

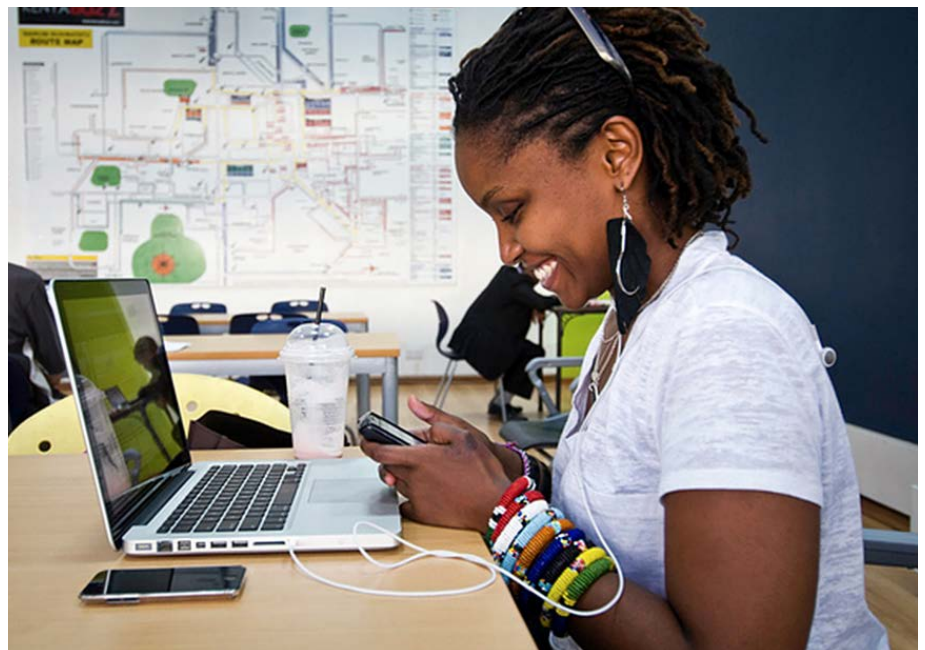
Online safety for women journalists

An update of the Survey on Women Journalists in Kenya

Acknowledgment

AMWIK is grateful to World Association of Christian Communicators (WACC) in collaboration with Waldensian Church's Otto per Mille (OPM) for supporting this project titled 'Raising Awareness on Online Violence against Women through Media'.

We acknowledge former AMWIK Programmes Officer Joyce Nyaruai and AMWIK member, Mary Kii for their contribution to making the project possible. We appreciate Grace Githaiga for leading the research efforts. Similarly, we sincerely thank AMWIK Executive Director, Marceline Nyambala for the overall supervision of the project. We appreciate AMWIK Programme Officer, Light Juma for coordinating the project and Senior Programmes Officer, Benard Ogoi for the support during the project. Similarly, we appreciate all the journalists/media professionals who have contributed in one way or the other to the success of the research. Thank You.



Copyright © The Association of Media Women in Kenya (AMWIK), 2017

Disclaimer: The opinions expressed in the data findings do not reflect those of AMWIK or WACC. The findings have purely been collected as evidence of the nature of attacks against women journalists to help in addressing the same.

Muringa Court, Block D, House No. 14, Kirichwa - Muringa Road Junction Kilimani
P.O. Box 10327 – 00100, Nairobi, Kenya
Tel: +254 (20) 444 1226 | Tel/Fax: +254 (20) 444 1227
Mobile: +254 722 201958/737 201958
E-mail: info@amwik.org
Website: www.amwik.org
Twitter: @AMWIK
FB: Association-of-media-women-in-Kenya-AMWIK

1. Introduction

A free and independent media is critical in strengthening democracy, good governance and human development. It contributes to the realization of the rights to freedom of expression and opinion, right of access to information, strengthening the responsiveness and accountability of governments and providing a platform and channel for political expression for the public and groups in society. These rights are recognized in the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights, the African Charter on Human and Peoples' Rights, and the Constitution of Kenya, 2010.

