Nature Of Media Policies Protecting Children Against Harmful Television Content In Kenya

Samson Guantai Raiji

Department of Media Studies, College of Human Resource development, Jomo Kenyatta University of Agriculture and Technology

Abstract

Mass media content in Kenya more so broadcast is largely free to air with regard to radio and television.It is this aspect of free media content access that continues to pose a challenge with regard to specific content exhibited and the possible resultant long term effects to audiences. The most affected of these audience categories are the children who are in their formative stages and apparently do not have the necessary mental capacity to discern and distinguish media content's reality and fiction. With the possibility of exposure to unregulated media content that is age inappropriate, there is likelihood that this will cause harm to them. This study therefore sought to understand the nature of Kenya's media policy protecting children against harmful television content.It encompassed on Establishment (where they are found), Enactment(how they are enforced and practiced; self regulation, sanctions or normative) and Responsibility(who is charged with the mandate). It involved children media policy implementing stakeholders; government agencies, Media Owners Association, media policy experts, television stations, and parents within Nairobi County. A total of 474 respondents were involved in this study. They were sampled using non-probability sampling method as the researcher hoped to involve some respondents according to their perceived usefulness to the study. Purposive sampling was therefore used. Self administered questionnaires were administered to the parents selected for the sample, while structured interviews were conducted with the other respondents identified. Key informant interviews were conducted to seek information on how existing children media policies are implemented.The study found out that that there is little to no knowledge of the nature of media policies protecting children against harmful television content. It therefore was concluded that the public does not participate in media policy processes; that there is less involvement and expectation to participate in media policy. Most respondents thought that the enactment of Media Policy was largely self regulatory.Government agencies are seen to have the most responsibility in implementing media policy. This is a contradiction in view as self regulation involves less government control over the operations and content by television. The study recommends civil education and participation in matters media policy. This study suggests further research in other areas of the nation(geographical), a possible review of implementation theory and finally a review in sections of the media policy process in the Kenyan context.

Index: Harmful Television Content, Implementation, Media Policy, Nature of Policy

INTRODUCTION

Policy and legal framework of child protection in Kenya is embodied in the following legal Acts and regulations: the Constitution; the Children Act; the United Nations Convention on the Rights of the Child (UNCRC); the African Charter on the Rights and Welfare of the Child (ACRWC); Adoption Regulations; charitable children institution regulations; the National Children Policy; the Orphans and Vulnerable Children (OVC) policy; general education Policies; and child participation guidelines. Other Acts include: the Sexual Offences Act; the Counter Trafficking in Persons Act; the Persons with Disabilities Act; the Penal Code; the Criminal Law (Amendment) Act of 2003; the Domestic Violence (Family Protection) Act; the Refugee and Displaced Persons Act; and general labour laws, including the Employment Act.

The 2009 Kenya National Bureau of Statistics National Census report, indicates middle income families especially in major urban centers have access and consume mass media services on daily basis. A casual look at a typical middle level social-economic family category in Nairobi is likely to exhibit certain characteristics generally associated with mass media consumption patterns. The same report indicates that out of the Nairobi's six million inhabitants, about 5 million have access to at least one type of media as represented by about 1 million households

Mass media content in Kenya more so broadcast is largely free to air with regard to radio and television. However, print and

internet sources are not. Other than a few subscription broadcast media such as Dstv, Zuku and World Space Radio etc, the rest of broadcast media is free as long as the gadgets have been accessed and powered. Out of Kenya's over one hundred FM radio stations and 19 television stations, nearly 90% are accessed in the capital city where as, less than 10% are accessed in farfetched regions in the northern parts of the country(Media Council of Kenya Annual Report 2013).

It is this aspect of free media content access that continues to pose a challenge with regard to specific content exhibited and the possible resultant long term effects to audiences and society. The most affected of these audience categories are the children who are in their formative stages and apparently do not have the necessary mental capacity to discern and distinguish media content's reality and fiction (Charren, 1980).

In the midst of these concerns are the various media policy guidelines in place and bodies that regulate various aspects of media industry operations such as the Ministry of Information Communication and Technology and Communications Authority of Kenya (CAK), Media Council of Kenya, Media Owners Association, Editor's Guild of Kenya, Film Censorship Board of Kenya. Ironically, other than general consumer associations such as the Consumer Rights Watch, there is no known consumer body that looks specifically into the media consumer concerns in Kenya. At the core of these concerns is the whole issue of media policy implementation. Coupled with this is the issue of general audience protection, more so children as a vulnerable group of consumers of generally free and easy to consume television content. In a country with high urbanization tendencies and its resultant outcomes such as weakening of social bonds, cultural erosion and biases towards foreign tastes and trends, the concern here therefore is the ineffective media content control especially television with its powerful audio visual effects that may increase the already known negative tendencies (Charren, 1980).

