

CREATING SAFE ONLINE SPACES FOR WOMEN

POLICY BRIEF

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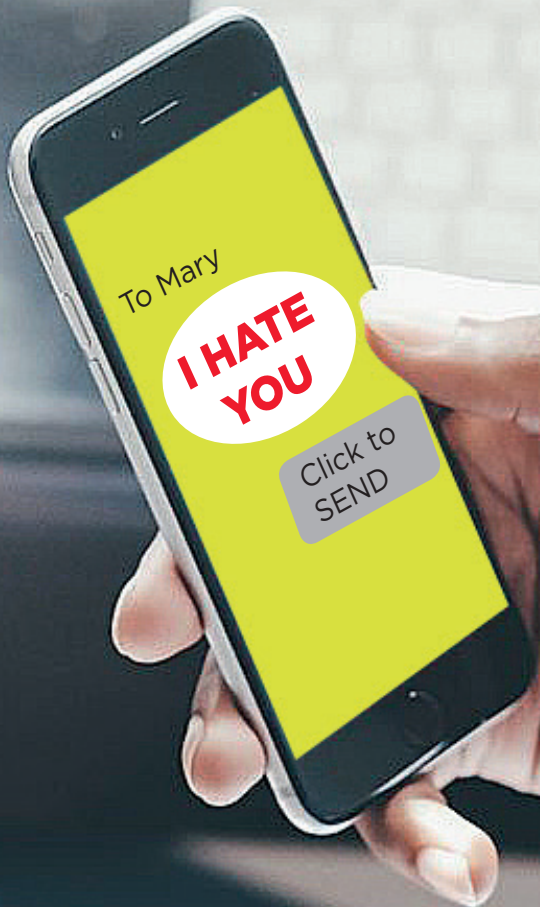
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Executive Summary

Online Bullying has become a common occurrence among social communities and women often find themselves in the receiving end.

One day you are just an ordinary person going about your business, the next day the internet is awash with your pictures and nasty comments from highly opinionated people who don't have a clue of who you are. The effects of this kind of bullying cannot be ignored. Women have had emotional trauma, lost their incomes, their careers and their privacy. These hate content stay forever on the internet and the victims of cyberbully are forever judged by them.

In response to the growing numbers of cyber harassment on Kenyan online platforms, KICTANet undertook a small study to highlight the struggles of the victims of cyberbullying.

The purpose of this policy brief is to understand the nature of cyberbullying and the existing policy gaps. The study took an observation method where the researchers observed the twitter environment for a period of 4 months. Key cases were picked out of the hashtags and classified into themes.

One of the main findings is that we have sufficient policies but the problem is in their implementation. For example, there are laws that can deal with

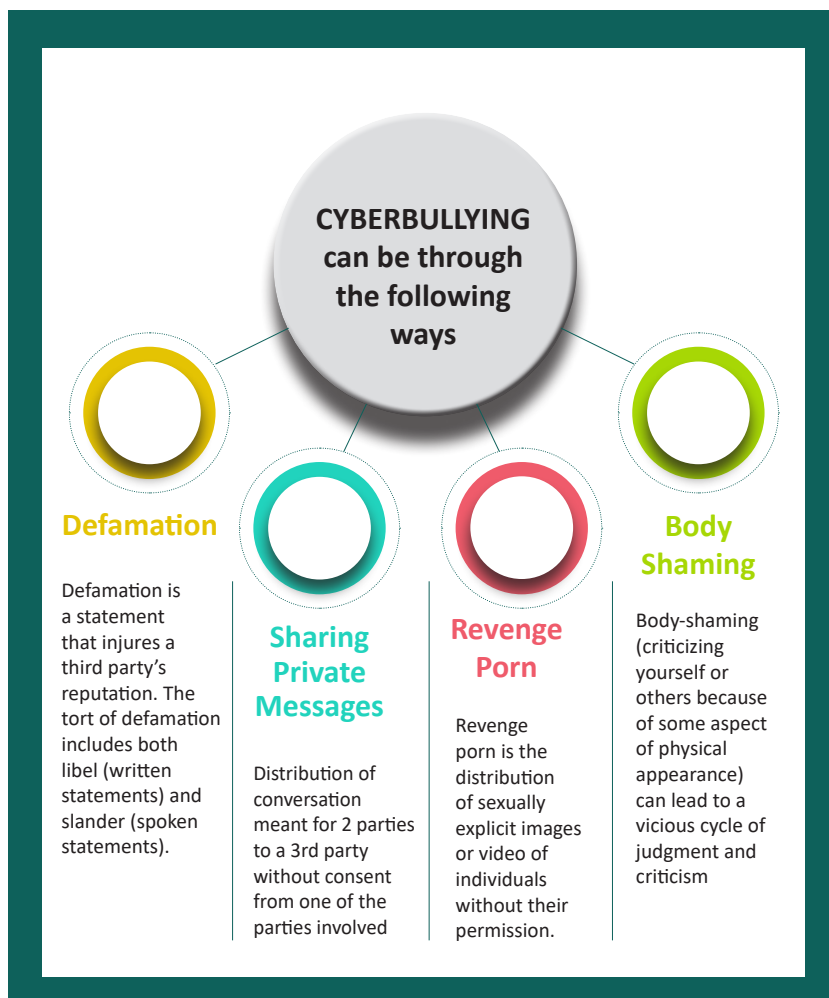
revenge porn, sharing private messages, and defamation.