James D. Wolfenson, the former president of the World Bank noted that: "A free press is not a luxury. A free press is at the absolute core of equitable development, because if you cannot enfranchise poor people, if they do not have a right to expression, if there is no searchlight on corruption and inequitable practices, you cannot build the public consensus needed to bring about change".¹

Today, the practice journalism is conducted by a wide range of actors, whether they are full-time reporters or analysts as well as bloggers and an emerging set of self-publishers whether offline or online. Journalists can in fact be described as 'individuals who observe and describe events, document and analyse events, statements, policies and any propositions that can affect society, with the purpose of systematizing such information and gathering facts and analyses to inform sectors of society or society as a whole.'²

Since the liberalisation of media in Kenya, the sector has seen the emergence of diverse channels with varied content that appeal to different audiences. The country has more than

139 FM stations, 66 free-to-air TV channels on the digital terrestrial platform, several print newspapers and magazines, numerous websites and 15,000 blogs. These channels communicate in several languages including Swahili, English and vernacular.

Further, the wide adoption of technology in the country has seen a tremendous growth of the uses. For example, by December 2016,³ the number of Internet users in Kenya stood at 39.6 million, while the number of mobile subscriptions stood at 38.9 million.

Mobile penetration on the other hand stood at 88.2 percent. In addition, the total internet subscriptions stood at 26.5 million with mobile data subscriptions constituting 99 per cent of the total internet subscriptions.

These statistics also complement the social media usage which stands at approximately 4 million Kenyans daily. Popular social media networks such as Facebook has an estimated 5 million users, WhatsApp has an estimated 5 million users, LinkedIn an estimated 1 million users, while Twitter has close to 700,000 monthly active users.⁴

¹ James D. Wolfenson. 1999. 'Voices of the Poor.' Washington Post, 10 November 1999, A39.

² Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, A/HRC/20/17.

See: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17_en.pdf

³ Second Quarter Sector Statistics Report for The Financial Year 2016/2017 (October-December 2016), Communication Authority. See: <http://www.ca.go.ke/images/downloads/STATISTICS/Sector%20Statistics%20Report%20Q2%20FY%202016-17.pdf>

⁴ Communications Authority of Kenya, Quarterly Sector Statistics, Oct – December, available at <http://www.ca.go.ke>

According to the Media Council of Kenya, the industry regulator, Kenya had slightly over 3,300 persons accredited to work as journalists in 2017.⁵ The wide usage of social media has also encouraged the growth of citizen journalism and at the same time encouraged mainstream media enterprises to push their content through social media platforms.

Despite this expansion of the sector, journalism can be a dangerous profession. In the course of seeking their stories, journalists put themselves at risk when reporting on dangerous contexts such as wars, disasters, conflict, human rights abuses, corruption and politics.

Kenya's Internet Freedom status is rated as Free according to the Freedom of the Net 2016 Report.⁶ The Freedom of the Press 2017 Report also retains Kenya's Press Freedom status as Partly Free.⁷ It indicates that blogging has become an economically viable industry. Worryingly, however, it also points out that an unprecedented number of bloggers and social media users have been arrested – and in some cases charged – for commentary critical of government officials. Moreover, restrictive legislation and threats to economic models of the sector continue to affect the work of journalists.

Other than this, women journalists in particular, encounter unique forms of violence unlike their male counterparts. This includes violence

meted out by their male colleagues in the workplace; state-sponsored violence in the form of arbitrary arrests, imprisonment and torture; and lastly, sexualized hate speech, trolling and other forms of harassment on the internet.⁸

This study is an update on a 2016 baseline study, which aims to generate evidence on new trends in online violence against women in Kenya, and the policy gaps that address online and mobile phone security for women. Further, it highlights where technology and technology platforms are used to propagate violence against women.

