



LEGAL NOTICE NO.....

THE MEDIA COUNCIL ACT

(Cap. 422B)

AMENDMENT TO THE SECOND SCHEDULE

IN EXERCISE of the powers conferred by section 45(2) of the Media Council Act, the Cabinet Secretary Information Communication and Digital Economy repeals the Second Schedule to the Media Council Act and replaces therefor the following new Schedule —

SECOND SCHEDULE *(Sec 45)*

THE CODE OF CONDUCT FOR MEDIA PRACTICE, 2025

Citation.

1.This Code may be cited as the Code of Conduct for Media Practice, 2025.

Interpretation.

2. In this Code of Conduct for Media Practice (hereinafter referred to as Code) unless the context otherwise requires—

“Watershed” means the period between 5:00 am to 10:00 pm when content aired should be suitable for family viewing or listening;

“a person subject to this Act” means a journalist, media practitioner or media enterprise.

“Public Interest” is defined in these circumstances as follows:

- a) Matters of urgent and immediate concern to public health and safety;
- b) The finding, prevention, and disclosure of serious crimes, scandals, and abuse of power;
- c) Actions to protect the public from the danger of being seriously misled.

PART I-PRELIMINARY

Objects and Purpose

3.The object of this Code is—

- (a) promote ethical journalism by ensuring accuracy, fairness, and objectivity;
- (b) safeguard public interest by balancing press freedom with responsibility;
- (c) prevent media malpractice, including misinformation, bias, and sensationalism;
- (d) ensure accountability and professional discipline among media practitioners;
- (e) protect individuals’ rights, dignity, and privacy from unwarranted media intrusion;
- (f) promote diversity, inclusion, and fair representation in media coverage;
- (g) align media practices with national laws and international standards;
- (h) foster public trust in the media through responsible and credible reporting;

-
- (i) provide a framework for addressing ethical breaches and misconduct; and
 - (j) support a free and responsible press as a pillar of democracy.

PART II—ACCURACY, BALANCE AND FAIRNESS

Duty to Ensure Accuracy

4.A person subject to this Act shall—

- (a) verify all facts for accuracy and truth before publication or broadcast;
- (b) ensure opinions, commentaries, and editorials are based on verifiable facts;
- (c) label photographs, videos, and voice clips with the date, place, and context of capture;
- (d) ensure that pictures are not manipulated in a manner that distorts reality or accuracy;
- (e) label all graphics as such;
- (f) ensure documents and other sources used to generate content are authentic and authoritative;
- (g) verify statements and allegations made in public spaces before publication; and
- (h) ensure all claims are verified before publication.

Balance and Fairness in Reporting

5.A person subject to this Act shall—

- (a) seek comments from all persons mentioned adversely in editorial content unless the mention

is in an opinion or commentary where the facts are already established;

- (b) present all sides of an issue being published;
- (c) maintain evidence of unsuccessful attempts to reach persons mentioned adversely in print, electronic, or digital formats;
- (d) clearly distinguish between comment, conjecture, and fact in reports;
- (e) ensure headlines accurately reflect the subject matter of the publication;
- (f) ensure headlines containing allegations identify the source of the allegation or are placed in quotation marks;
- (g) treat all subjects of news coverage with respect and dignity, showing particular compassion to victims of crime or tragedy;
- (h) inform the public without bias or stereotype and present a diversity of expressions, opinions, and ideas in context;
- (i) avoid prejudicial or pejorative references to a person's race, ethnicity, clan, religion, political affiliation, sex, sexual orientation, or physical or mental disability, unless such references are germane to the story;
- (j) accord equal treatment to all persons as news subjects or sources, ensuring no journalist deliberately denies any group the right to exposure in news coverage; and

-
- (k) consider cultural differences in the approach and treatment of every person as a news subject or source.