The problem stems from the perception of the internet as a luxury resource where one should have the option of opting out when things get unpleasant. Therefore the law enforcement don't take the reporting with the magnitude they should have. Another finding is that both men and women are victims of cyberbullying.

However there are differences. Women are more often bullied online than men and the nature of their bullying is more harsh as they focus on societal shame. The content ranges from body shaming, and questioning their relevance in their areas of work or interest.

The fact that Kenya has sufficient policies to deal with online bullying is a clear indication that cyberbullying does not stop with laws, but with change of narratives. The brief therefore recommends bringing more women into these spaces to challenge the narrative.

It also recommends media organizations to encourage more female journalists to explore Information Communications Technologies (ICT) reporting and other areas that are male dominated. And finally, the study also calls for the creation of online reporting and support platforms as a more immediate approach to online bullying.



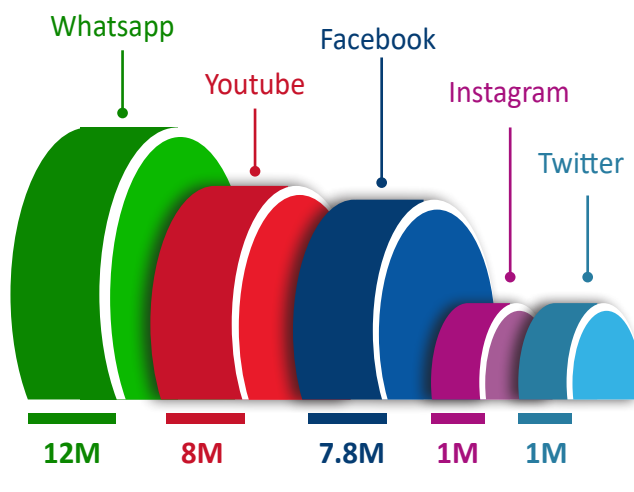
Introduction

Technology as a double-edged sword presents huge opportunities to correct the existing gender biases, but in the same breadth has lifted and exacerbated offline biases. Concerns about technology assisted gender-based violence have gained recognition over the last few years. As technology develops, so are the patterns and frequency of cyber harassment.

Women and girls are the most targeted. These emerging online harassment threaten safe and secure spaces, reducing women's ability to use the internet for empowerment or development.

According to the Communications Authority, Internet subscriptions in Kenya stand at 39.6 million, among a population of 49 Million.

The popular social media and Internet messaging services are WhatsApp at 12M, Facebook at 7.8M, Youtube at 8M, Twitter at 1M, and Instagram at 1M.



The blogging industry has also experienced a parallel growth in terms of the number of users and diversity of content. Consequently, the number of women internet users and seasonal content creators has grown over time. However, the frequent online attacks and other new forms of cybercrimes have negatively affected women's participation in these spaces. For example, a study by the The Association of Media Women in Kenya (AMWIK) and Article 19 East Africa, indicates that attacks on women journalists often drive them out of the social networking spaces. These attacks may negatively affect their career growth and also affect their income. And yet women journalists depend on online platforms for distribution of their news content and interaction with their audience.

This policy brief identifies the underlying issues of cyber bullying by looking at the existing policy provisions and examines a select number of cases involving female celebrities. In each case, discussion points and recommendations are highlighted.

Women and girls are the most targeted...



The Rise of Cyber Bullying



The Kenya Social media landscape is very vibrant. Daily trends reflect the interest of users in politics, government policies, accountability and entertainment. When Kenya's social media speaks, it is loud. Loud enough to make international big media stations to apologise for misreporting. Loud enough for the government authorities to act, and loud enough to make the trolling victims want to jump out of their skin.