The challenge that technology presents is the ease with which it makes it easy to perpetrate offences; the ability to mask the identity of a perpetrator to enable them operate anonymously; as well as enable the perpetrator to operate and carry out complex acts remotely and from any location across the world. Further the inability of law enforcement to detect, investigate and prosecute these new forms of crime; and the low levels of awareness of users on how to secure themselves when using these technologies forms different challenges.

It is important therefore that as more journalists adopt technology and go online, that they consider the potential effects of such developments and the risks portended to journalists who are women.

⁵List of Accredited Journalists 2017, Media Council of Kenya. See: <http://www.mediacouncil.or.ke/en/mck/index.php/programs/mck-accreditation/2015-list-of-accredited-journalists>

⁶Freedom on the Net 2016: Kenya Country Profile, Freedom House. See: <https://freedomhouse.org/report/freedom-net/2016/kenya>

⁷Freedom of the Press 2017: Kenya Profile, Freedom House. See: <https://freedomhouse.org/report/freedom-press/2017/kenya>

⁸Annabelle Sreberny, Violence Against Women Journalists, UNESCO. See: http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/publications/gamag_research_agenda_sreberny.pdf

2. Methodology

This study is an update of the 2016 Women's Journalist's Digital Security. It aimed at generating evidence on new trends of online violence against women journalists in Kenya, what policy gaps exist, and whether the proposed cyber security laws have provisions aimed at safeguarding women's participation in the digital environment.

Purpose

Specifically, this report sought to:

- Gain insight into new/existing safety threats to women journalists/media workers in the digital environment;
- Assess to what extent women journalists are aware of specific threats online, and ways in which they protect themselves;
- Assess the measures taken by victims of of online violence, and their effectiveness; and,
- Assess the role that journalists take in the interaction and contribution to existing/proposed laws on online security.

Objective

The objective of this report is therefore to generate new data on new forms of online violence against women journalists, and measures taken to protect themselves as online users. Further, it is to document existing and upcoming policies and laws, and any gaps that deal with online security thus informing media and policy advocacy, and input into legal reforms to include online safety for women.

Process

Interviews were conducted with selected women columnists, female journalists, and the online editors of the two media organizations considered as leading, namely Citizen and Nation Media Group. The interviews with journalists and columnists were open ended and elicited information in a spontaneous manner. The questions with digital online managers centered around such issues as the number of women journalists working in their media's digital departments, the criteria used to select women who blog for say Nation Media Group, the role of social media managers and if they make contributions to negative portrayal of women. In addition, as managers of social platforms, what are the patterns they have noted on their social media platforms where stories or articles generated by women or women as subjects are concerned. Literature was reviewed and documentary sources included the legal developments, as well as the proposed laws in cybersecurity.

Limitations

There was reluctance by some respondents and media houses to share information. Some of the journalists interviewed indicated that they were bound by their employers and they needed to seek for permission to give such information on how the media houses treated their cases of online harassment.

3. Literature review

The use of technology in the commission of acts constituting violence against women has created distinct forms of violence against women, where technology forms the mode or the medium through which the violence is carried out.

Violence against women is defined as “violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.”⁹

Violence of any form, especially against women, should not be tolerated in any society. According to UN Women, it is estimated that 35 per cent of women worldwide have experienced either physical and/or sexual intimate partner violence or sexual violence by a non-partner at some point in their lives.¹⁰ In Kenya, the prevalence of intimate physical or sexual intimate partner violence is 41%.¹¹

Within the media, incidences of violence are not new. The United Nations,¹² has reported that more than 700 journalists have been killed around the world in the past decade in the course their work. A report by the International News Safety Institute (INSI), revealed that 115

journalists were killed in 2016,¹³ while 111 were killed in 2015.¹⁴ Asia and the Americas recorded the highest casualties, while in Africa declining from 25 in 2015 to 9 in 2016.