Corrections and Right to Reply

6.A person subject to this Act shall—

- (a) publish or broadcast a correction at the earliest possible time upon recognition of an inaccuracy;
- (b) provide a fair opportunity for individuals or organisations to respond to inaccuracies when reasonably called for, ensuring that such responses retain their essence while allowing for necessary edits;
- (c) ensure corrections present the correct information without restating the error, except where clarity demands;
- (d) publish an apology as determined by the Council or Complaints Commission in the manner specified; and
- (e) expunge or correct inaccurate content from digital platforms with an explanatory note to readers.

**PART III-INDEPENDENCE, INTEGRITY,
AND ACCOUNTABILITY**

Independence and Ethical Conduct

7.A person subject to this Act shall—

- (a) identify themselves and not obtain or seek to obtain information or images through misrepresentation or subterfuge;

Editorial Integrity and
Avoidance of Undue
Influence

- (b) use subterfuge only where justified in the public interest and only when the material cannot be obtained by any other means; and
- (c) obtain documents or photographs only with the express consent of the owner unless the public interest demands otherwise.

8. A person subject to this Act shall—

- (a) ensure independence in all editorial content;
- (b) produce, publish, or broadcast editorial content free from undue influence by advertisers, media owners, sources, story subjects, powerful individuals, or special interest groups;
- (c) present editorial content with integrity and common decency, avoiding real or perceived conflicts of interest;
- (d) declare and manage conflicts of interest, including those arising from gifts, funding, advertising relationships, and free or discounted travel or services;
- (e) refuse gifts, favors, fees, free travel, and special treatment, and
- (f) avoid political or other outside activities that may compromise integrity or impartiality.

Prohibition on Improper
Conduct

9. A person subject to this Act shall not—

- (a) solicit or accept payments, gifts, favors, or compensation from those seeking to influence coverage;

-
- (b) engage in activities that may compromise their integrity;
 - (c) seek personal gain from information or evidence collected through media enterprises;
 - (d) use professional information collected in the course of their work for purposes other than informing the public;
 - (e) engage in intimidation or harassment of sources;
or
 - (f) persist in questioning, telephoning, pursuing, or photographing individuals once asked to desist, or remain on private property when asked to leave.

Accountability to the
Public and the Profession

10.. A person subject to this Act shall—

- (a) make inquiries and report with sensitivity and discretion in cases involving personal grief or shock;
- (b) refrain from breaking news of death to the immediate family where reasonably possible;
- (c) respond to public concerns, investigate complaints, and correct errors promptly;
- (d) respect authors' rights and copyright, attributing information to its original source;
- (e) distinguish editorial content from marketing, advertisements, political materials, or sponsored content;

(f) refrain from photographing or recording individuals in private spaces without their knowledge unless in the public interest; and

(g) before recording or broadcasting a telephone conversation, inform any party to the call of the intent to do so.

Responsibility of an editor.

11.The editor or person in charge of content shall assume responsibility for all published content, including advertisements.

Author's byline.

12.Editorial content shall bear the author's byline unless anonymity is justified, particularly where the journalist's safety is at risk.

Sponsored Content and Advertising Ethics

13.. (1) A person subject to this Act shall—

(a) ensure that sponsored content adheres to accuracy, fairness, and objectivity;

(b) establish a disclosure and labelling system to help audiences identify sponsored material;

(c) not carry advertisements that promote stereotypes;

(d) avoid advertisements that exploit vulnerable groups, including children;

(e) clearly distinguish advertising, public relations, and corporate communications from editorial content; and

(f) disclose material conditions, such as payment or free products, that affect endorsements.

(2) A media enterprise shall incorporate a minimum delay of seven (7) seconds in live broadcasts to prevent unintended publication of content that violates this Code.

Obscenity, Taste, and Tone

14.(1) A person subject to this Act shall—

- (a) not publish content that is obscene, vulgar, or offensive unless it has significant news value and the public interest demands publication; and
- (b) avoid publishing images of mutilated bodies, bloody incidents, or abhorrent scenes unless anonymized and serving a public interest purpose.

