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**FREEDOM OF EXPRESSION IN KENYA:
EXPLORING PUBLIC USE OF OLD AND NEW
MEDIA**

by Winnie V. Mitullah

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INTRODUCTION

Freedom of expression is a human right and bedrock for development. However, experience differs across the globe with some countries censoring what is communicated to the general public and totally gagging citizens. This experience is gradually being negated as the world embraces new interactive media through ICT. This channel relays information in real time and it is almost impossible to control by governments who are not keen on embracing public opinion in governance. This briefing paper uses the results of Afrobarometer Round 5 to assess how Kenyans are using both old and new media as channels for expression. In particular, it examines the status of freedom of expression, and whether the emphasis on new media as a panacea for communication for development is a reality in Kenya.

The Afrobarometer is a comparative series of national public opinion surveys that measure public attitudes on the social, political and economic atmosphere in Africa. The Afrobarometer's main goal is to produce scientifically reliable data on public opinion in Africa, while strengthening institutional capacities for survey research and disseminating and applying research findings to development policy and practice. It also provides a body of knowledge to ordinary citizens to effectively engage in the development process.

During Round 5, Afrobarometer surveys will be conducted in up to 35 African countries using a common survey instrument and methodology. In Kenya, the survey was conducted from 4th to 29th November 2011 by the Institute for Development Studies (IDS), University of Nairobi. The Institute also conducted both Round 3 and Round 4 in September 2005 and October/November 2008 respectively. Round 2 was conducted in August/September 2003. The survey is based on an instrument that asks standard set of questions which permits systematic comparison in public attitudes with other countries over time. The methodology is based on a national probability sample of 2400 (for Round 5) and 1200 (for Rounds 2,3,and 4) adult Kenyans selected to represent all adult citizens of voting age, allowing for inferences with a sampling margin of error of +/-2 per cent and +/-3 per cent respectively, at a confidence level of 95 per cent. The sample is drawn randomly based on Probability Proportionate to Population Size (PPPS), thus taking account of population distributions, gender as well as rural-urban divides. The sampling process ensured that every adult Kenyan citizen had equal and known chance of being selected in the sample. All eight provinces were represented.

BACKGROUND

Most African countries, including Kenya, are coming out of a period of restricted freedom of expression which saw many citizens taken behind bars for saying what they believed in. Kenya's experience with freedom of expression is very much tied with the experience of the media in the country, which has three distinct phases: autocratic, restrictive, and enabling proactive phase. The autocratic period dates back to the colonial era. This period was dominated by old media, largely print and radio. Most of what was being communicated during these two phases was mainstream information coming from colonial governors, and serving primarily white settlers and Asians. Later, after the Second World War, beginning in 1950 a radio

serving indigenous communities went on air, but its coverage was quite limited. This notwithstanding, the programmes were strictly controlled and censored. In the midst of these restrictions, African political elites used newsletters to communicate to the groups engaged in the liberation movements.¹ This still left a large number of citizens out of communication, largely relying on word of mouth from opinion leaders.

Although most citizens expected change at independence in 1963, this was not realised. Most of the communications channels used by the liberation leaders reduced space for mainstream media controlled by the new independent government in coalition with international media owners. This was a restrictive period with no alternative media to bring out local voices, and whatever was reported by the monopoly media houses became the operating knowledge that informed responses and public engagement. This period was accompanied by harassment of the media, and a number of publications were banned, while journalists were thrown into police cells and detained for either sharing their opinion or being seen as anti-government.²

The restrictive period began crumbling during the 1990s due to the pressure for multi-party democracy and calls for governance reforms. This ushered in a proactive enabling period which partially opened the media. The government approach became less restrictive, and more enabling, resulting in the licensing and proliferation of radio and TV stations. This notwithstanding, Kenya continued to experience intermittent government interference in the operations of media houses, which attracted protests locally and globally. Fortunately, it was during this same era that Kenya begun embracing the new media in a limited manner. The formulation of the Information Communication Technology (ICT) policy in 2006 with an e-governance focus became a landmark and launch pad for new media. ICT, in particular the internet, has opened the highway for exchanging information, while the mobile phone has totally changed how people relate and do business in most countries. Although new interactive media is still predominantly elite and urban, the availability of mobile telephones and FM vernacular stations is rapidly changing the situation.

ACCESSING INFORMATION AND ENGAGEMENT WITH THE MEDIA

Access to information is a vital element for development, which is of key interest to the AB opinion surveys. The Kenya survey covered public opinion on how often Kenyans get news from different channels, namely: radio, television, newspapers, and internet. The survey also covered public perception on freedom of the media to publish any views and ideas, to check government, including effectiveness of the news media in revealing government mistakes and corruption. Last, the survey covered public views on listening to social discussions on FM radio channels, whether they join the social discussions on FM radio channels, and whether FM stations should have the right to discuss any topic without government regulation.