As the number of women journalist increase, so does their risk to encounter violence in the course of their work. Currently, women journalists account for one-third of the total media workforce.¹⁵ The common front for violence lies within the male dominated workplace where they continue to face abuse, assault, intimidation and threats.

According to a global survey by International News Safety Institute (INSI) in 2014, nearly two-thirds of the 1,000 female journalists' respondents revealed that they had experienced violence in the workplace. The violence took the form of intimidation, threats, or abuse in their work. It further manifested itself through name-calling to death threats.¹⁶ In addition, 21 percent of the respondents indicated that they had experienced some form of tapping,¹⁷ hacking¹⁸ or digital security threats.¹⁹

⁹ CEDAW, General Recommendation No. 19. ¹⁰ See: http://www.unwomen.org/en/what-wedo/ending-violence-against-women/facts-andfigures#_sthash.xMb3pd1v.dpuf

¹¹ See: <http://evaw-globaldatabase.unwomen.org/en/countries/africa/kenya?typeofmeasure=60305524975b40e6b0e-de2ae54aa5c0e#1>

¹² International Day to End Impunity for Crimes Against Journalists, UN. See: <http://www.un.org/en/events/journalists/>

¹³ INSI Casualties Database: 2016. See: <https://newssafety.org/casualties/2016/> ¹⁴ INSI Casualties Database: 2015. See: <https://newssafety.org/casualties/2015/>

¹⁵ Inside the News: Challenges and Aspirations of Women Journalists in Asia and the Pacific, UN Women. See: <http://www2.unwomen.org/~media/field%20office%20eseasia/docs/publications/2015/06/insidethe-news-final-040615.pdf?v=1&d=20150616T083403>

¹⁶ Violence and Harassment against Women in the News Media: A Global Picture, INSI. See: <http://newssafety.org/uploads/IWMF.FINALA.PDF>

¹⁷ This is the monitoring of telephone and internet conversations by a third party, often using covert means.

The survey further noted that the perpetrators of a majority of the incidences were persons in authority such as male bosses, supervisors, government officials and co-workers. It underscored that such incidences were not regularly reported with blame heaped on cultural or professional stigmas.

The internet space is also not without its challenges. According to Article 19,²⁰ freedom of expression and the media in Kenya has been deteriorating. This is according to reports between January and September 2015 which revealed that 65 (including 7 women) journalists and social media users had been attacked in 42 separate incidents.

The report further noted the increase of the number of persons charged for various offences arising from their work. This is indicative of the government's determination to crackdown on critical voices online and as such undermines press freedom and the safety and security of journalists in Kenya.

The Internet and technology continues to provide a platform, environment or tool through which various forms of abuses can be perpetrated. A report by CIPESA²¹ revealed that privacy and security concerns in online communications in Kenya were associated with perceived government surveillance

or communications. Other concerns were threats from other Internet users, hackers and fraudsters. In addition, the report stated that there were anecdotal indications to suggest that online violence against women was becoming more rampant, given the increased access to ICTs and the lack of laws to punish offenders.

Social networking sites and blogs in particular, have been noted as breeding grounds for anonymous online groups that attack women, people of color and members of traditionally disadvantaged classes.²² Further, that women are the most likely victims of online hate and Web 2.0 technologies accelerate mob behavior where such groups target individuals with defamation, threats of violence and technology-based attacks. These silence victims and concomitantly destroy their privacy.

A research conducted by Pew Center in 2014 indicated that approximately 40 per cent of Internet users had experienced online harassment.²³ In addition, that stalking and sexual harassment are more prevalent among young women than among young men. The women described their experiences of harassment as extreme or very upsetting. Moreover, younger women are more likely to experience sexual harassment online than their

¹⁸This is the interception of telephone calls or voicemail messages

¹⁹These occur when the security of a digital/online account or file has been breached, hacked or threatened.