(2) Warnings must be issued before transmitting potentially sensitive or distressing content in news, current affairs, or factual programming. Such warnings must be spoken and appear on-screen where applicable.

Confidentiality, Privacy,
and Protection of Sources

15.(1) A person subject to this Act shall—

- (a) respect individuals' reasonable rights to privacy unless outweighed by the need to report on matters of public importance;
- (b) ensure data quality, adopt appropriate security safeguards, and collect data only for legitimate purposes;
- (c) balance media freedom with individuals' right to privacy except where legitimate public interest justifies otherwise;
- (d) bear the burden of proof in establishing that consent was obtained for processing personal data;
- (e) refrain from infringing on sensitive personal data unless consent is obtained, the data is manifestly public, or there is a substantial public interest in its use; and

(f) not share phone-in commentaries, including names and contact details, without consent unless justified by public interest and in compliance with the law

(2) A person subject to this Act shall—

(a) identify all sources for editorial content;

(b) use unnamed or confidential sources only when the public interest justifies it or when disclosure could cause harm to the source;

(c) protect confidential sources and anonymize or pseudonymize data where necessary; and

(d) use covert content gathering techniques, such as hidden cameras or microphones, only when no other means exist to obtain information of significant public importance and when the technique is explained to the audience.

16. A person subject to this Act shall not pay sources for information.

**PART IV –PROTECTION OF CHILDREN,
VICTIMS OF SEXUAL OFFENCES, AND
VULNERABLE PERSONS**

General Principles

17.(1) Exceptional care shall be exercised when reporting on children to ensure their best interests, protection, and overall welfare.

(2) A child, or their parent or guardian, shall not be paid for information concerning the child's welfare, unless it is demonstrably in the child's best interest.

18.A program intended for children shall adhere to the following criteria—

- (a) the underlying message shall be suitable for children;
- (b) the subject matter shall not be contrary to the best interests of children and shall promote positive Kenyan values for emotional, moral, spiritual, mental, or physical development;
- (c) words and gestures shall not encourage disrespectful behaviour among children;
- (d) the use of vulgar, profane, offensive, sexually suggestive, derogatory, or demeaning language is prohibited;
- (e) portrayals or references to food shall not promote unhealthy eating habits;
- (f) the depiction of sexual acts, sexual organs, sensitive body parts, or sexually suggestive content is prohibited;
- (g) violent scenes, excessive gore, or the glorification of force as a means of resolving conflict shall be avoided;
- (h) programs shall not promote or depict the consumption of tobacco, alcohol, narcotics, inhalants, depressants, hallucinogens, or other prohibited substances;
- (i) the depiction of gambling or its suggestion as a desirable activity is prohibited;

Obligations relating to children.

(j) advertisements shall not promote products inappropriate for children or potentially harmful to children.

19.A person subject to this Act shall—

- (a) not report on children in matters involving their personal welfare without the consent of a parent or legal guardian, except where overriding public interest justifies such reporting;
- (b) minimize depictions of violence and strong language, ensuring appropriate contextualization for the target age group.
- (c) avoid publication of sexual content during the watershed period, and where necessary, present such content in a manner suitable for the intended audience;
- (d) ensure digital platforms offer parental controls to filter content based on age restrictions;
- (e) portray children in a dignified manner that upholds their rights and avoids objectification.
- (f) respect the child's identity and privacy by refraining from publishing full names, images, or other identifying details unless absolutely necessary and consented to by a parent or guardian.
- (g) use heightened sensitivity when dealing with children, victims of crime, or those particularly vulnerable due to trauma, injury, illness, or other factors.

(h) not identify victims of sexual assault or publish material likely to contribute to their identification unless they willingly give informed consent.

