

Complaints Commission FAQs

1. What is the Complaints Commission and its relation to Media Council of Kenya?

The Commission is established under the Media Council of Kenya Act No. 46 of 2013 to expeditiously mediate or adjudicate media disputes and ensure high standards of journalism as provided in the code of conduct for practice of journalism. The Commission is independent in its operations and handles appeals from administrative actions of the Media Council of Kenya.

2. What is the composition of the Complaints Commission?

The Complaints Commission comprises a team of **Seven (7)** members that consists of an Advocate of the High Court who is the chair the Commission. He/she is assisted by **Six (6)** members who belong to various professions who possess knowledge and experience in journalism, media policy and law, media regulation, business practice and finance, the performing arts or entertainment, advertising practice or related social sciences.

3. What is the mandate of the Complaints commission?

- a) Mediate or adjudicate in disputes between the government and the media and between the public and the media and intra media on ethical issues.
- b) Ensure adherence to high standards of journalism as provided for in the code of conduct for the practice of journalism in Kenya; and
- c) Achieve impartial, speedy and cost-effective settlement of complaints against journalists and media enterprises, without fear or favor in relation to this Act.

4. Who should file a complaint with the Complaint Commission?

Any person aggrieved by

- a) Any publication by or conduct of a journalist or media enterprise in relation to this Act; or
- b) Anything done against a journalist or media enterprise that limits or interferes with the constitutional freedom of expression of such journalist or media enterprise,

5. How does one lodge a complaint?

An aggrieved person may lodge a complaint; orally, either in person or by any form of electronic communication or in writing, given to the Registrar of the Complaints Commission setting out the grounds for the complaint, nature of the injury or damage suffered, and the remedy sought.

6. What are some of the remedies offered by the Complaints Commission?

After hearing, the Commission may make the following orders:

- a) Order the offending party to publish an apology and correction in such manner as the Commission may specify;
- b) Order the return, repair, or replacement of any equipment or material confiscated or destroyed.
- c) Make any directive and declaration on freedom of expression;
- d) Order the offending editor of the broadcast, print or on-line material to publish the Commission's decision in such manner as specified by the Commission;
- e) Impose a fine of not more than five hundred thousand shillings (**KShs 500,000**) on any respondent Media enterprise and a fine of not more than one hundred thousand shillings (**KShs 100,000**) on any journalist, found to have violated the Act or Code of Conduct.
- f) Recommend to the Council the suspension or removal from the register of the journalist involved.
- g) Make any supplementary or ancillary orders or directions that maybe necessary for carrying into effect orders of the Commission.

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Q A 7. How does the mediation process work?

Where the Commission considers there is a violation of the Act or Code, it may facilitate an early resolution through mediation.

Q A 8. What are some of the cases handled by the Complaints Commission?

- i. Samuel Muigai-vs-Standard Limited Group & KTN
- ii. Uhuru Muigai Kenyatta-vs- The star publications Limited
- iii. Jamleck Kamau-vs-Royal Media Services Limited T/A Citizen Television

Q A 9. Why is it importance to file a complaint with the Complaints Commission compared to court of law?

The Complaints Commission is an entity that purely handles complaints that arise from breach of the Code of Conduct for the Practice of Journalism and violation of press freedom. The Commission's processes are free and faster (60 days to determine a matter) than the conventional Court.