²⁰Silenced and Intimidated, Article 19 EA, https://www.article19.org/data/files/medialibrary/38167/FOR-WEB-LAUNCH-2-11-Kenya_monitoring-_violations_report_PDF.pdf

²¹ State of Internet Freedoms on East Africa Report See: http://www.cipesa.org/?wpfb_dl=193

²²Cyber Civil Rights, Daniel Keats Citron, University of Maryland, see: <http://poseidon01.ssrn.com/delivery.php?ID=682025021087126104030003064122072121029022041052070026086029025005002001120001091121054013022125049112043065116016125077098026007071082078061122015114117076075121035077003106111002115118094107080096123026065081031019002000005026126081083030068023105&EXT=pdf>

²³Online Harassment, Pew Research Centre, 2014, see: <http://www.pewinternet.org/2014/10/22/onlineharassment/>

older counterparts. For women journalists, they “are targeted for being women, for being journalists and sometimes, for being women journalists.”²⁴ The major challenges faced by journalists worldwide, include smear campaigns on social media, usually involving trolls, with the aim of damaging credibility and intimidating sources, online threats of violence and online sexual harassment.²⁵ The common forms of attacks online include cyber-stalking, illegal surveillance and privacy breaches, online harassment, sexual violence, intimidation and

threats of violence. Others are sex and death threats, defamation, trolling, verbal abuse and name-calling, arbitrary arrests, censorship and detention. Such attacks are in most cases, carried out anonymously and are personal and emotive. In summing up, online violence against women journalists is a problem not only because it is violence against women, but also because of its inherent dangers of its chilling effect on freedom of expression and the media. Most of the time, it leads to self-censorship, affects performance and limit online presence.



Journalists at work

²⁴Global campaign aims to end violence against women journalists, IFEX, see: https://www.ifex.org/international/2013/12/04/violence_against_women_journalists/

²⁵Building Digital Safety for Journalism, UNESCO. See: <http://unesdoc.unesco.org/images/0023/002323/232358e.pdf>

4. Case studies

Women in media have fallen victim of smear campaigns which sometimes can go on for days. These attacks may take different forms and are usually spread through different social media platforms depending on their popularity. Sometimes the content may include hash tags, photos and video edited graphics to show nude characters and so on.

4.1. Uncalled for attacks

Media women, in particular those who work for television, have had to bear trolls and online abuse usually uncalled for. Sometimes the insults and attacks are triggered by the women's way of dressing, their makeup, or something they did in line of duty such as interviewing a famous personality. The following attacks come to mind.

4.1.1. Lulu Hassan and Kanze Dena

Lulu Hassan and Kanze Dena are Citizen Media news anchors. The two usually anchor the evening prime time news at seven o'clock Swahili broadcast. Within the news session, they have introduced different segments that address art, youth talent, marriage and relationships. During such segments, they sometimes interview successful artists and politicians on their lifestyles and personal experiences.

It is within this context that on Monday March 17, 2017, they held a one on one interview with President Uhuru Kenyatta.²⁶ The Interview focused on various issues ranging from corruption, the practicality of Kenya's constitution and the powers of the President, to what his government had achieved, and many other issues.

The two news anchors, who are considered among the best in Swahili broadcasts found themselves the subject of discussion and criticism from online trolls. They were deemed to have asked the President "silly questions"²⁷ and 'soft questions' and therefore their show that day was "a waste of viewers' time". This interview had been advertised on the channel and therefore attracted a wide viewership. However, opinion was divided on their performance.