Accessing News from Different Channels

Since 1991, when Kenya moved from a restrictive phase of media to a proactive phase, there has been opening up of media and communication space. This is reflected in the diversity of today's Kenyan media, which includes traditional sources such as television, radio, print, as well as a thriving new media via internet and mobile telephones. The FM stations and mobile phones, in particular, have developed like a bush fire. Currently, Kenya has over 90 FM stations which include almost all the 42 ethnic dialects spoken in Kenya. These stations not only relay relevant materials to the respective communities, but also

¹OmoloOchilo, P. (1993). 'Press Freedom and the Role of the Media in Kenya'. *Media Review* 7 (3).

²Mitullah, W.V. Fourthcoming. 'Institutional Context of ICT and Women's Participation in Kenya', in Norbert Wildermuth, Anne Sofie Hansen Skovmoes, Winnie Mitullah and Thomas Tufte (Eds) *People Speaking Back? Media Empowerment and Democracy in East Africa*. Gothenburg: Nordicom Publishers.

engage them in discussing local and national issues and provide entertainment in languages with which the communities identify.

The proliferation of the mobile phone has been a shock in the context of poverty. In 2001, there were below 2 million subscriptions; by 2007, the number had increased to over 10 million, and to 29.7 million by July 2012.³ This number includes those who may not own hand sets but own SIM cards which they use on borrowed handsets, and individuals who have more than one subscription. The sub-sections which follow use the 2011 Afrobarometer data to examine how citizens use different media channels to access news.

News through Radio

Accessing news is an important aspect of development, and the level of access has an impact on how citizens contribute and engage in local and national development. The Afrobarometer has, over the last three rounds of surveys, asked Kenyans how often they get news from the radio. The Kenya survey has consistently revealed the prominence of radio, which has the highest penetration both in rural and urban areas. However, there has been some fluctuation in levels of access over time, and the Round 5 survey reveals some reduction in access through this channel, moving from 77 per cent who get news every day in 2003, to 71 per cent in 2005, and down to a low of 68 per cent in 2011 (Table 1).

Table 1: Frequency of News Access through Radio

	2003	2005	2008	2011
Never	5	7	8	10
Less than once a month	2	2	1	2
A few times a month	3	5	2	4
A few Times a week	14	15	13	16
Every day	77	71	76	68
Don't Know	0	0	0	0

How often do you get news from the radio?

Comparison of urban and rural residents does not reveal any remarkable differences. Gender has a higher level of difference, with males scoring 73 per cent and females 63 per cent. There is no significant difference across age cohorts. The high levels of access to news via radio among citizens to some extent reflect communication infrastructure and the availability of radios. Compared to other communication channels such as mobile telephony, radio infrastructure has extensively penetrated the country.

Television

The television is not a popular channel for information compared to the radio, although the numbers have been increasing steadily since 2003. The number getting news from the television on a daily basis has increased from a paltry 22 per cent in 2003 to 33 per cent in 2011 (Table 2).

Table 2: Frequency of News Access through TV

	2003	2005	2008	2011
Never	45	45	49	40
Less than once a month	8	7	4	5
A few times a month	10	8	7	6
A few Times a Week	15	14	11	15

³Communications Commission of Kenya (CCK). 2012. Quarterly Sector Statistics Report: Fourth Quarter of Financial Year 2011/2012.

Every Day	22	26	31	33
Don't Know	0	1	-	1

How often do you get news from the TV?

Getting news from television displays major differences between urban and rural areas, with 57 per cent of urban respondents getting news from this channel every day, while only 20 per cent of the rural folk do the same. The same case applies to those who have never gotten news through television, who total 51 and 22 per cent of rural and urban respondents, respectively. In terms of gender, there were more women (44 per cent) who have never gotten news from television than men (37 per cent).

Newspapers

The frequency of getting news from newspapers is even lower than for television, and this source appears to be declining in importance. The numbers who never get news from this channel has been increasing. Rising from 36 per cent in 2003 to 52 per cent in 2011, with a few others getting news a few times a week (Table 3).

