results 	<ul style="list-style-type: none"> Investigate candidates and electoral boundaries Clearly distinguish political broadcasts and advertising from editorial output Develop guidelines on use of personal social media by employees Keep civil society informed about civil society initiatives Set up and report about candidate debates Reflect cultural and political diversity in electoral coverage Establish a specialist Elections Unit Put in place a procedure for complaints about media coverage Monitor own electoral coverage <p>Voting Operations and Election Day</p> <ul style="list-style-type: none"> Carry out exit poll with caution Monitor and report during election day Scrutinize and report on the administration of the election <p>Verification of Results</p> <ul style="list-style-type: none"> Investigate and report electoral irregularities and fraud Report and analyse election results Properly contextualize exit polls and indicative /claimed results Provide comprehensive coverage of election results and implications <p>Post-Election</p> <ul style="list-style-type: none"> Carry out internal post-election analysis Hold politicians accountable to their electoral promises Report on possible electoral reforms Understand and observe parliamentary rules on reporting Participate in media code of conduct revisions or development Scrutinize and report on policy implementation and real-life impact
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Source: International IDEA, The Electoral Cycle, available at <http://ecycle.idea.int>

²⁴ <https://www.idea.int/sites/default/files/publications/media-assistance-and-elections.pdf>

²⁵ http://www.eods.eu/library/UNDP-Media_and_Elections_LR.pdf

CHALLENGES FACED BY THE MEDIA

- a) Government interference in media, through existing government funded bodies like Communications Authority and Media Council of Kenya, which results in muzzling the media.
- b) Insufficient capacity building of journalists on the electoral process which interferes with their capacity to fully interrogate issues, particularly campaign issues.
- c) Heavy reliance on government revenue from advertising makes media houses easy prey for any incumbent who would want to control the media. In 2016 Nation Media Group contracted a debt collector to push for release of funds owed by the government to the tune of Kenya Shillings 155 million. As at end of 2015/16 financial year, government owed media houses Kenya Shillings 80 million.
- d) Heavy focus on the elections as an event rather than the entire electoral process. The media has previously received insufficient media focused electoral assistance and when provided, the cycles are short, often coming in late and only related to elections, right at the end. This often means that the media is expected to ably conduct their duties to citizens, candidates and the nation, without proper prior preparation, in an environment where those they are expected to be holding to account have had sufficient preparation.



POLICY OPTIONS AND RECOMMENDATIONS

The Government of Kenya

Review of Media Act 2013 to bring regulatory regime under the Media Council of Kenya. The Kenya Information and Communications Act, 2013 (KICA) allows the government—through the Communications and Multimedia Appeals Tribunal—to hear appeals initially handled by the MCK, potentially allowing rulings the government deems as unfavorable to be overturned. This shifts power from the MCK to the government. Such laws threaten media independence and promote self-censorship and may lead to less coverage of election irregularities. The legal framework on the media’s role in elections would benefit from regulations covering access to information.

Media Partners/ Regulators

Increase training for journalists to enhance professionalism. Better election reporting promotes peaceful elections, as it helps promote the credibility of the polls and the reduction of misinformation that could inflame tensions. The MCK can also partner with election observers to provide in-depth training to help journalists better interpret polling results and election hitches, such as the failure of biometric voter registration kits back in 2013. Digital trainings could be incorporated with different modules that target various activities of the electoral cycle

for example, when amendments to the electoral laws are done, highlights should be incorporated into training modules to boost capacity. Before covering an election or by-election, a journalist should be required to do an online refresher course. While the Media Council of Kenya is independent of the government, the scope of its activities is, to a large extent, dependent on the funding allocated by the National Assembly. MCK should establish alternative revenue streams away from the stranglehold of Government resources to ensure its independence and to boost its capacity to enforce the Code of Conduct for the Practice of Journalism in Kenya as entrenched in the Media Act, 2013. MCK should go beyond the licensing of journalists and punish rogue journalists. The MCK should also work to transform the Kenya Broadcasting Corporation into a genuine public service broadcaster with full editorial and financial independence, including reducing the government’s role in leadership appointments and regulations. This would go towards ensuring that its news coverage is balanced.

Media Owners Association

Media owners should publicly state their party affiliations to enable their staff to align their objectives to the political

alliances and for the various publics to understand their editorial policies. Being that media owners depend on society for the growth and sustainability of media and with an understanding that a free and fair election is a public good, they should each also commit to invest a part of their corporate social responsibility budget to the electoral process.

Training and capacity building

Training of journalists who cover elections must be reconfigured to reflect the electoral cycle approach. These should be planned as early as possible and in a sustainable manner. It would also be important to create systems in media houses to ensure better coverage of elections rather than

just the periodical trainings. Media houses could come together six months to an election, set up a temporary radio platform dedicated to elections with secondary staff. This would allow the staff to seek information to build content aggressively. It would also allow sufficient time for different stakeholders in an election to address issues around elections.