Children form a large percentage of the Kenyan population. With the possibility of exposure to unregulated media content that is age inappropriate there is likelihood that this will cause harm to them. They are likely to exhibit violence and other aspects that are deemed socially wrong in their immediate environments. The results of viewing harmful media content are known. There have been numerous studies on media effects; *Ill Effects* (Barker and Petley 1997), *Media Effects* (Bandura 1977), *Children and Television* (Charren 1980), *Cognitive Effects of Mass Media* (Baran 2009), and *Media Effects Advances in Theory and Research*, among others, that have pointed to this fact that children exposure to inappropriate and harmful television programs have presented socially unacceptable behaviour.

Media content control is present and documented and stakeholders are mapped out as well as their roles in ensuring that the control mechanisms are put in place. This study seeks to expose the gap that exists between the already established mechanisms for content control and the actual effective implementation. The most carefully crafted policy that is widely accepted by those it affects can flaunder because of improper implementation (Eccles,2006). The question here therefore is what might be happening to the media content control mechanisms that are in existence? Who is responsible? What is it that might have gone wrong and what are the possible remedies.

RESEARCH ELABORATIONS

This research focused on media policy stakeholders. These included the Media Owners Association, the Media Council of Kenya, parents, and media houses as the implementers of the policies, Communication Commission of Kenya, and any other agency concerned with media policy as well as children rights and welfare. With virtually all households in urban Kenya owning and accessing a variety of media, and most media houses and media policy agencies being in urban Kenya; Nairobi city was the focal point of this study.

Theoretically, this study was founded of the Theory of Implementation with complements from Cultivation theory. This is because the study was looking at the implementation of media policy in Kenya as well as the media effects of television viewing amongst children.

Descriptive research design was used as it offered the researcher the discretion to determine and report the way things are. Kothari (1990).The population for this study was all media houses with television bandwidth, all government agencies involved in media policy, all other agencies involved in child protection, media law and policy experts as well as parents.

Non probability sampling was employed. This method of sampling aims to be theoretically representative of the study population by maximizing the scope and range of variation of the study (Kombo et al 2011).This study was based in Nairobi County owing to its centrality and as a hub of policy and media activities; the media policy hub because most media policy agencies and all television media houses are headquartered in Nairobi.

FINDINGS

In a free- to- air media environment coupled with weak implementation of the already existing media policies, the Kenyan

children find themselves at the mercy of media operators who apparently rate profit motivation more than moral social values. With a relatively apathetic media public too, the situation is not bound to get any better unless long term workable solutions are sought. In line with its social concerns, the Kenyan government has over the years formulated and legislated broad media policy guidelines and specific clauses against indecent media content. These are embedded in the Film and Stage Plays Act (1980), the Kenya Broadcasting Corporation Act 1998), the Kenya Communications Act(1998) and the Media Act (2009/10).

This study looked into the Establishment, Enactment and Responsibility of media policies protecting children against harmful television content. Out of the 370 respondents 300 believed that children media policy is enshrined in the law of the land. This represents 82% of respondents. It formed the basis of discussion on how parents interact with law and what they view as their role in the policy process that concerns television content for children. 12% and 6% thought that Children media policy is established in books and in the constitution respectively.

"......*anything policy stems from the government and therefore the lawmakers who represent us know what is good for society, that is why we have elected them...*"says one respondent. Thisis a general sentiment amongst the parents. They view policy as an act of government and so they do not see much of media policy apart from when the government is exchanging with the legislators on various issues. As Mbeke (2008) observes the African parent/ guardian believes that generally media law is found largely in the constitution of Kenya. He points out that laws governing the media in Kenya are fragmented and exist in different sections of civil and criminal laws. The three sources of press law in Kenya he posits are; the Constitution of Kenya, the Statutory Law; and the Common Law. The Constitution of Kenya is the supreme law of Kenya and guarantees the right to freedom of expression.

Media policy and law does not only exist in written form, it must be integrated in the spheres where media operations are envisaged, Magarian (2007). Media practitioners, professional or otherwise must endeavour to understand the consequence of media activity in society and government. He points out that media policy should be both oral and written. His observation therefore draws a point of focus as to how to integrate media policy to the extent that it becomes a part of the oral traditions of media practitioners.