Table 3: Frequency of Access through Newspapers

	2003	2005	2008	2011
Never	36	42	52	52
Less than once a week	11	9	8	9
A few times a month	15	14	10	12
A few times a week	23	22	16	17
Every Day	16	13	14	10
Don't Know	0	1	-	1

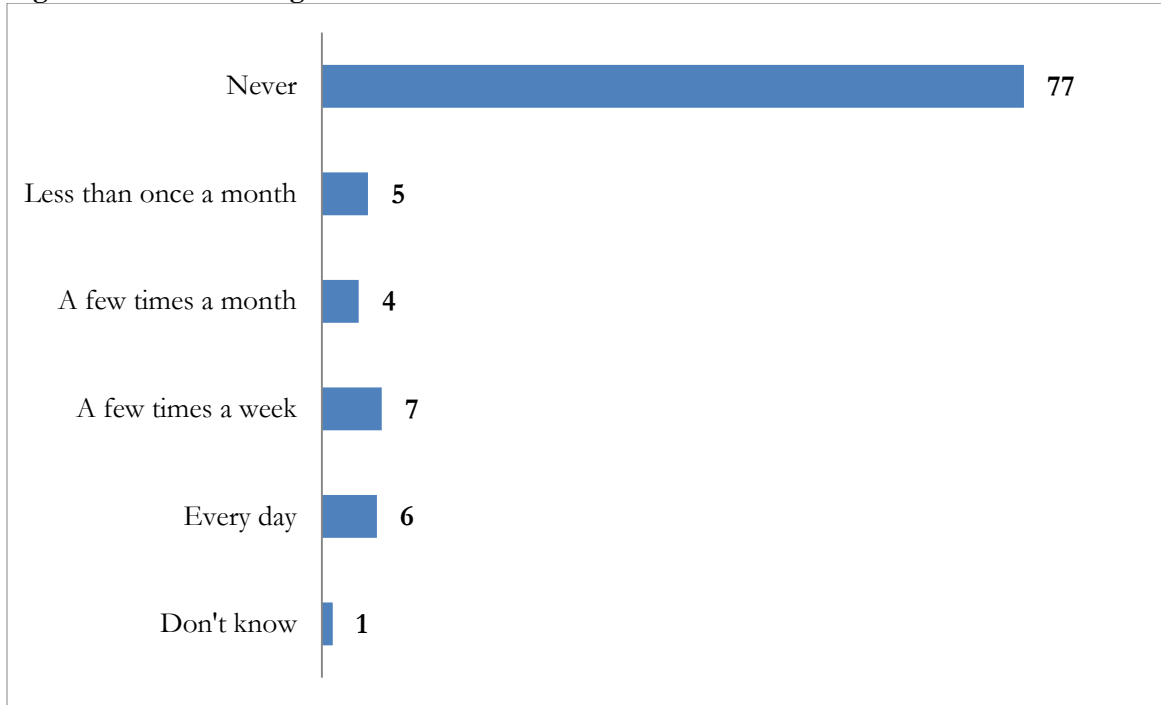
How often do you get news from newspapers?

Overall, 60 per cent of the rural population has never gotten news through newspapers, compared to a total of 37 per cent of urban dwellers. The rural/urban divide is steeper, with 19 per cent of urban respondents getting news from papers every day, while only 5 per cent of rural inhabitants do the same. There was no distinctive difference between the different age groups, except for those above 55 who had a high score of 65 per cent for 'never'.

Internet

The internet, which has been popularized in recent years, is not yet a common channel for getting news in Kenya. Although Round 5 was the first time that an Afrobarometer survey asked the question, findings reveal that 77 per cent have never received news through the internet (Figure 1).

Figure 1: Access through Internet



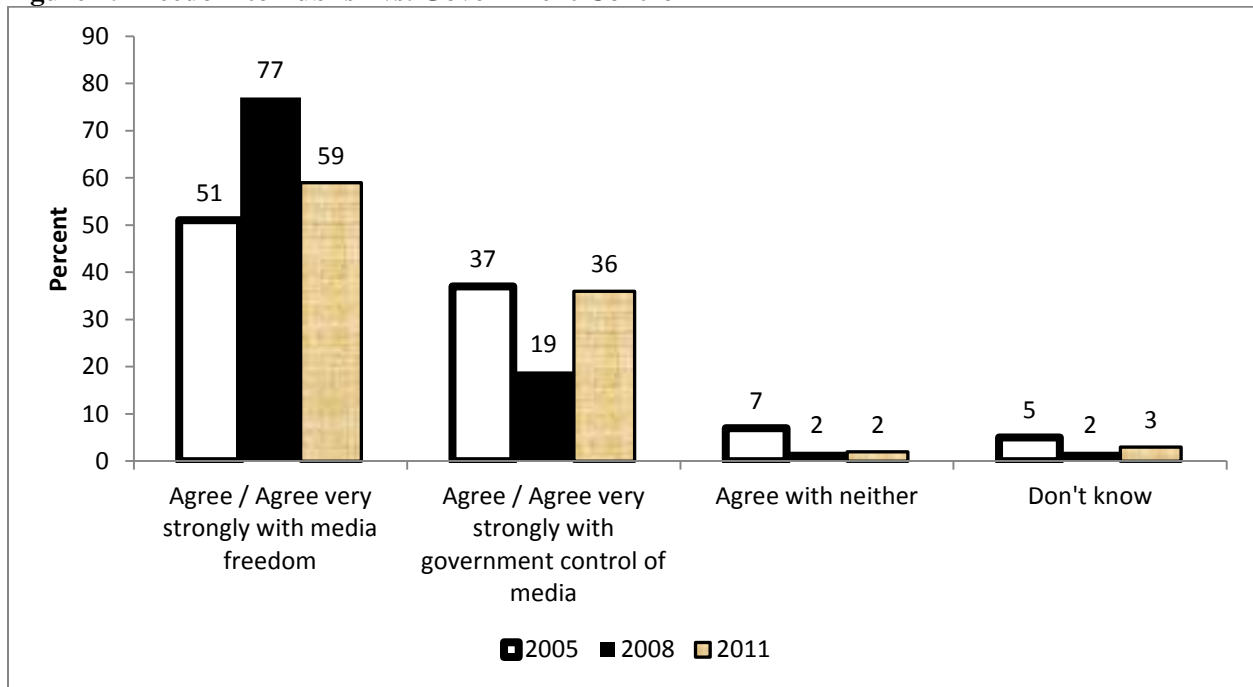
How often do you get news from the internet?