²⁶Uhuru Kenyatta interviewed with Citizen TV. March 17, 2017. <https://www.youtube.com/watch?v=2KWIEkkXAvs>

²⁷Citizen TV's news anchors Kanze Dena and Lulu Hassan became subjects of a heated online troll moments after their interview with President Uhuru Kenyatta. <https://www.tuko.co.ke/234479-citizen-tvs-lulu-hassan-kanze-dena-fire-a-day-interviewing-uhuru-kenyatta.html>

Chege Gichimo

Works at Self-Employed

The spirit of hatred follows the originator of hatred up to his grave. These two ladies did us proud. Very well live presented live interview. Millions watched; were happy because of the ladies courtesy; high degree of journalism. It was a ward winning show beamed live. They made our evening that day. Keep up ye two divas. U inspired millions of your viewers. Like the late

Conversely, some audiences wanted much more. Infact one comment seemed to suggest that because they asked the President how he spends his free time as well as which football team he supports in the English Premier League, they were deemed unprepared for this interview, as they are just 'socialites'.²⁸

Kevin Arucho

Kenyatta University

Two beautiful women went the Statehouse to massage the President

Like · Reply · Mar 27, 2017 12:38pm

Massaging if taken literally could mean that the above comment obviously concludes the two lady journalists would do better in the act of massaging, and not in interviewing.

Mercy Claris

Owner at Self-Employed

That one i support, and even wished it was hussein mohamed or larry, those ladies so soft

Like · Reply · Mar 22, 2017 9:30am

This comment made by a lady suggests that good interviewing of personalities as presidents is the preserve of male journalists.

First, it should be appreciated that Lulu Hassan and Kanze Dena were able to secure this interview. However, this was not the case with many Kenyans online. The comments from the trolls did not touch on the content of the programme but was bent on discrediting the interviewing skills of the two ladies. Further, even for those who do not like the President, they still found a scapegoat in the two ladies, who they blamed for the President's lack of responses to questions on corruption. Still, some comments were outright insults.

See this:

...they did a shoddy job and didn't put the president on the spot like they should have... they totally urinated on Journalism and they have no right to refer to themselves as journalists.

The same author also posted on a different online platform *Group Kenya*:

²⁸Citizen TV's news anchors Kanze Dena and Lulu Hassan became subjects of a heated online troll moments after their interview with President Uhuru Kenyatta. <https://www.tuko.co.ke/234479-citizen-tvs-lulu-hassan-kanze-dena-fire-a-day-interviewing-uhuru-kenyatta.html>



by the name Doyle Hassan, went on to call both journalists and another news anchor Julie Gichuru, bimbos. This person did not even realize that Julie Gichuru quit her job as an anchor two years before this interview was conducted.

This was just one incident. However, Kanze Dena and Lulu Hassan have become victims of heated online trolls as reactions to what they have aired and who they interview. Further, as they get trolled, other women in media were also lumped together with them as the examples outlined where Julie Gichuru, Lilian Muli and Yvonne Matole are included and yet they did not participate in interviewing President Uhuru.

Some of the comments and reactions from internet trolls on this interview with Kenya's President were outright rude and nasty. They probably were intended to demean Kanze and Lulu and make them think that they lack the ability of interviewing. Infact, some reactions suggested that it was time for the two women to reconsider their decisions to be women in the media. These online trolls continue to make comments, sometimes unnecessary and uncalled for intending to either demean women journalists or simply make them lose confidence in themselves.

This person who is supposedly a woman, seems to have an aversion for women journalists as she goes on to even mention other women television personalities, who had no connection with this interview between the two ladies and the President.

However, one loaded post picked from Instagram summed the contempt some audiences had for Lulu and Kanze and in fact suggesting that they should be waitresses and not journalists. The author of the Instagram post, who goes

In addition, women journalists find that there are parody accounts in their names which usually churn out false messages. For example, fake Facebook accounts exist in the name of Kanze Dena.²⁹ One has posts mostly of a sexual nature, and irritating messages on other celebrities. It can be deduced that whoever is running this account has ill intentions and wants to portray Kanze Dena in bad light.

²⁹ Kanze Dena, Facebook. See: <https://www.facebook.com/Kanze-Dena-346881675418383/> ; https://www.facebook.com/kanze.dena.758?ref=br_rs; https://www.facebook.com/kanze.dena.75?ref=br_rs; https://www.facebook.com/kanze.dena.98?ref=br_rs;

4.1.2. Drifting into feminism? Victoria Rubadiri's wardrobe criticized

Victoria Rubadiri is a reporter and news anchor with Nation Television (NTV). She also runs her own weekly show the Victoria Rubadiri show.