Media Assistance and Elections

Promote empirical research, within the academic and policy communities, on the media's impact on the electoral process. The studies should help demonstrate the impact of the media and will help identify which areas are most in need of support.



CONCLUSION

Despite widespread acknowledgement that the media is critical to electoral processes and that it has the potential to impact voter behavior, the media is still left at the mercy of governments who muzzle them at will and continuously find ways to work around the law in order to frustrate the media more. Electoral assistance providers failed to prioritize the integration of the media into their work consistently. Media owners' indecisiveness also hindered journalists. While media owners did not openly declare the candidates they supported, the coverage by the different media houses made it clear to the audience which candidates the various media houses supported. This left journalists at the mercy of angry supporters of the candidates who were not favorites of the different media houses. Individual journalists found themselves experiencing similar treatment to that of mob justice, on behalf of their employers. The 'mob justice' came from both the police and the citizens. There were positive efforts and steps in the right direction with the MCK developing

election guidelines in consultation with other stakeholders. The efforts of the IEBC to accommodate the media were laudable. The need to offer fair coverage was manifested through the efforts of engaging the courts to ensure that the rule of law was upheld. Importantly, it should be noted that the media landscape is rapidly evolving. New media sources on the internet and innovative social media applications continue to emerge regularly and electoral actors increasingly use these tools for a wide variety of purposes. Fake news is a negative consequence of this evolution. A deeper understanding of the implications of these innovations and their impact on the traditional roles of media to the citizens and the nation as a trusted source of information would be important to ensure citizens continue to get accurate information. The integration of election-related media assistance with the electoral cycle approach needs urgent action. A wholesome approach would enrich media and make them more responsive to elections and to effectively deliver on their role in the elections process.

CASE STUDIES

Case Study 1:

Breaking Mould of Election Coverage in Nigeria

IWPR programme works with local journalists to improve credibility of political reporting.

IWPR sought to tackle two of the main problems bedeviling Nigerian journalism as part of its innovative reporting project that aimed to enhance local journalists' coverage of Nigeria's elections.

With so much of the news sector controlled or influenced by political interests and poorly paid reporters supplementing their income with bribes from politicians, IWPR's Nigerian Election News Report, NENR, pursued a determinedly independent line and paid its contributors decent rates for their stories.

NENR was established by IWPR and its Nigerian partner, the International Press Centre, IPC, in March 2011 in the run up to national elections later in the year. Editor of the service and IPC director, Lanre Arogundade said NENR had been breaking new ground in Nigerian election coverage, "We're offering something quite unusual. We tell our stories without political prejudice and, because of our network of contributing journalists across the country, we can access news and report it fast – often faster than more mainstream sources, like newspapers."

The audio versions of the news stories were delivered free of charge to the mobile phones of over 1500 subscribing journalists across Nigeria. Those with access to the internet could also view and listen to the stories online at www.nigerianelectionnewsreport.com.

Journalists said they liked NENR because of its accuracy and brevity. "NENR has been useful; I access the site regularly for brief and straight-to-the-point stories on the elections... the inclusion of audio in all the reports is remarkable," said Chinedu Echianu from the radio station Vision FM, in Nigeria's capital, Abuja.

The service directly addressed two of the most pressing issues in Nigerian media, ownership and journalists' remuneration.

Media ownership in Nigeria was heavily concentrated in political hands. Broadcast



Case Study 1:

media, in particular, were mostly owned by the federal or state governments. IWPR surveyed 100 working journalists on the impact of media ownership on their journalism, with some 45 per cent saying the owners influenced editorial content a great deal. Indeed, analysis of media coverage in past Nigerian elections had been damning. The Commonwealth Observer Group said in its report on the 2007 elections that “significant state ownership of the broadcast media negatively impacted on and influenced the coverage in favour of incumbents’ parties”. It noted that there were also numerous official complaints from candidates who claimed to have been denied airtime or coverage because of political bias of media owners.

NENR was politically neutral and therefore provided a much needed outlet for stories of public interest in the run-up to the recent election. NENR contributor, Bulama Yerima, who came from the strife-torn state of Borno, where he worked for the state- owned radio and TV corporation, said the stories he sent NENR would not have been aired on his station. “I can’t write these stories for my station because of censorship,” he said.

Meanwhile, journalists working for independent outlets exercised a degree of self-censorship: because their wages were so poor, many took bribes from politicians they wrote about in order to make ends meet. “Many Nigerian journalists are paid very poorly.” Arogundade said. “Often their only source of income is ‘thank yous’ for the stories they wrote. But journalism’s role in democracy was diminished when those thank yous came from politicians.