The internet is not a common source of news and comparison across urban/rural, gender and age does not yield much. Getting news from the internet is skewed towards urban areas, with the data showing 84 and 65 per cent of rural and urban residents who have 'never' gotten news from the internet.

Perceptions on Freedom of Publication

Over three rounds of surveys, Afrobarometer has assessed the public's views on the right to publish views and ideas without government control. We offer respondents two statements, one asking whether the media should be able to publish any views and ideas without government control, and the other asking whether government should have the right to prevent media from publishing things that it considers harmful to society, and ask which one is closest to their view. It is unique that the affirmative response for the first statement was higher in 2008, scoring 77 per cent, than in 2005 and 2011, with scores of 51 and 59 per cent, respectively (Figure 2).

Figure 2: Freedom to Publish vs. Government Control

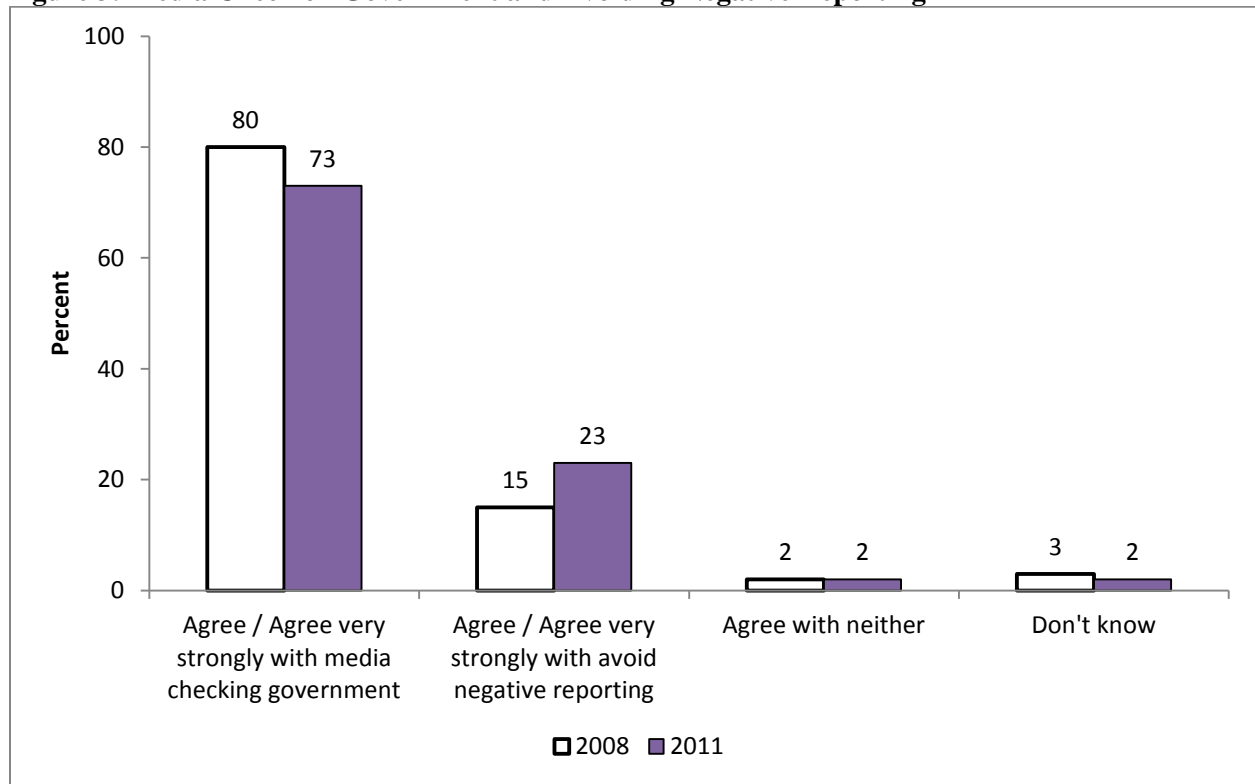


Agree/Agree very strongly with media freedom Vs. Agree/Agree very strongly with government control of media