Rubadiri is an example, of one who has been trolled as a result of her dressing. On May 9, 2016, blogger Cyprian Nyakundi who has a following of over a million followers on twitter³⁰ launched an offensive on Rubadiri³¹. And what sins had Victoria committed? That she had drifted to feminism and women's empowerment in her weekly show. And instead of criticising the content of the show, Nyakundi went into Rubadiri's personal life:

We know you're a single mother but many decent men are willing and ready to make amends for the mistake of that one bastard...But because of your striking beauty, good legs and child-bearing hips, many men in Nairobi would accommodate you and your kid...your show is bordering on this warped feminism concept, and may slowly turn you into an activist..Get a normal guy and settle down.."

Nyakundi claimed that by advising Rubadiri, he wanted her to "revert back to factory settings" since he had noted that she was diverting. He went on to offer her unsolicited advice³²

Your editorial direction is slowly changing from the church girl we used to know, and you're now getting tempted to wear the

short skirts and flaunt those hips on TV, like your hoe counterparts Lillian Muli and Betty Kyalo.

The above comment connotes that there was a danger she would lose her male audiences if she did not stop "this feminism":

You honestly don't wanna end up like your older single frustrated peers, like grandmother Catherine Kasavuli. That life isn't worth it.

This story which appeared on his blog, elicited comments with the majority of those commenting being men and supporting him.

The study notes that the title of the post was offensive, the language used was strong and crude, and the attack was too personal. Further, Nyakundi insults and demeans other media women including some who are no longer in the limelight. He calls one of them "a grandmother". The intention here is to make the lady feel too old and unattractive, something that many women would be uncomfortable with. Additionally, the use of the word 'hoe' to refer to other media women in news is demeaning, vulgar and rude. Ultimately, media women on television are under scrutiny than say their print counterpart.

³⁰ https://twitter.com/C_NyaKundiH

³¹ Cyprian Nyakundi. Victoria Rubadiri Needs Some Good D**k In Her Life. May 9, 2016. <https://www.cnyakundi.com/2016/05/09/victoria-rubadiri-just-needs-some-good-dick-in-her-life/>

³² Cyprian Nyakundi. Victoria Rubadiri Needs Some Good D**k In Her Life. May 9, 2016. <https://www.cnyakundi.com/2016/05/09/victoria-rubadiri-just-needs-some-good-dick-in-her-life/>



When you receive that text saying your bundles are below 2mb after wasting the bundles listening to jimmy gait



When you are dead and then you hear Jimmy Gait has release a new song calling jesus sponsor



4.1.3. Male abuse? Jimmy Gait talks about it

Jimmy Gait is a popular gospel musician in Kenya, having sung a number of popular hits. However, in 2016 upon releasing the songs “Hello” and “Yesu ndiye sponsor”, he became a victim of several attacks on social media. These included several memes characterizing him in various aspects that made him a laughing stock.³³ The memes appeared on Facebook, Twitter, Instagram and on several websites and blogs. Due to these attacks, he in fact removed the two songs from his YouTube channel.³⁴



I woke up in the morning and I was trending like I'd never seen before. It was so difficult for me because I've been singing for more than nine years. I've done so many good songs for people. Every other day you pass in a club or in an event you hear a Jimmy Gait song playing. People forgot all that. They were insulting me and saying all sorts of things... It was difficult for me, because I am human, and I have emotions, I have feelings... I really felt bad after doing all that I've done, and gotten so many awards. Kenyans just decided to insult me and forget about all the good songs I've done. Because of one song people think that I'm trash 1 (breaking down in tears).