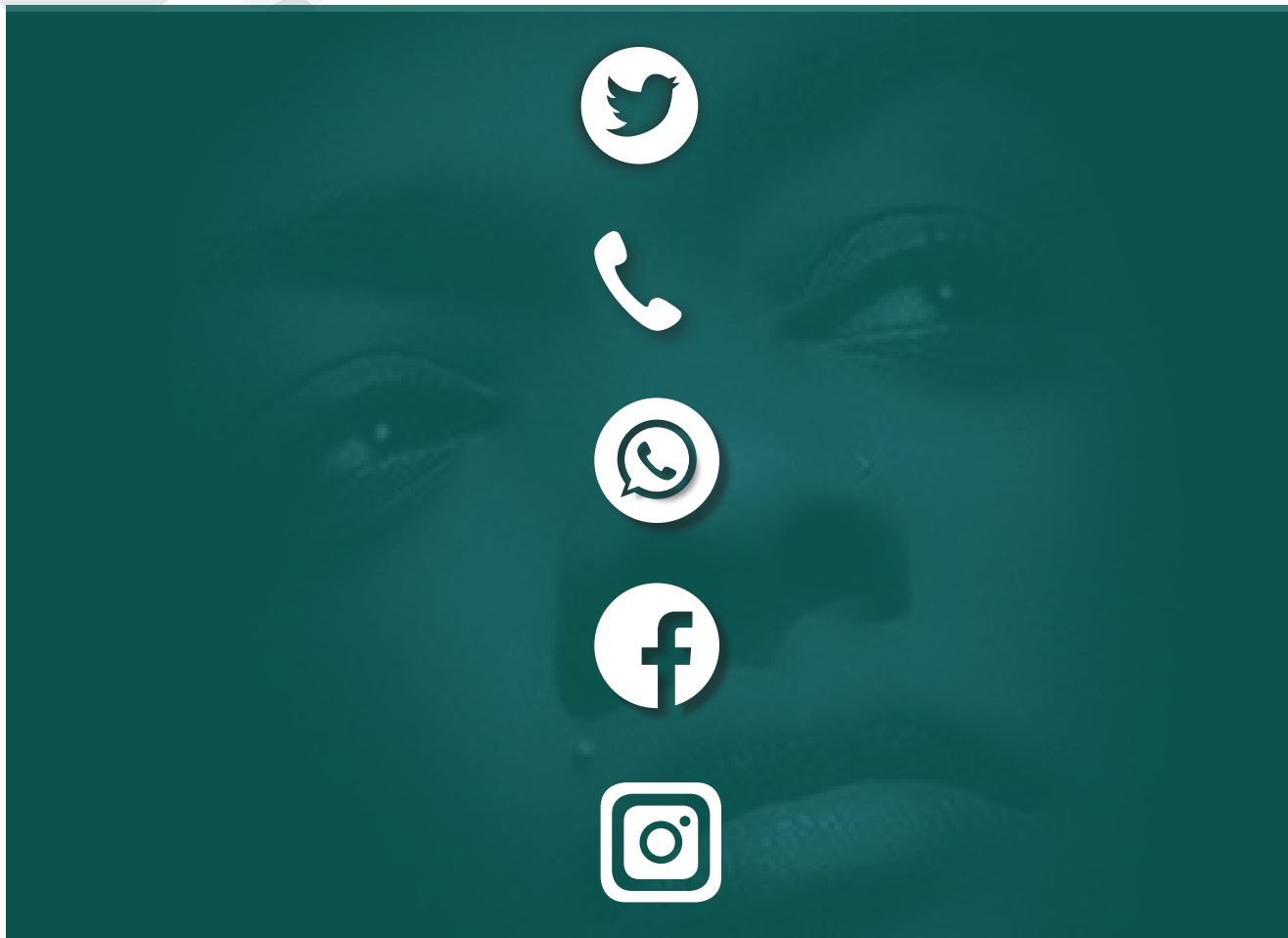
This Kenya social media is like a town hall where users tweet behind their screens sometimes with the perception of being invincible. The motivation to post is to get the most reactions. So, comments can range from comical criticism to innocuous jokes.

Social media platforms in Kenya have been described as extremely judgemental, where users have opinions on everything! They sometimes claim the moral high ground point at others' misgivings. On twitter for example, there is a group of users who identify themselves as Kenyans on Twitter DCI (KOT DCI). DCI is a short form of Directorate of Criminal Investigation.

This group claims to unravel inconsistencies in users' narratives by digging into their posts that may have been shared years ago and long forgotten.

There is also a title handle that claims to be the ‘chief investigator’.

KOT DCI has been useful in calling out for leadership accountability, but when it focuses on gossip it can come out as a worst nightmare for its troll victims who are mostly women.



<https://ca.go.ke/wp-content/uploads/2020/03/Sector-Statistics-Report-Q2-2019-2020-1.pdf>
Nendo Social Media Report, 2017, How Kenyans Use their Data: <https://www.nendo.co.ke/data>
Women Journalists and Digital Media, 2016, <http://amwik.org/2013-2/>

Case Studies

This section focuses on select case studies that demonstrate a trend of online attacks of women.

The cases are varied from the nature of the attacks to the nature of women engagement with the online communities.