This trend may be attributed to the post-election violence, where freedom of expression and publication was thought to have contributed to the violence experienced. There were no differences between rural and urban on responses agreeing very strongly and agreeing with question one. Gender and age differences also did not show any significant differences on this response.

In Rounds 4 and 5 we also asked respondents whether the news media should constantly investigate and report on government mistakes and corruption, or whether too much reporting on negative events, like government mistakes and corruption, only harms the country. Findings indicate that an overwhelming majority are in agreement with the first statement that news media should investigate and report on government mistakes and corruption (Figure 3).

Figure 3: Media Check on Government and Avoiding Negative Reporting

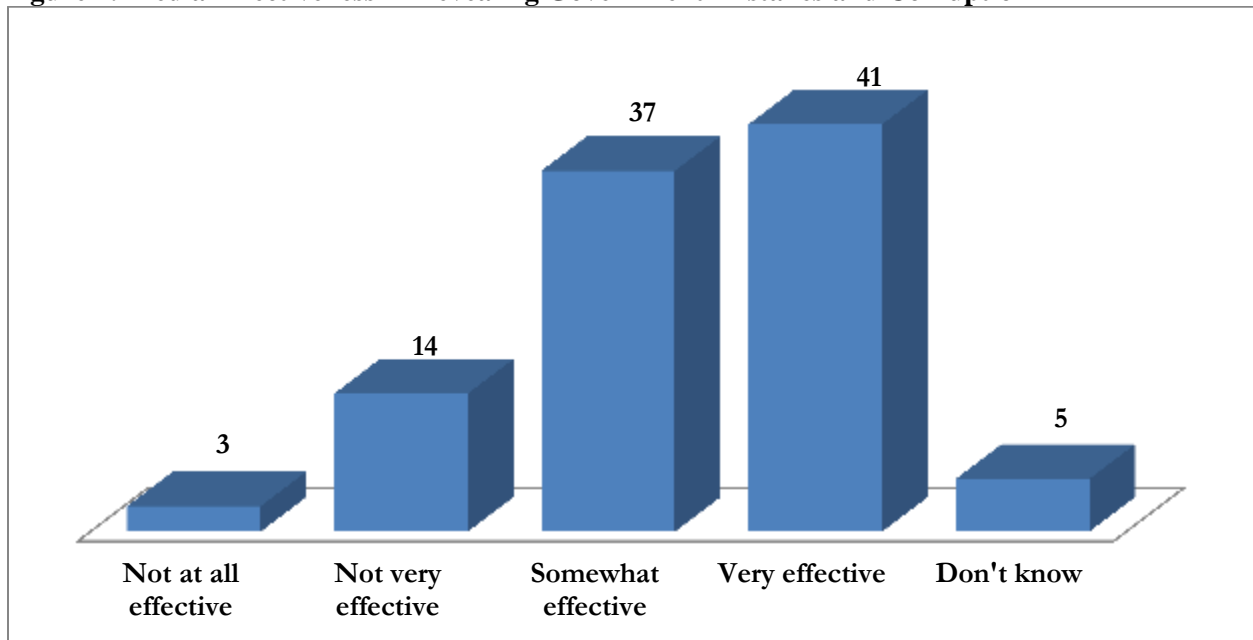


Agree/Agree very strongly with media check on government Vs. Agree/Agree very strongly with Avoid negative reporting

While the scores on this question are quite positive, it should be noted that the numbers that agree that media checks on government have reduced from 80 to 73 per cent, while those who agree with statement 2, that negative reporting should be avoided, have increased. Could this imply that Kenyans have begun questioning some of the democratic gains which the country has made over the years? There are no major differences across regions, gender and age cohorts. Both Central and Nyanza provinces, however, had the highest scores of 35 and 33 per cent, respectively, agreeing very strongly that negative reporting should be avoided. These two regions are often in the media, and they are viewed as powerful political constituencies. In almost all national elections which Kenya has had since independence in 1963, the two areas have each fronted a candidate.

The survey further sought information on how effective the news media is in revealing government mistakes and corruption, with a mixed outcome. A total of 41 per cent were categorical that the news media is effective in revealing government mistakes and corruption, while another 37 per cent indicated that the news media is at least somewhat effective (Figure 4).