(i) avoid sensationalizing stories or exploiting difficult situations for dramatic effect; and

(j) provide context when reporting on children's issues to ensure an accurate and non-exploitative narrative

Restrictions on
Photography and Coverage

20.(1) Photographs and names of missing children may be published only with the approval of the relevant authorities or a responsible adult.

(2) Children shall not be approached or photographed in educational or formal institutions without the consent of a parent, guardian, or relevant authority.

(3) Special attention shall be paid to children who are witnesses to or victims of crime to ensure their protection and privacy.

Obligations Concerning
Digital and Online
Platforms

21.(1) Online forums primarily dedicated to children and young adults shall be monitored with special care to prevent cyberbullying and the publication of malicious content intended to harm others.

(2) A person subject to this Act shall—

(a) not publish explicit content, language, or suggestive themes that promote inappropriate behaviour in children during the watershed period;

-
- (b) not publish advertisements unsuitable for children immediately preceding, during, or immediately after a child-friendly program;
 - (c) ensure a safe environment for children involved in content creation;
 - (d) ensure that financial interests do not override a child's well-being and rights

Reporting on Sexual
Violence

22. When reporting on cases of sexual violence or related issues, a person subject to this Act shall not—

- (a) propagate myths, prejudices, or stereotypes that lead to sensationalism;
- (b) spread misinformation about sexual violence;
- (c) reinforce social norms that promote gender discrimination, gender inequality, or sexual violence; and
- (d) contribute to the normalization of sexual violence.

Obligations of Media
Enterprises

23.(1) Media enterprises shall implement closed captioning, subtitling, or sign language inserts during news and current affairs programs, emergency announcements, and programming of national interest.

(2) Media enterprises shall develop child protection policies and designate a focal person responsible for ensuring compliance with child protection provisions under this Act.

**PART V—
PROTECTION AGAINST HATE SPEECH,
RELIGIOUS INCITEMENT, AND ETHNIC
CONFLICT**

24.A person subject to this Act shall—

- (a) be responsible for hate speech published on its platform;
- (b) not quote persons making derogatory remarks based on ethnicity, race, creed, colour, or sex;
- (c) avoid the use of racist or negative ethnic terms;
- (d) where hate speech is to be published in the public interest, the offensive words shall be redacted;
- (e) not use religious content to maliciously attack, insult, harass, or ridicule other faiths, sects, or denominations or their followers because of their beliefs;
- (f) avoid glamorizing occultism, witchcraft, exorcism, and paranormal activities; and
- (g) ensure religious content featuring superstitious or pseudo-scientific beliefs and practices, is carefully presented so as not to mislead the audience.

25.(1) Content related to ethnic, religious, or sectarian disputes shall be published only after proper verification of facts and presented with due caution and restraint to foster national harmony and peace.

(2) Editorial content, reports, or commentaries shall not be published in a manner likely to inflame passions, aggravate tensions, or exacerbate strained relations between communities.

26.Publications with the potential to provoke communal violence or conflict shall be avoided.

**PART VI-USER-GENERATED CONTENT,
USE OF ARTIFICIAL INTELLIGENCE, AND
OTHER TECHNOLOGIES**

Obligations regarding the use of artificial intelligence and other technologies.

27.A person subject to this Act shall—

- (a) ensure that the use of artificial intelligence (AI) and other technologies is fair, unbiased, and does not—
 - (i) perpetuate harmful stereotypes;
 - (ii) compromise accuracy; or
 - (iii) infringe on intellectual property rights;

- (b) disclose to the audience the use of AI in content generation, particularly in the creation or modification of images, videos, or other editorial materials;

- (c) ensure that AI and other technologies used in content creation do not generate or disseminate misinformation or disinformation; and

- (d) ensure that all AI-generated or technology-assisted content undergoes human editorial oversight and final approval before publication.

Liability for User-Generated Content

28.(1) A media enterprise shall be liable for third-party content published on its website or platforms.