On a follow-up question on their interaction with the law, one respondent stated that "...*the law is there to be followed and not to be questioned much because the people who came up with it were representatives of institutions concerned.*" Most parents admit that they have had no interaction with media policy, they remark that they can only be sensitive about what their children are exposed to on television. *"...I don't think I have ever seen a document that guides this field but I know something exists, I take care of my children's television consumption hoping that they will be safe that way...."* remarks a respondent.

On matters concerning children media policy enactment, 290 respondents said that self regulation is used in children media policy providing a sharp contrast from those who believed that its enactment was sanctional and normative. Only 8% believed that the enactment is sanctional, with 12% seeing it as normative. The study gathered that the 290 accounts for 78% of respondents who believed in self regulation; this therefore infers that a majority of parents believe that media houses are largely able to undertake the enactment of the children media policy.

Respondents thought that self regulation is what is in place and it is adhered to for the reason that media houses are obliged to follow through with these policies. One respondent remarked "television stations are in business and going against the codes and policies set will only attract bad results for them, they must regulate themselves." This therefore should not be confused to their understanding that policy is established in law.

"Regulation-of-self encourages the media to bring television programs that will be interesting to the children but not harmful to their development...." says a respondent. There is a general acceptance that self regulation is practiced across the board with only 8% being of the opinion that sanctions are at play. "...television is notorious for inappropriate content and therefore sanctions have been put in place to ensure that there is sanity in the industry"

Self regulation has three components, namely; legislation that is defining appropriate rules, enforcement, such as initiating actions against violators and finally adjudication, that is, deciding whether a violation has taken place and imposing an appropriate sanction (Campbell 2007).

Thus, the term "self-regulation" means that the industry or profession rather than the government is doing the regulation. However, it is not necessarily the case that government involvement is entirely lacking. Instead of taking over all three components of regulation, industry may be involved in only one or two. For example, an industry may be involved at the legislation stage by developing a code of practice, while leaving enforcement to the government or the government may establish regulations, but delegate enforcement to the private sector. Sometimes government will mandate that an industry adopt and enforce a code of self-regulation (Culnan 1998).

Bullock et al (2001) observes that often times, an industry will engage in self-regulation in an attempt to stave off government regulation. Alternatively, self-regulation may be undertaken to implement or supplement legislation.

A follow up question was posed as to the adequacy or inadequacy of these measures. 49% of the respondents thought the enactment measures were adequate while 51% viewed them as inadequate. Most of those who thought the enactment measures are adequate claim that a regulatory body would be sufficient since it can oversee all the operations of media houses especially those concerned with implementing children media policy. Those with the view that the enactment not sufficient, said that there are many other factors at play other than having policy and calling for children media policy implementation for example creating awareness on issues concerning children media content and policy.

Jordan (2008) argues that self-regulation is an attractive alternative to direct government regulation because the state "cannot afford to do an adequate job on its own." They acknowledge, however, that self-regulation will only result in a net reduction of cost if the costs to industry are lower than the government's cost savings. Other voices against self regulation (Magarian 2007, Campbell 2007) question whether companies will use that expertise to the benefit of the public, suggesting instead that they are more likely to employ their expertise to maximize the industry's profits.Other criticisms are directed against self-regulation itself. Leaving regulation to the industry creates the possibility that industry may subvert regulatory goals to its own business goals; or as one article put it, "selfregulators often combine—and sometimes confuse—self-regulation with self-service." Self-regulatory groups may be more subject to industry pressure than government agencies. It is also unclear whether industry has the power to enforce adequate sanctions. At most, a trade association may punish noncompliance with expulsion. Whether expulsion is an effective deterrent depends on whether the benefits of membership are important.

Without adequate incentives to comply, "bad actors" will be unlikely to comply, and the "good actors" that do comply will be placed at a competitive disadvantage (MacCarthy 1995). He argues that where a company can make greater profit by ignoring self-regulation than complying, it is likely to do so, especially where noncompliance is not easily detected by the consumer or likely to harm the particular company's reputation. Like cartels, self-regulatory frameworks may unravel because of cheaters. On the other hand, when enforcement actions are taken, concerns are raised about the exercise of unreviewable discretion. Another problem with self-regulation is that it can facilitate anticompetitive conduct (Perritt 2000).