Figure 4: Media Effectiveness in Revealing Government Mistakes and Corruption



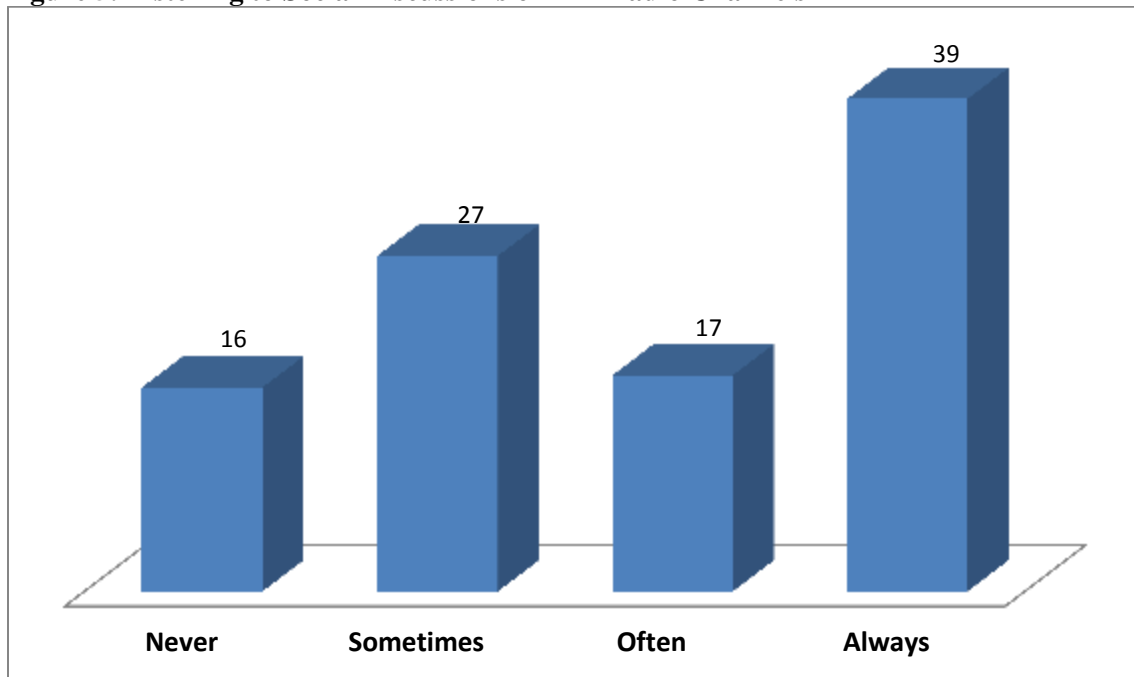
In this country, how effective is the news media in revealing government mistakes and corruption?

Interactive Media

Interactive media has been noted to be penetrating popular communications, and the Kenya survey developed country specific questions in Round 5 to get a glimpse of the dynamics of this assumption. The questions asked how often respondents listen to social discussions on FM radio channels, how often they call or join these discussions, and whether FM radio stations should discuss any topic without government regulation, or whether government should limit discussion topics.

While there has been lots of hype about social media penetration, the Kenya survey reveals that only 56 per cent are regular listeners to social discussions on FM radio channels, with 16 per cent non listeners, and 27 per cent listen occasionally (Figure 5).