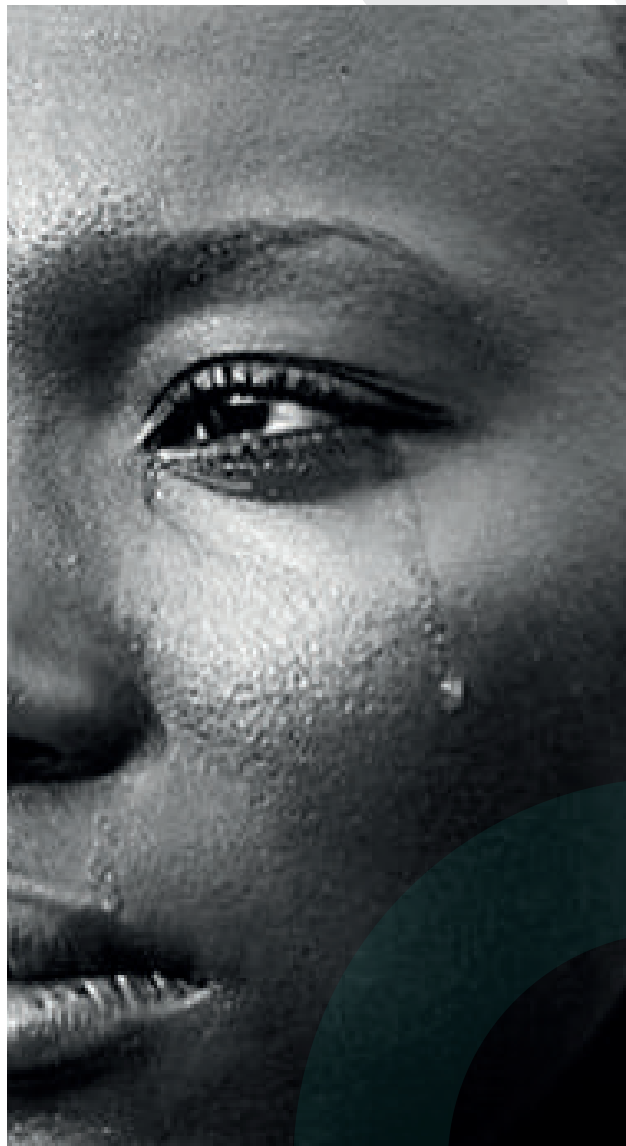
Women are More Likely to get Trolled Than Their Male Counterparts

Brenda Ivy Cherotich was the first coronavirus patient in Kenya who left hospital on April 1st 2020 after testing negative. according to the Ministry of Health. After her release she attended a virtual meeting with the President Uhuru and the Cabinet Secretary of Health Mutahi Kagwe.

She was also joined by Brian who had also recovered from coronavirus. Brenda gave her experience of Covid-19 illness and thanked the government officials for the care during that period.

She was then invited to multiple popular Kenyan media stations to further share her story with the public. In one of the television interviews, she was asked about her relationship with Brian. She indicated that she had met him during the quarantine, basically denying he was her boyfriend. And that is when Brenda's trolling began. KOT DCI started investigating her story claiming that they were acting in support of the "boychild", Brian. From her different interviews, some information she gave about the hospitals where she was receiving treatment appeared inconsistent, raising concerns that needed clarity on where exactly she received treatment. Brenda's story did not add up. The public felt that the government had staged a PR stunt.

And Brenda was used as a punching bag for these frustrations. But Brian was not attacked. KOT DCI



claimed that her denial of knowing Brian, and her age conflicted with what the CS of health had announced. Brenda's old photos with Brian surfaced and shared all over the internet. Her former classmates, both male and female also joined and supported these allegations.

The public now infuriated with the alleged misinformation from the government took out their frustration out on Brenda. And just like that Monday April 2nd, 2020 Brenda became an overnight sensation in all the worst ways.

Then inconsistencies were quickly turned to whether Brenda was beautiful behind the cameras. She was brutally trolled and attacked with the hashtag(#) #Brenda utilized to invade her privacy.

Nude images she once shared privately on messaging apps were circulated on twitter timelines and hashtags. More images linking her to Brian surfaced and shared without her consent.

Brenda trended for more than 24 hours. Majority of her attackers blamed her for playing the Government's pet and for mishandling Public Relations. The most peculiar thing was that Brian who was also a recovered patient and part of the media tour with Brenda did not face similar treatment.

Brenda's trolling is an example of how the Internet never forgets, and how women are more prone to trolling than men. Old posts on the internet can be used to haunt women and make them subject to future trolls. The debate of whether women should post their nudes most often does not bear clear decision outcomes as it goes to questions of freedoms and morality. However, because women have different contexts, they should make these decisions according to their own circumstances. Their decisions to post nudes should not be a subject for their ridicule.

Key Filters: #brenda #Patient1



First coronavirus patient in Kenya leaves hospital after testing negative Nairobi, April 1st April 2020, <http://www.health.go.ke/covid-19-recoveries/>



WOMEN STANDING UP for other Women ARE ALSO LIKELY TO BE TROLLED

Yvonne Okwara, a news anchor with one of the leading television stations in Kenya, came through in support of Brenda, and called out for the prosecution of the young women's online trolls. Yvonne Okwara is one of the well-known media personalities in Kenya with over 10 years experience. Yvonne secured a household name for being one of the key interviewers during Kenya's 2017 Presidential Debate.

Yvonne describes herself as ambitious, analytical and self-driven. She also admits that she seeks to speak truth to power through journalism. This was unnecessarily put to question as some Kenyans on twitter turned against her for having an opinion.