On the issue of whose responsibility it is to implement children media policy, government and government agencies were seen to possess the mandate and machinery to undertake this role. 298 respondentsfavoured government and its agencies, this accounted for 80% of the respondents. There was a sharp contrast in view that parents, media owners and society should be responsible, this generated only 11%. 6% were of the opinion that everyone in society and government as well as media should be responsible for the implementation of children media policy. A gap was thereby established with the question; how then would the media be considered self regulating if the government is expected to undertake this responsibility?

Finch (2009) argues that not only could media consumption be regulated and controlled, but also the state and commerce were often interested in more effective regulations and better surveillance over individual users. This is itself a nerve wrecking task but where children are involved the supervision of persons charged with that responsibility in their immediate environments can easily install and implement these sanctions. According to Campbell (2007) an industry may be involved at the legislationstage by developing a code of practice, while leaving enforcement to thegovernment or the government may establish regulations, but delegate enforcementto the private sector. Sometimes government will mandate that anindustry adopt and enforce a code of self-regulation

CONCLUSION

Data revealed that respondents see implementation of children media policy as a responsibility of the government and its agencies. Other stakeholders are also seen to play a part but it is very minimal. This points to the need for government and other concerned parties to come up with a sensitization on the role of all stakeholders in the implementation of media policy in this case that which protects children against harmful television content. There is a sharp contrast in the view that children media policy implementation should be self regulatory and that the government should indeed take the responsibility in ensuring implementation of the same. On the one hand data analyzed from the respondentsfavouredself regulation as a way of enactment of implementation and on the other, government is seen as the one charged with the responsibility of ensuring that children media policy protecting them against harmful television content is upheld. This discrepancy is possibly a pointer to the possibility of an existing gap in the understanding of stakeholder roles and the various expectations from the said stakeholders.

REFEENCES

A. Bandura, *Social Learning Theory*, Prentice-Hall, Englewood Cliffs, N.J. 1977A.L. Kinmonth,"Designing and Evaluating Complex Interventions to Improve Health Care,". Brit Med J 2007, 334(7591):pp455–459.

C.R. Kothari,*Research Methodology*, Jaipur. India1990, Ch. 6

D.K. Kombo ,L.A.Tromp, Proposal and Thesis Writing; An Introduction. Nairobi, Kenya: Paulines Publications Africa2011, pp 49-70

G.P. Magarian, Substantive Media Regulation in Three Dimensions. George Washington University, USA 2001 pp 845-897

H. Bullock, J. Muntford, R. Stanley, *Better Policy Making*, London UK, CMPS 2001 Ch1-2

H. Henry, Jr. Perritt, Regulatory Models for Protecting Privacy in the Internet; Privacy and Self-Regulation in the Information Age, 2000, pp 110

M.J. Culnan, A Methodology to Assess the Implementation of Effective Self Regulation for Protection of Privacy; Gorgetown.edu 1998

M.M. MacCarthy, Broadcast Self-Regulation: The NAB Codes, Family Viewing Hour, and Television Violence, 13 CARDOZO ARTS & ENT. L.J.667, 668-69 (1995). 51.at 669.

M.P. Eccles, B.S. Mittman : Welcome to implementation science. ImplementSci 2006, 1:1.

N.C. Campbell, E. Murray, J. Darbyshire, J. Emery , A. Farmer , F. Griffiths , B. Guthrie , H. Lester ,P. Wilson , A.B. Jordan , *The Future of Children*, Volume 18, Number 1, , Princeton University2008, pp235-253

P.Charren, *Yet Another Modest Proposal for Children's Television*, Gyan Books, CA1980

P.O.Mbeke, (2008) Media, Legal, Regulatory and Policy Environment in Kenya, UoN pp5-8

T. Finch, C. May, Implementation, embedding, and integration: an outline of Normalization Process Theory. Sociology 2009, 43(3):535–554

The Children Act, (2010) revised 2007 retrieved from: *www.icrc.org/ihl-nat.nsf/.../$FILE/Children's%20Act.pdf*

The Constitution of Kenya, (2010)

The Kenya Information and Communication act, (2009) retrieved from:
www.cck.go.ke/.../Kenya-Information-Communications-Act-Final.pdf

S. Balkam, "Content Ratings For The Internet And Recreational Software; Privacy And Self-Regulation In The Information Age" Washington, USA 2001

S.J. Baran, *Introduction to Mass Communication: Media Literacy and Culture* (4th Ed) New York, McGraw Hill. 2009

AUTHOR

Raiji Samson G., Master of Arts, Mass Communication and Journalism, CoHReD, JKUAT, Nairobi

Email: sraiji@yahoo.com