Figure 5: Listening to Social Discussions on FM Radio Channels

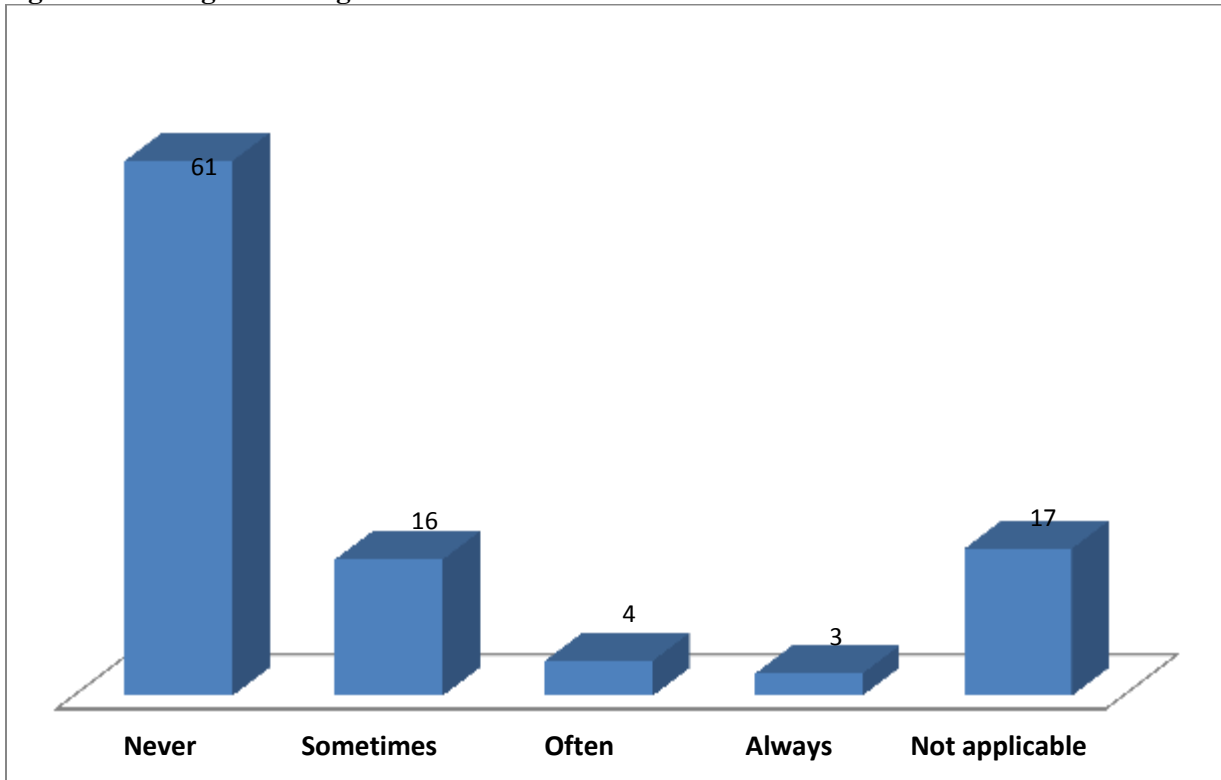


How often do you listen to social discussions on FM radio channels?

The numbers who call or join the social discussions are much lower: just 3 per cent do it “always”, and 16 per cent sometimes engage in the discussions. More men (44%) than women (34%) listen to social discussions frequently, with 42 per cent of this sample falling within the age cohort of between 36 – 55 years, and 59 per cent falling on age cohort of above 55.

A majority of 61 per cent have never called or joined the social discussions (Figure 6). There were marginal differences across rural/urban, gender and age cohorts. This finding reveals that many Kenyans are mere observers, which raises concerns about freedom of expression and citizens’ ability to contribute to public issues and debates.

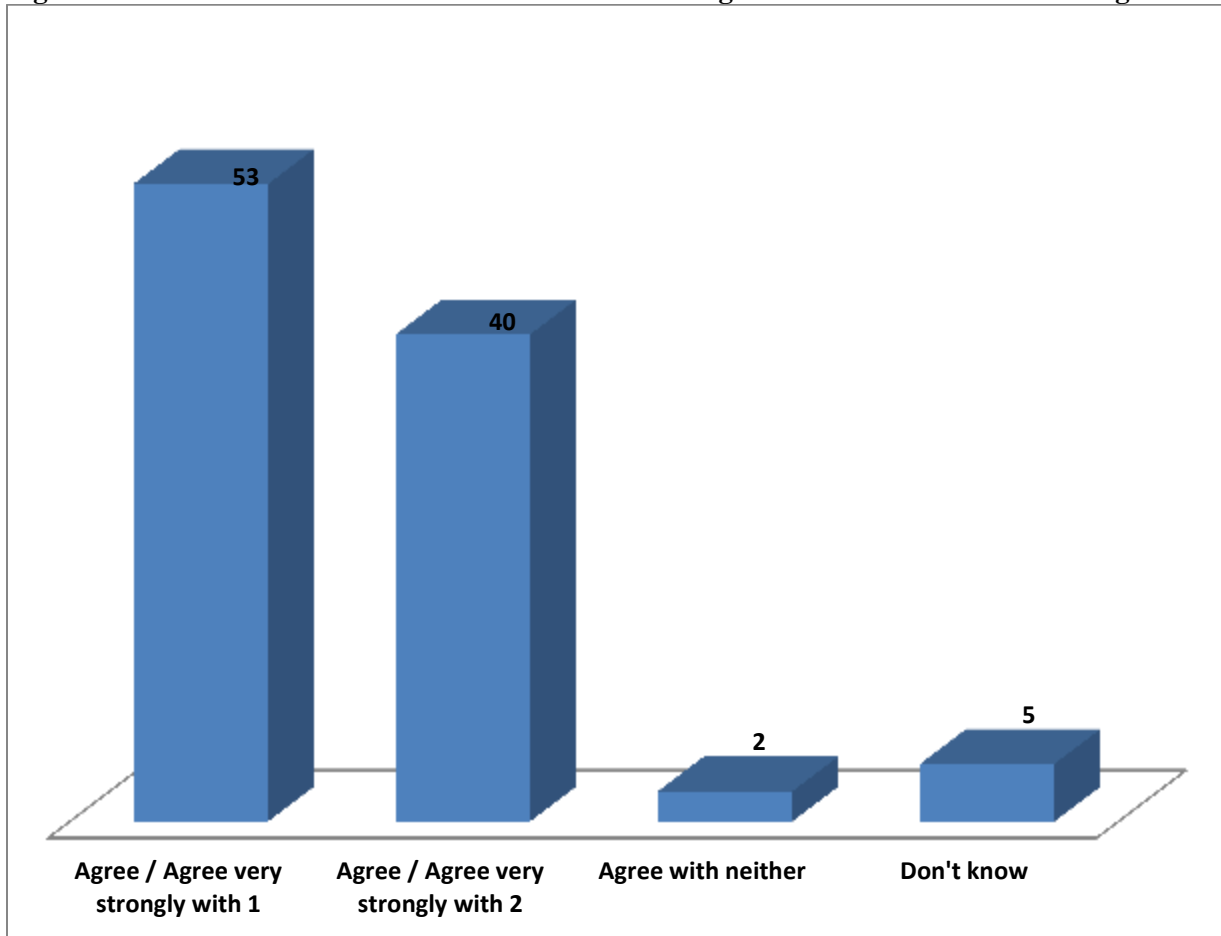
Figure 6: Calling or Joining Social Discussions on FM Radio Channels