She made her mind known on what she thought about Brenda on "News Gang", a Television show on Citizen TV which she hosts and sometimes moderates.

According to an online newsite the presenter weighed in on Health CS Mutahi Kagwe's directive to the Directorate of Criminal Investigation (DCI), asking the investigator to arrest all social media users who mocked Covid-19 survivors Brenda Cherotich and Brian Kinda.

Yvonne called for the arrest of Brenda's online bullies. She cited how women become easy targets for cyberbullying, igniting a heated gender debate on social media platforms. Yvonne elaborated on the physiological effects of trauma from online bullying and further advocated that Brenda needed support.



She opined that Brenda could easily sink into depression given the irony that she had survived covid-19.

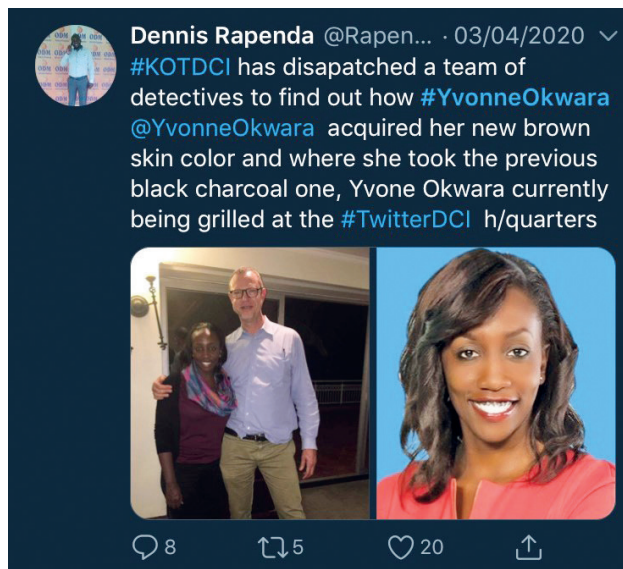
The online gender debate on twitter escalated and the subject matter was set aside. Instead, the debate moved to Yvonne's's detailed personal life and appearance. Hashtags and memes were created to shame her marital status and her skin complexion.

This was not the first time Yvonne had been subjected to online abuse. She and other women in the media industry such as Betty Kyalo, who was also trending at the time for negative reasons, are subject to constant harassment especially on twitter.

Yvonne Okwara's attack is one that discourages women to champion against online trolls. Often women have expressed that they stay away from commenting on issues, because they fear being dragged into the onlinewars, as the effects can be emotionally draining. In addition, women who come out to defend trolling against fellow women are often labelled toxic feminist in need for male attention. This feminist labelling is sadly advanced by men and women.

During this period, Hellen Mtawali, a well renowned Kenyan musician, once called out a male social media influencer for using young women in his nude entertainment online event. Hellen received a lot of bile from other social media users who categorised her as an old woman, "who should conform to the roles and duties of her female agemates".

Key Filters #YvonneOkwara



<https://www.standardmedia.co.ke/article/2001267940/up-close-and-personal-with-yvonne-okwara-matole>
<https://www.kenyans.co.ke/news/51614-kenyans-turn-against-yvonne-okwara-after-tv-rant-video>
<https://www.kenyans.co.ke/news/51585-arrest-kenyans-mocking-brenda-cs-kagwe-dci>
https://twitter.com/search?q=%23YvonneOkwara&src=typeahead_click

CONTENT CREATORS are Trolled for Rising too Fast

The internet with its many cool inventions has introduced interesting ways for the people to stay in touch during the covid-19 pandemic. TikTok is one of the newer applications that young Kenyans have taken to entertainment in Kenya during “quarantine season.”

It started with a smile that dazzled Kenyans on Twitter.

On Sunday April 5th, 2020, a lady who goes by the moniker Azziad shared her TikTok video on Instagram where she was lip-synching a swahili song from popular gengetone artists Mejja and Femi called Utawezana . In this video, Azziad is seen singing and dancing to the track. Kenyans on twitter were thrilled. The video gained so much traction using the #utawezana people recreated it and credited her. Azziad became an overnight sensation, popularizing the song and resulting in the video being shared on multiple platforms including Twitter.

Monday April 6th, found the video trending on twitter. Her phone number was shared online and some tweeps harassed her demanding that she responds to their phone calls and messages. A fake “twitter? “account was also created in her name. The account gained a lot of followers and was actively interacting with the public as ‘Azziad’.

