

23rd April 2025,

Attention: Registrar of the Complaints Commission, Media Council of Kenya.

Dear Sir/Madam,

IRRESPONSIBLE , UNVERIFIABLE AND EGREGIOUS JOURNALISM REGARDING GAMBLING IN KENYA.

I trust you are well, the above heading refers.

I am an Advocate of the High Court of Kenya and a Sports Betting professional; having been involved in the set up and operations of sports betting operators in Kenya , Tanzania and other African countries from 2014 to date.

Background

In Kenya, according to the Betting Control and Licensing Board (BCLB) - which is the mandated body that runs gambling in Kenya - this is an industry that directly employs over 10,000 Kenyans and indirectly supports over 500,000 livelihoods.

BCLB keeps a strict regimen for licensing operators and protecting players by ensuring adherence to responsible gaming requirements that include:

- All gamblers must be over eighteen (18) years of age.
- Gambling is not a career,
- Gambling is entertainment,
- Gambling has games of skills and analysis and games of pure chance
- One should only gamble what they can afford to lose.
- Minors must be protected from gambling - which is achieved by :
 - Registration on betting and gambling platforms are for adults over 18 years of age.
 - Operators of retail gambling stores cannot open their shops near schools or churches,
 - There is no advertising of gambling on television or radio when minors could see
 - Gambling operators cannot erect billboards or display their posters in public areas.

Your Legal Mandate

I have noted that under Section 4 (a) and (b) of the **Media Council Act, 2013 (Cap 411B)** (*hereinafter* MCA2013), that Media enterprises and Journalists fall under your authority in application of the said Act; moreover, under Section 6 (b), (d), (g) and (h) of MCA2013 , the functions of the Media Council, amongst others, is to prescribe, promote, develop , regulate and monitor compliance of ethical and professional media standards for members to comply with. My complaint is anchored on Section 34(1) (a) , (2)(b) of the MCA2013.

The Offensive Journalism

I have noted with concern a sharp rise in negative stories in the press around gambling. I want to bring to your attention the deplorable journalistic quality and standards of three (3) media houses that should know better and that command a huge following on both print and digital formats:

Nation Media Group

Date: March 28th 2025

Type: Print and Digital

Headline: Addiction to Gambling : An alarming crisis that has quickly gripped many Nairobi informal settlements

Link: <https://www.youtube.com/watch?v=oxkzFey244o&ab>

Star Newspaper

Date: April 7th 2025

Type: Print and Digital

Editorial: It's time to address gambling addiction

Link: <https://www.the-star.co.ke/opinion/leader/2025-04-07-editorial-its-time-to-address-gambling-addiction>

Saturday Standard

Date: April 19th 2025

Type: Print and Digital

Headline: Gambling Pandemic;

Page 6 & 7: Gambling with death : Betting Addiction silently driving Kenyans to suicide

Link: <https://www.standardmedia.co.ke/radiomaisha/national/article/2001516854/gambling-with-death-betting-addiction-silently-driving-kenyans-to-suicide>

<http://www.standardmedia.co.ke>

Grounds of Complaint:

1. *The offending forms of gambling are not clearly identified.*

Gambling is broad and has many different games within it - machine games, sports betting (both retail and online) , virtual games, crash games (like Aviator) , casino , Lottery (eg Sweepstakes) and so on.

It must be noted that the *Saturday Standard* of 19th April 2025 mentions the *Aviator* game; *Nation Media Group* and *Star Media Group* talk about online betting and gambling - which is exactly the complaint, there are many forms of betting and gambling and they need to be specific for any issue arising to be properly addressed.

2. *Most bets in Kenya are micro-bets.*

Different games will have different minimum and maximum bets. The journalists paint a very broad and careless brush against the majority of players who place microbets (bets between Kshs. 10 and 200 AND especially in sports betting).

Mobile Money

There was another lack of acknowledgement that payment for bets is done through mobile money, which in itself has limits; and consequently, the reporters failed to address how massive sums were being wagered with mobile money limits in place.

Cash Lending Apps

It also seems odd that the reporters did not want to talk of the impact of cash lending apps; which easily give small loans that problem gamblers would latch on. One expects when a crisis of the monumental nature as described by the journalists, available and easy sources of funds like cash lending apps should have been explored to give the stories proper context as to the depravity of the debts incurred. This was never explored.

