PUBLIC NOTICE

JOINT STATEMENT ON USER GENERATED CONTENT ON SOCIAL MEDIA PLATFORMS DURING THE ELECTIONEERING PERIOD

The Communications Authority of Kenya (CA) is vested with the responsibility of regulating ICT services, including telecommunications, e-commerce, broadcasting, postal and courier subsectors. It is also responsible for managing competition and frequency spectrum as well as safeguarding the interests of ICT consumers. CA draws its mandate from the Kenya Communications Act, 1998, as amended by the Kenya Communications (Amendment) Act, 2009, and the Kenya Information and Communications (Amendment) Act, 2013.

The National Cohesion and Integration Commission (NCIC), on the other hand, is mandated to facilitate and promote equality of opportunity, good relations, harmony and peaceful co-existence between persons of the different ethnic, religious and racial communities of Kenya, and to advise the Government on all aspects thereof.

As the 26th October 2017 repeat Presidential election approaches, the attention of the two agencies has been drawn to the misuse of electronic communications networks, particularly the social media platforms to propagate hate speech and other undesirable content. Hate messages have the potential to polarize the country along tribal lines, and to perpetuate fear and hate among Kenyans. CA and NCIC consider this kind of content irresponsible and injurious to peace, particularly in view of the impending elections.

To curb misuse of social media platforms, the two agencies urge bloggers, online news sites, political leaders and their followers to exercise discretion during this period.

CA wishes to urge broadcasters to manage their social media sites responsibly so as to avoid posting of divisive and undesirable User Generated Content in line with the provisions of the Programming Code.

CA and NCIC have also developed ‘Guidelines on the Prevention of Dissemination of Undesirable Bulk and Premium Rate Political Messages and Political Social Media Content via Electronic Communications Networks’. The guidelines, gazetted on 13th July 2017, are available at [http://www.ca.go.ke/index.php/sector-guidelines](http://www.ca.go.ke/index.php/sector-guidelines). The NCIC has in conjunction with the Media Council of Kenya (MCK) developed Guidelines on Election Coverage under the NCI Act which can be accessed through the website at [https://www.cohesion.or.ke/](https://www.cohesion.or.ke/)

Broadcasters are advised to exercise caution during this sensitive period to avoid giving hate mongers a platform to propagate hate speech, ethnic contempt, and incitement to violence.

Website and blog site administrators are also urged to take extra caution by authenticating and validating the source and truthfulness of content prior to publishing to limit information that might spread rumors, mislead or incite people to violence. Content authors should be honest to correct content that is established as false or misleading.

Most importantly, content published on social media should be done in line with the provisions of the Constitution, NCI Act, KICA and other relevant laws.

It shall be the responsibility of the Administrator of the social media platform to moderate and control the content and discussions generated on their platform. Administrators of social media platforms will be held liable for any hate speech posts allowed in the forums.

Any person contravening Section 13 of the NCI Act 2008 is liable to a fine of one million or imprisonment of three years. Section 62 offences of ethnic contempt or racial discrimination attract a fine of one million or imprisonment of five years or both.

CA and the NCIC call upon all Kenyans to do all that they can to uphold peace before, during and after the 26th October 2017 repeat Presidential Election.

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