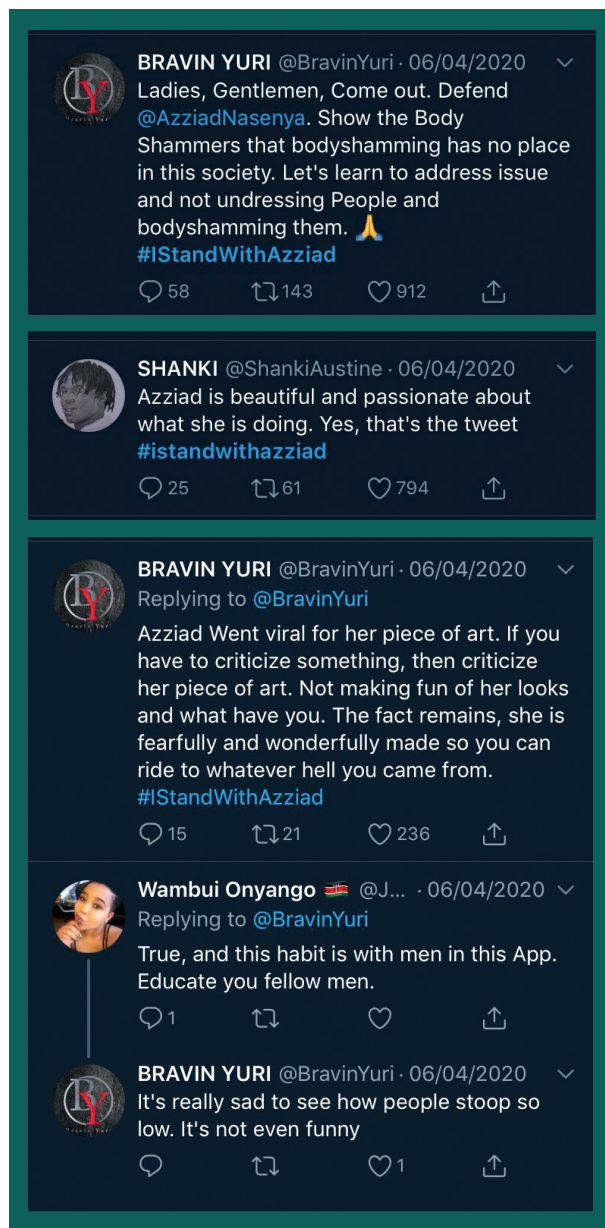
Azziad decided to address these trolls through a video which she shared on twitter where she



demanded that those sharing her phone number put a stop to it. And that is when the harassment escalated. Azziad was body shamed and abused for having a voice. This resulted in her taking down her twitter account. An unlikely yet encouraging outcome arose as a group of popular twitter users started a support hashtag #IStandwithAzziad to dismiss Azziad attackers. Some of the influencer handles that came up with #IStandWithAzziad are noted to be notorious for trolling. However, this case also presents proof that part of the twitter community can be influenced to be sensitive to trolling messages towards women.

In this case, you see how Twitter is weaponized as a tool for online abuse and bullying especially for women. Budding young women entertainers have to go through some beauty contests. First content is appreciated, then someone is trolled for rising too fast. Raising one's voice fuels the trolls because they see it as a favor for following someone's content. Because it is a beauty contest, the ones who judge are the men. They also get to become gatekeepers on who gets to be famous and who does not.

Key filters:
#utawezana
#IStandwithAzziad



<https://www.youtube.com/watch?v=zZwpbPnMEhU>
Key filters: #utawezana #IStandwithAzziad

Women are Trolled

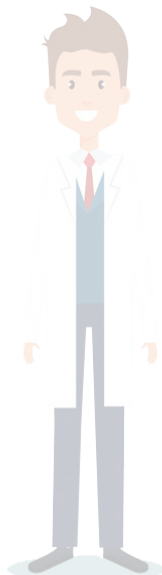
for **EXPLORING CAREERS** that are
MALE DOMINATED

Carol Radull is a well celebrated Kenyan sports journalist with over 20 years of media experience. Head of Bamba sports at one of the biggest radio stations in the country Radio Africa Ltd.

Radull's unique voice and accredited commentary on sports programming sticks out not only for her valued insights and input into the industry, but also as one of only a few

women sports journalists in an incredibly male dominated field in the country. Research by Women's Media Report published in the United States of America, notes that in sports more than in many other professions, female columns may stick out among a sea of male-sounding names, drawing particular scrutiny and targeted harassment.

The report further states that sports is the most male-dominated subject in both print and internet news; with men leading 90 percent of sports coverage in print, and 79 percent on the websites examined.



A Blogger's Agenda

A few years ago a controversial blogger popularly known as Cyprian Nyakundi started a streak of blogs targeting female journalists. Nyakundi is infamously known for attacking female journalists and other influential personalities targeting their personal lives using derogatory language such as 'toxic feminist' and 'self-seeking entitled bitch'.

In an article he wrote back in 2016 titled 'Beyonce's "Lemonade" Is The Reason Men Should Marry Normal Chics', Nyakundi referred to Carol Radull as being a 'self-seeking entitled bitch' like Beyonce

Nyakundi attacked the sports journalist and spoke

specifically about the choices she made in her marriage. He wrote that Carol Radull 'wasted' her life as a youth only to settle down as somebody's wife when she was in her 40s. Below is an extract of his comments.

