


To achieve impartial, speedy and cost-effective settlement of disputes in the media sector


MEDIA
COUNCIL OF KENYA
COMPLAINTS COMMISSION
www.complaintscommission.or.ke

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ABOUT US

Vision

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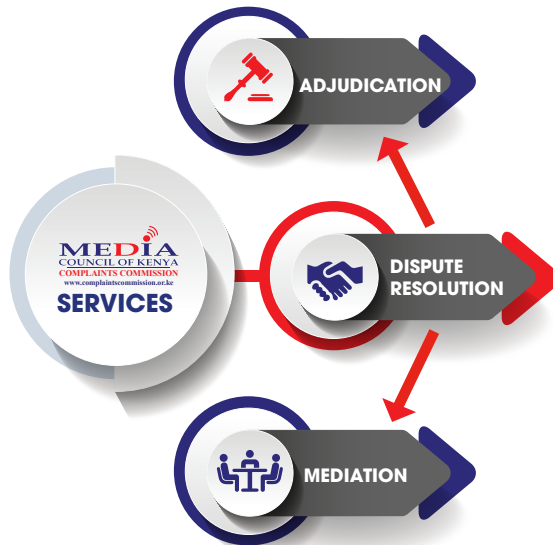
Mission

To enforce adherence to the Code of Conduct for the Practice of Journalism in Kenya.

Establishment and Membership

Established under Section 27 of the Media Council Act (No 46 of 2013). It is comprised of:

- (a) A chairperson, who shall be a person who holds or has held a judicial office in Kenya or who is an advocate of the High Court of Kenya of not less than ten years standing.
- (b) Six other persons with knowledge and experience in any one of the following areas, journalism, media policy and law, media regulation, business practice and finance, the performing arts or entertainment, advertising practice or related social sciences.



Functions

- Mediate or adjudicate in disputes between the government and the media and between the public and the media and intra media on ethical issues
- Ensure the adherence to high standards of journalism as provided for in the code of conduct for the practice of journalism in Kenya
- Achieve impartial, speedy and cost effective settlement of complaints against journalists and media enterprises, without fear or favour
- Hear and determine appeals from persons aggrieved by a decision of the Council

How to complain

Any person aggrieved by:

- Any publication by or conduct of a journalist or media enterprise in relation to this Act
- Anything done against a journalist or media enterprise that limits or interferes with the constitutional freedom of expression of such journalist or media enterprise, may make a written complaint to the Complaints Commission setting out the grounds for the complaint, nature of the injury or damage suffered and the remedy sought

Procedure upon complaint

- Upon receipt of a complaint, the Complaint Commission shall notify, in writing, the party against whom the complaint has been made, within fourteen days of receipt of the complaint, stating the nature of the complaint, the breach, act or omission complained of and the date on which the matter shall be considered by the Commission
- The notice shall require the person against whom the complaint is made to respond to the complaint in writing within fourteen (14) days or appear before it at the hearing of the complaint
- Where the Commission considers there is a breach of the Act or Code it may facilitate an early resolution of the complaint by a referral to an inter parties mediation process within fourteen days
- Where the mediation fails or the parties or either of them objects to any mediation efforts, the Commission shall set down the complaint for determination and issue a date on which the matter shall be determined by the Complaints Commission after a full hearing

Remedies

The Complaints Commission or any of its panels may, after hearing the parties to a complaint may make any or combination of the following orders:

- Order the offending party to publish an apology and correction in such manner as the Commission may specify
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- Order the return, repair, or replacement of any equipment or material belonging to a journalist confiscated or destroyed
- Make any directive and declaration on freedom of expression
- Issue a public reprimand of the journalist or media enterprise involved
- 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
- Impose a fine of not more than five hundred thousand shillings on any respondent media enterprise and a fine of not more than one hundred thousand shillings, on any journalist, adjudged to have violated the Act or Code of Conduct, where upon such a fine shall be a debt due to the Council and recoverable as such
- In its reasons for its findings, record a criticism of the conduct of the complainant in relation of the Complaint, where such criticism, is in its view, warranted
- Recommend to the Council the suspension or removal from the register of the journalist involved