“The Nigerian Election News Report offered an alternative income for the Nigerian journalist by rewarding good political journalism and, as a result, provided a source of reliable news for the public at this politically sensitive time.”

The service had won praise from the president of the Guild of Editors, Gbenga Adefaye, who understood the day-to-day challenges faced by journalists.

“This service is not just to show your skills - it gives the platform to present your report objectively.” he told prospective contributors at the launch of NENR. “What the website will do is improve journalism generally.”

That had certainly been the case for Yerima, “The experience is rewarding... the editing skill of the news editors is such that it teaches me a lot.”

Case Study 1:

NENR is the second of a two-part programme funded by the International Republican Institute, IRI, through a grant from USAID and DFID.

The first part was a series of training workshops that prepared journalists across Nigeria to contribute to NENR/IWPR trained over 100 working reporters and 40 trainees. The sessions gave the journalists the confidence to conduct rigorous interviews with politicians, gather views from street, write in-depth reports and cover conflict in sensitive manner.

Journalism professor, Ivor Gaber, who was one of the trainers on the course, said the main challenge was to get journalists to think beyond the political horse-trading that dominated election coverage.

“Who is up and who is down within political parties may be fascinating for politics addicts, but in a country with over 50 political parties, it can become pretty tedious. What most people I talk to care about is much more practical – they want to know who will sort out the power shortages, improve roads and transport and improve job prospects for their children. Our workshops encouraged journalists to focus on issues, not political squabbles.”

Workshops also included sessions for journalists on how to stay safe – crucial in a country where elections were associated with violence. Journalist, Umar Jibrilu Gwandu, from the Daily Trust newspaper said, “The workshop helped tremendously in shaping the way I cover most of my reports especially in the areas of conflict and security threats.”

When northern Nigeria erupted into violence, these skills proved their worth and NENR was able to receive reports from the worst-affected areas.

Nigeria had greater oil resources than Qatar and Libya and its geo-political influence extended far beyond its own borders. Yet, democracy had under-delivered for Nigerians. Electricity and power services were notoriously unreliable, personal security was poor and wealth disparities were extreme.

Veronica Oakeshott, who coordinated the IWPR programme in Nigeria, said, “Our mission is to hasten the day when politicians no longer feel they can promise the world and deliver a pittance. When they know their every move is being watched by skilled reporters, they will raise their game, and with it the fortunes of ordinary Nigerians.”



CASE STUDY 2

Supporting media monitoring and enhancing media responsibility in the Guyana elections (2001–2011)

Context

The general elections in 1992, 1997 and 2001 in Guyana were marked by violent incidents between supporters of the two main political parties, which also fell along ethnic lines. The violence would start in the campaign period and peak with the announcement of the results when allegations of fraud and malpractice further heightened societal tensions.

The media was widely considered to have been one of the main contributing factors to the violence and climate of mistrust. According to observers, its use of inflammatory language, rumour and speculations undermined the credibility of the electoral process and, in turn, increased partisan suspicions, fueling unrest.

In the period leading up to the 2006 elections, similar indications and patterns started to emerge despite the introduction by the independent Guyana Electoral Commission (GECOM) of a range of transparency measures designed to encourage greater confidence of the electorate and parties. However, these measures would be largely ineffective if the media continued its destructive pattern of inflammatory reporting.

It was, therefore, important to address the media's conduct as well as the underlying causes that contributed to the violence that emerged during the electoral periods.

UNDP first supported the creation of a media monitoring unit (MMU) in GECOM which undertook a content analysis of media coverage and monitored candidate access to the media, made a significant impact on the process, shaping the way GECOM would do media monitoring in subsequent elections and encouraging the media to provide more balanced and objective reporting because of its close scrutiny.

The MMU model used was a co-regulatory approach based on standards developed in a code of conduct and engaging with the media as a stakeholder. Given the level of mistrust among participants in the ability of a national monitoring effort to report objectively, the international community also supported an external board of monitors comprised of international journalists. These two monitoring groups worked closely

CASE STUDY 2

and provided synergies to each other's efforts that increased stakeholder confidence in the impartiality of the overall monitoring effort.

Code of conduct

A code of conduct was developed for the media for the 2001 elections. Although the media houses that signed the code agreed not to publish or broadcast any reports which would incite ethnic hatred or political disorder without first checking the facts, and to provide equal space and time to political parties, observers found that the balance of media coverage fell short of the code's standards, and was "unhelpful to the development of democracy in Guyana". They felt the nonbinding nature of the code and lack of sanctions for infractions contributed to it not being more widely respected.