"Don't be like Carol Radull's husband who married her when she was way above 40 years



old. Why settle for someone who wasted her youth while assuming that they had so much to offer, and almost like sizing up various offers of male interest? Marrying a woman over 40 will simply be a burden, because she will be steadily projecting her frustrations on you, breaking down your spirit and diminishing any sign of potential in your life. You will be roped into her game-plan of life, yet we very well know women are not exactly the best strategists and have no long-term view of life.”

It is important to note that even with Radull’s influential status as a well renowned sports journalist in a male dominated field, she still is target for harassment not for the work she puts in but for her personal choices that are publicized and then criticized. What this then causes is a ripple effect to the industry discouraging other women to pursue sports career paths in fear of public ridicule and scrutiny rooted in toxic social-cultural norms.

Healthy criticism is acceptable in any career field, but only to the extent that it sticks to the subject matter. It should not extend to an individual’s personal and physical attributes.



<https://tools.womensmediacenter.com/page/-/WMCStatusofWomeninUSMedia2019.pdf>

<http://www.ghafila.com/beyonces-lemonade-which-exposes-jay-zs-infidelity-prompt-single-mother-ciku-muiruri-and-cyprian-nyakundi-to-dress-down-married-women-janet-mbugua-carol-radull-not/>



Women's Actions in Politics Stay Longer in Public Mind

Martha Karua is one of the most active female politicians in Kenya who has mentored other women in politics. She is known as Kenya's iron lady. Martha was one of the key Ministers in Kibaki's government. She also played a key role in support of Kibaki's 2007 re-election which was disputed. That was the period when the country experienced the circulation of hate messages and later a post election violence that cost over a thousand lives.

However, 13 years down the line, Martha is still reminded by the public of her role in Kibaki's re-election, while her male counterparts are not subjected to the same haunting. Today, her attackers keep reminding her that she was party to the disputed elections even when her posts on social media have nothing to do with any elections.

The attacks usually escalate when she airs controversial opinion or when running for an elective post. Martha has never given up her Presidential political ambition, and continues to engage citizens through her social media handles. She does not hesitate to use the block button whenever someone uses her platform for unsubstantiated arguments.

As a seasoned woman politician, Martha is more prone to online vitriols.



This can discourage other women from going for elective seats, or even discourage those who are in politics from engaging their constituents. And yet the importance of online engagement in political communication continues to increase as these spaces integrate with the mainstream media. Therefore pushing a woman politician out of these spaces could mean giving them a media blackout.

Policy Overview

The Commitment of Kenya to attain gender equality is spelt out in the Constitution of Kenya 2010, under articles 3-8 of chapter 27. The constitution also provides for additional rights in the Bill of Rights Section. These rights were absent or not elaborate in the previous constitution. “ They include the right to privacy, assembly, association and equality.” Any laws that are inconsistent with these provisions are considered null and void. The judiciary, from time to time has demonstrated commitment to protect these rights by declaring unconstitutional laws that are in contravention to Kenya’s 2010 Constitution. The constitution also provides for the position of women representatives in every constituency as a way to increase women participation in leadership and in policy-making.

Further to the constitutional provisions, Kenya is a signatory to a number of treaties that provide for various kinds of basic human rights. These include the Universal Declaration of Human Rights (UDHR, 1948), and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW, 1979).

Kenya has also developed and implemented key policies to bridge the gender gap and to reduce gender based violence. These include the National Gender and Equality (NGEC) Act and the Sexual offences Act. Below are some of the key policies that touch on women participation in online spaces.

National Gender and Equality Commission (NGEC) Act

The
NGEC derives
its mandate from the
Constitution of Kenya 2010 in articles
10, 27, 43, 59 and chapter fifteen among
others.

Article 27 (1) every person is equal before the law and has the right to equal protection and equal benefit of the law. Subsection (4) provides that the State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

Sexual Offences Act

The Sexual Offences Act was enacted to curb the escalating sexual violence. The primary purpose was to ensure that complainants of sexual offences get justice commensurate to the harm caused. Although the Act does not expressly cover cyberbullying, it provides for criminalisation for the sexual abuses, provides definitions of such abuse, and outlines mechanisms for prevention and protection of all persons from harm arising from unlawful sexual acts. Also, it provides for minimum sentencing as opposed to the Penal Code where sentencing is at the discretion of the presiding judicial officers.

This is a signal of government's commitment to eradicate sexual violence. This is the first legislation in Kenya's legal history that recognizes sexual harassment as a crime. It also recognizes sexual offences against mentally impaired citizens.

However the Act does not explicitly define and or provide for sexual harassment or abuse that takes place online. However, there have been ongoing discussions to expand these provisions to the online space.

Computer misuse and Cybercrimes Act

The Computer Misuse and Cybercrimes Act 2018 was assented to on May 30th 2018. Its provisions include those on cyber bullying. This act, if properly implemented, can solve cases of online abuse, including online gender based violence.