(2) A person subject to this Act shall—

- (a) clearly distinguish between editorial content and user-generated content;

- (b) monitor their platforms and take appropriate measures to prevent or remove content that—
 - i. is unlawful;

ii. violates human dignity or privacy;
or

iii. constitutes hate speech.

(c) conduct prior review of user-generated content where possible to prevent violations.

Content Moderation and
Compliance Measures

29.A person subject to this Act shall—

(a) adopt and prominently publish third-party content management policies, including—

i. the rules governing user-generated content;

ii. policies on anonymous comments; and

iii. procedures for reporting and addressing policy violations.

(b) provide a simple mechanism for users to report unlawful or policy-violating third-party content.

(c) implement effective moderation tools to identify and disable content that—

i. constitutes hate speech;

ii. endangers the safety or physical integrity of individuals; or

iii. results in serious violations of human rights.

(d) take immediate action to investigate and remove unlawful or inappropriate content upon becoming aware of its existence;

- (e) establish specific procedures for the swift identification and takedown of content that violates this Code or any applicable law; and
- (f) inform the public that user-generated content is posted directly by users and does not necessarily reflect the views of the media enterprise

**PART VII—
GAMING, BETTING, AND LOTTERY**

30.. (1) A person subject to this Act shall—

- (a) uphold the principles of fairness, accuracy, and unbiased reporting when advertising or promoting gaming, betting, and lottery activities on media platforms;
- (b) clearly segregate gaming, betting, and lottery content from general consumption content;
- (c) ensure that gaming, betting, and lottery content does not—
 - i. portray, condone, or encourage socially irresponsible behaviour;
 - ii. present gambling as a solution to financial problems; or
 - iii. link gambling to sexual success, enhanced attractiveness, or personal achievement;
- (d) prominently display the license number on all gaming, betting, and lottery advertisements and related content;
- (e) implement measures to safeguard children and vulnerable persons from exposure to gaming and betting content or its potential adverse effects; and

-
- (f) include a disclaimer in all gaming, betting, or lottery content, warning audiences of the risks of addiction and financial loss associated with gambling.

(2) A person subject to this Act shall not—

- (a) advertise or promote any gaming, betting, or lottery activity that is not duly authorized by the BCLB or any other relevant regulatory authority; and
- (b) conduct or broadcast gaming or lottery activities on their platform without prior approval from the BCLB or relevant authority.

PART VIII— CLASSIFICATION OF PROGRAMS

Obligations for
Classification of Non-
Editorial Content

31. A person subject to this Act shall—

- (a) ensure that all non-editorial content broadcast, streamed, or published on their platform is classified according to age-appropriate categories;
- (b) apply content classification guidelines issued by the Council or relevant authority;
- (c) clearly display classification ratings before the start of any non-editorial content, including but not limited to—
 - i. films, television programs, and digital content;
 - ii. advertisements and commercial content;

-
- iii. gaming, betting, and lottery-related material; and
 - iv. music videos, animations, and interactive content;
- (d) include visual or audio classification indicators at the start of and during the broadcast of non-editorial content, with appropriate warnings for content that may contain—
- i. violence, strong language, or distressing scenes;
 - ii. sexual content or nudity;
 - iii. drug use, substance abuse, or self-harm themes; or
 - iv. any other potentially harmful material;
- (e) ensure that non-editorial content broadcast during the watershed period complies with child protection standards specified under this Code and all applicable laws; and
- (f) provide parental control mechanisms, including content filtering and restricted access settings, on digital platforms.

PART IX—

COMPLAINTS HANDLING

32.Media enterprises shall maintain in-house procedures to resolve complaints swiftly and, where required to do so, co-operate with the Media Council of Kenya

Obligations on dispute
resolutions

-
- 7) Media enterprises shall maintain in-house procedures to resolve complaints swiftly and, where required to do so, co-operate with the Media Council of Kenya

Made on the....., 2025.

**William Kabogo Gitau,
Cabinet Secretary for Information Communication and Digital
Economy.**