How often do you call or join the social discussions on FM radio channels?

The survey further sought the public view on whether topics of discussion should be regulated by the government or not, and the scores were close. The majority (53 per cent) indicated that FM stations should have the right to discuss topics without government regulation, but another 40 per cent indicated that government should have the right to regulate FM radio stations to prevent them from discussing things that it considers harmful to family values (Figure 7). There were marginal differences across the rural/urban divide. In terms of age categories a higher percentage (46%) of age cohort above 55 agreed very strongly/agreed that the government should be able to regulate (Statement 2), while age cohort 36 – 55 and 18 – 35 had lower responses respectively.

Figure 7: FM Radio Discussions without Government Regulation versus Government Regulations



Which of the following statements is closest to your view? Choose Statement 1 or Statement 2. Do you agree or agree very strongly?

Statement 1: *The FM radio stations should have the right to discuss any topic without government regulation.*

Statement 2: *The government should have the right to regulate FM radio stations to prevent them from discussing things that it considers harmful to family values.*

CONCLUSION

Freedom of expression in Kenya has witnessed several phases of development, ranging from the autocratic to a proactive new media regime. This transformation has been enabled by governance reforms, including repeals and amendment of laws, as well as the promulgation of a new Constitution in 2010. With respect to media, these reforms are reflected in the diversity of the Kenya media, which includes FM stations covering almost all the 42 ethnic dialects spoken in Kenya, mobile telephones, and the internet. These channels have expanded space for freedom of expression and engagement in public affairs, although many citizens still do not contribute to public issues and debates via these channels.

New media, in particular the internet and interactive media, has been a focus of research and debate. However, the findings from this study reveal that the old media, in particular radio, remain the dominant channel for accessing news and expanding space for freedom of expression. This is largely due to the widespread availability and low cost of radio infrastructure compared to other communication channels. Newspapers, which also fall under old media, are minimally used, but are still more accessible than the internet. Access to interactive media is now relatively widespread (56 per cent are regular listeners), but

actual use and interaction via this channel still seems to be a preserve of a selected few, with only 3 per cent calling in or joining discussions. A unique unexplained aspect is the marginal differences across rural/urban, gender and age groups.

The post 2007 election violence which Kenya experienced seems to have affected the public's opinion on the media. Although Kenya citizens continue to believe in freedom of the media to publish any views and ideas without government control, the numbers have reduced in 2011. A more worrisome finding is the reduction of the numbers that agree very strongly that the media should check on government, and an increase in those who agree very strongly that the media should avoid negative reporting. Opinion is further divided on whether the government should regulate topics of discussion in FM radio stations, with 53 per cent opting for no regulation and 40 per cent for regulation.

Freedom of expression is an important aspect of human rights enshrined in international and national laws. Although there are mixed outcomes in the findings, Kenyans continue to debate and take different positions on the democratic rights of the politicians charged at International Criminal Court (ICC) in The Hague. This is done through all channels including the internet. The media continues to expand space for freedom of expression and for the first time Kenya media will hold public debate for presidential candidates for the 2013 national elections. This development is healthy for democracy, and one can only hope that no regime in Kenya will ever again to media censorship and gagging.

This Briefing Paper was prepared by Winnie V. Mitullah, an Associate Research Professor at the Institute for Development Studies (IDS), University of Nairobi. She can be reached at mitulla@uonbi.ac.ke

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