Laws that have attempted to deal with cyber harassment have also been open to misinterpretations, leading to their misuse. The courts have only been accessible to privileged Kenyans. For an ordinary Kenyan seeking justice, one has to part with limited resources such as time and money. In effect, such provisions have mostly been used by the government, politicians and wealthy businessmen to stifle freedom of speech online. For example, Section 28 of the KICA act was mostly used to harass bloggers. From the period of January -- June 2016, 24 bloggers had been arrested with these charges . None of these cases were on cyberbullying.



Penal Code

The Penal Code prohibits all acts of violence. It however does not sufficiently address gender based violence or specifically online violence. Gender based violence for instance, is only inferred by virtue of interpreting the vice as an assault as provided for under section 250 and 251.

There is no specific offence such as abuse or harassment. This also adds to the inadequacies for addressing gender based violence, sexual or otherwise harassment or abuse over the internet present challenges to the fight against the vices.

Data Protection Act 2019

The Data Protection Act was enacted in 2019 to give effect to article 31 of Kenya's Constitution. Article 31 provides that every person has the right to privacy, which includes the right to not have information relating to their family or private affairs unnecessarily required or revealed; or (d) The privacy of their communications infringed. One of the special elements of the Data Protection Act is that it is human centered; and gives data subjects the power to manage their personal information in the hands of data processors. For example, a Kenyan citizen should be able to control who owns their data, for what purposes, and also request for modification or deletion. A data processor is prohibited from using their subjects data for other purposes other than for that already declared and consented to by the subject. This marks positive developments and guarantees protection of women's sensitive information in the hands of companies and in some cases, individuals.

The Intimidation of Bloggers Reaches a New High <https://www.article19.org/resources/kenya-intimidation-and-harassment-of-bloggers-reaches-new-high/>
Business Daily. Uhuru signs the Data Protection Bill into law. November 8, 2019.
<https://www.businessdailyafrica.com/releases/Uhuru-signs-Data-Protection-Bill-into-law/1941082-5341658-njto1jz/index.html>



Conclusion

Despite the negative impact of women online harassment on society equality, and on individual women's lives, concerns of women online harassment have not gained attention from policy makers and the public. Outcries of harassment have often been labelled as rants from toxic feminists, or countered with other examples of opposite gender harassment as an argument that the other gender also experiences the same.

From the existing policy landscape, it is also evident that more has to be done, beyond the policy provisions. Stakeholders need to think of other initiatives that focus on attitude change and on aiding the government in policy implementation.

More importantly, the government and other sector players need to look holistically at the causes of societal inequalities: Norms, education and political participation. Such inequalities are lifted and multiplied online.

Recommendations

Based on the conclusion, this policy brief makes the following recommendations:

Civil Society

1. Digital literacy and security training should be made available to train users of online platforms on the need to frequently visit and clean their digital footprints as a way of instilling good digital hygiene.
2. Both men and women should be encouraged to protect victims of cyberbullying.
3. The government and the civil society need to develop reporting tools through which women can report cases of harassment and receive counseling.
4. There is need to raise more awareness on the usefulness of online spaces?? among women to increase their participation online. Women should be influenced to have a voice and to support others in such trolls.
5. Push for clear reporting mechanisms on cyber bullying and harassment.

Government

1. There needs to be a court interpretation that separates clear cases of abuse from freedom of speech.
2. Online netiquette should be introduced in schools as a social science to influence behavior change from young ages.
3. The government and the civil society need to collaborate and develop reporting tools through which women can report cases of harassment and receive counseling.
4. Policies should go beyond providing laws and influence behavior and attitudes among social media users.
5. There is need for implementation of the computer and misuse cybercrimes law and other existing laws at the enforcement level.

Media

1. The media should highlight and cover more stories on the importance of women participation online while also creating awareness around women online abuse and harassment.
2. Capacity building for female journalists to explore more perceived male dominated areas in media such as ICT, sports and investigative journalism, to ensure continuous representation.
3. There is also a need for clear reporting mechanisms on cyber bullying and harassment.

Social Media Companies

1. Online platforms should engage women politicians to train them on digital security measures, and to come up with actions they can apply to their handles to protect from such attacks.

ABOUT KICTANet:

The Kenya ICT Action Network (KICTANet) is a multi-stakeholder platform for people and institutions interested and involved in ICT policy and regulation. The Network is a thought leader and is dedicated to bringing evidence, expertise, and more voices into ICT policy decision-making. KICTANet promotes public interest and rights based approach in ICT policy making.

Our Pillars

POLICY ADVOCACY

We work to bring stakeholders together to discuss on the best policy alternatives and also monitor the progress of policy development processes.

CAPACITY BUILDING

To ensure continuity and diversity in the policy development, we bring in new voices in the different stakeholder backgrounds through training and events.

RESEARCH

Our policy advocacy and capacity building are supported by evidence based research through an established working group on both current and emerging issues.

STAKEHOLDER ENGAGEMENT

We facilitate ICT stakeholder engagement through collaborative initiatives in face-to-face Town Hall meetings, and in the KICTANet's interactive mailing list where multiple stakeholders engage regularly on ICT policy issues

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