3. *The Operator(s) offering the games mentioned may be unlicensed.*

None of the reports mention the brand names of the operators offering the games in question. The importance of naming them is for the public to know if

the said operator is licensed or not. This creates accountability for operators and also safeguards players from engaging said problematic operator(s).

4. *The Journalists do not appear to understand licensing around 'Aviator' games.*

In the case of *Saturday Standard* the game 'Aviator' is mentioned; however, the reporters, had they done a proper due diligence, would have known that BCLB gives special licenses for crash games such as Aviator over and above the operator having a valid sportsbetting licence.

5. *The Journalists did not consult the Betting Control and Licensing Board (BCLB).*

The journalists, not only did they not give even the offending operators a right of reply; they did not bring up these complaints to BCLB. This was an opportunity to bring balance to their reporting that was missed.

6. *Journalists ignored the role of Parents/Adult Guardians in under age gambling*

None of the articles address underage gambling restrictions by Law and by operation. Only adults over eighteen(18) are allowed to play AND also 100% of payments in online gambling are done through mobile money, which requires one to be above 18 anyway.

None of the articles or video acknowledge that there is parental/adult guardian responsibility at play when it comes to minors accessing mobile phones to gamble.

7. *The journalists do not provide information on resources that addicted/problem gamblers can seek help from.*

All the above mentioned publications show a noticeable lack of information regarding support systems, resources and organisations available to help problem gamblers.

There is no mention that licensed operators and BCLB offer exclusion opportunities for problem gamblers or access to organizations like Gamawareness254, Responsible Gaming Federation of Kenya and so on, to get the help they need.

8. *Data Protection concerns.*

The Saturday Standard mentioned suicide very explicitly - and rather callously , I must add - and even going ahead to name individuals affected. Not only is there no reference to a Death certificate confirming the Cause of Death; there is also the question as to whether the journalist's had consent from the families to publish the names, opening up possible infringements of Data Protection Laws for the Media Houses.

The Impact of the publications

All the mentioned publications clearly place gambling within the four corners of a social and mental health crisis. A crisis invented and exacerbated by the media.

The reports are insensitive to ethical considerations. They lack proportionality and balance. The reporting does not show any exercise of due diligence in verifying licensing, verifying regulatory compliance and demanding accountability of operators in question. There was no right of reply offered to the Operators in question or even BCLB , who are the mandated regulator in charge of ensuring all players are protected even as they gamble.

Defamation of the Industry.

There are over 22.71 million Kenyans on the internet and 13.08 Million kenyan's on social media. This type of reporting by the impugned journalists defames the industry to reasonable and right thinking members of society and causes them to spend less on gambling leading to job losses and decreased profits for operators.

Encourage Job Losses.

This type of reporting can only harm the law-abiding operators , tens of thousands of Kenyans employed directly and hundreds of thousands who benefit indirectly from the gambling industry.

Increase capital flight from offshore betting by Kenyans.

Decreasing players in local licensed operators will also mean less Tax collected by the government but also increased offshore betting by Kenyans who may reasonably (from

the negative reporting) believe that licensed operators are not capable of offering world class and responsible gaming options.

Remedy

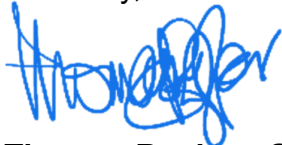
I call upon you to exercise your powers under Section 31 (b) of the MCA2013 and compel the Media Houses mentioned to:

1. Adduce verifiable evidence in a publication accessible by all Kenyans for each and every claim they have made in their reporting; to provide evidence of adhering to the issues raised by this complaint hereinabove.

failure to which:

2. Issue an unequivocal and immediate apology to the general public & Industry for publishing such spurious allegations masquerading as journalism as said publications were devoid of the principles of responsible and ethical journalism.

Sincerely,



Thomas Buckley Opar Owuor

Advocate of the High Court of Kenya and Sports Betting Professional.
Nairobi.

cc. (via email)

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Nation Media Group : customercare@ke.nationmedia.com

Star Newspapers: info@thestar.co.ke ; news@thestar.co.ke

Standard Media Group: corporate@standardmedia.co.ke