Updated codes of conduct were developed for the 2006 and 2011 elections. All codes were drafted according to international standards with provisions to protect freedom of speech and the right of the media to report on the elections without prior restraint. All highlighted the obligations of journalists to refrain from incitement and inaccurate reporting, and to grant minimum space and time to candidates and political parties on an equitable basis. Although the codes still had no enforcement mechanisms other than naming and shaming, observers felt they were better respected in 2006 and 2011 which helped to contribute to the reduction in violence.

Media monitoring

The three MMUs followed similar structures. They were established within GECOM and had a staff of more than ten. The staff was provided with a training course on media monitoring methodology and the code of conduct principles. International technical experts assisted in developing the methodological guidelines for monitoring, ensuring international standards were employed for the content analysis.

The methodology consisted of measuring the time and space given to political parties and candidates and an assessment of the tone of content to aggregate coverage at regular intervals during the campaign period, measuring balance and impartiality. It also assessed compliance with the code of conduct. Regular reports were published in the public domain to enhance public accountability.



CASE STUDY 2

Independent refereeing panel

The codes of conduct included an Independent Refereeing Panel to assess the media-related complaints. In 2006, Panel members were selected by the local media community and comprised veteran journalists from neighbouring countries. This provided a distance from the local journalist community and at the same time, respected peers oversaw media coverage. The regional connections also promoted a sense of shared regional values in the media community which helped build reciprocal relationships.

Key achievements and challenges

The MMU was accepted by stakeholders and was generally perceived to be impartial and objective and an important part of holding a credible, inclusive and peaceful election.

The monitoring process, which included the code of conduct and complaint process, brought stakeholders in the media sector together around a common purpose aimed at contributing to a more fair and peaceful electoral process. By supporting monitoring over several electoral cycles, UNDP and GECOM were able to improve the quality of journalistic reporting and over time reduce the levels of “wild rumours, inflammatory statements and accusations which in the past only served to fuel flames of fear, doubt, tensions and confusion during election campaigns in the past.”

The Commonwealth Observer Group concluded that the 2006 election “was markedly devoid of violence or even threats of disruption and can be rated as one of the calmest, cleanest and most credible in Guyana in recent history [...] the news media played a significant role in fostering the atmosphere for a peaceful campaign, notwithstanding some breaches to the media code of conduct.”

The self-regulatory approach allowed for a framework of public accountability for the media by enhancing the transparency of its actions without infringing on the sector’s freedom of speech rights. This was especially needed given the absence of legislation to regulate these issues in the broadcast media.

The MMU reports provided GECOM and others with the evidence based data needed to more accurately assess media behaviour, its coverage and the validity of complaints.

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This in turn helped to increase public confidence in GECOM and the electoral process in general.

Given the high levels of polarisation and distrust, the splitting of the responsibilities for monitoring and the handling of complaints between the two different bodies, and between national and international monitors, increased stakeholder confidence in the monitoring process.

Legacy and follow up

The MMU was not without controversy. The functioning of the MMU was covered by the international community and was not part of the GECOM budget. The Government of Guyana asked UNDP to end its MMU support in 2010 as it felt it was not needed. As the MMU is dependent on international support, it closed when UNDP assistance ended.

The MMU was reconstituted three months before the 2011 elections with international support. It was seen by observers as an important tool that was still needed, as “a lack of independence and impartiality in the media remains a problem...” which contributed to an uneven playing field for the electoral campaign. Observers also noted that “it is not enough for them (codes of conduct) to be signed by stakeholders. They must also be adhered to.”

Conclusion

The MMU experience provides a model for future initiatives in this field with its consensus-driven approach as an important example to wider interventions in conflict resolution.

Monitoring adherence to the code of conduct helped reduce inflammatory language in the media and encouraged a more responsible reporting style, but it had less of an effect on ensuring equitable coverage of candidates and political parties by the major radio and TV broadcasters.

The lack of enforcement powers and legal remedies available to the MMU and GECOM were seen as the key factor for noncompliance. This was particularly noted in the publicly owned media where state-sponsored events tended to dominate the schedule.

CASE STUDY 2

Similarly, many of the private television and radio operators also failed to provide balance in coverage.

A permanent independent regulatory framework to improve the overall environment for the media sector is, most likely, part of a lasting solution. However, in the absence of such agencies, a structure such as the MMU and refereeing panel, coupled with cooperation between the media industry and the EMB, can help to fill that gap during election periods.

The experience of Guyana shows that self-regulation by the media, based on a code of conduct and enforced through monitoring, can help to improve the media's coverage of elections and lead to a reduction in inflammatory reporting. Although the decrease in election-related violence in 2006 and 2011 cannot be attributed to the improvement in the media's language alone, combined with programmes that address the root causes for political instability and ethnic divisions, it can become a major factor in improving the quality of the electoral process.

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