³³ Hilarious That Memes Hit the Web After Jimmy Gait Dropped “Yesu Ndie Sponsor”, OMG Voice.

See: <http://omgvoice.com/entertainment/memes-jimmy-gait-yesu-ndie-sponsor/>

³⁴ Jimmy Gait, Videos, YouTube. See: <https://www.youtube.com/channel/UCTmH61huvCNPIXALyh4eYIQ/videos;>

In May 2017, he was invited to the popular show “*the Trend*” on NTV Kenya, where he was interviewed by Anita Nderu, the show’s co-host. It is here that he narrated how the online attacks had affected him emotionally. We quote an excerpt:

During the interview, the host Anita Nderu sympathized with the Artist. She also took time to point out that “majority of Kenyans who hide behind their phones don’t understand the consequences of cyber bullying. It’s all fun and games to them and they don’t necessarily understand that this is work.” Nderu also hoped that from the interview, the viewership would see how Jimmy Gait was affected and thus understand that cyber bullying is real only that people do not see it.

The interview opened up a fresh round of attacks on the artists on social media, with some supporting him and calling for an end to the attacks.³⁵

After the attacks, Jimmy Gait released a new song “love”³⁶ which is a response to his online trolls. The aim of this song is to inspire them

to offer love to all those who meet others with negativity. In fact, he includes some of the memes in the music video. He also launched a social media campaign dubbed **#JimmyGaitResponds** as a rejoinder to his critics.³⁷ This shows that the artist has since picked himself up and is ready to face his attackers by doing what he does best– music!



Notably, this interview that was conducted by a female journalist, points to the power that the media has in highlighting to their viewers or audiences, the plight of victims of cyber bullying. In addition, the interview provided an opportunity for the viewership to be educated about the adverse effects of cyber bullying. Such an approach should be encouraged, not just for the buzz, but to provide useful guidance to society. What is unfortunate though is that Nairobi News, also co-owned alongside NTV



Peter Ngugi 3 weeks ago

still looks like a fake cry. we can tell how a real one looks like

Reply · 25 👍 🗨️



Mrs Waweru 3 weeks ago

Rilly?????

Reply · 1 👍 🗨️



CK Richke 3 weeks ago

Funny how he thinks he can end trolls with some crocodile tears on tv 🤡 🤡

Reply · 3 👍 🗨️

³⁵Jimmy Gait gets trolled after crying on national TV, Biggest Kaka. See: <http://biggestkaka.co.ke/2017/05/22/jimmy-gait-gets-trolled-crying-national-tv/>; JIMMY GAIT TROLLED FOR CRYING ON LIVE TV – VIDEO, Nairobi News. See: <http://nairobi.news.nation.co.ke/news/jimmy-gait-trolled-crying-live-tv-video/>

³⁶Love, Jimmy Gait, May 2017, YouTube. see: <https://www.youtube.com/watch?v=r0WdAvKpw5A>



HENRY DERRICK 3 weeks ago

yes you are trash

Reply • 3



mercy lubanga 3 weeks ago

HENRY DERRICK stop cyberbullying.

Reply • 3

Kenya by the Nation Media Group continued to carry stories with the memes that constituted the bullying during the period.³⁸

In fact, Njoki Chege, a weekly columnist with Nairobi News who has had to endure online trolling and nasty exchanges as a result of the topics she tackles, mostly considered controversial by society, participated in cyber bullying Jimmy Gait. She attacked Jimmy Gait³⁹ after his interview with Anita Nderu. This was despite the fact that he lamented about cyber bullying and how this affected him psychologically. Njoki Chege in her weekly column by City girl responded to Jimmi Gait thus:

...I found Gait's charade on television quite childish. First, I don't like men who

cry in public. Those who do are weak and incapable of handling strong emotions. Gait, in a hopeless attempt to get back at the good graces of face book, made tearful remarks about how "one song... (sob, sniff...) one song..." made him the most hated gospel musician....

I have this to say to him: man up Jimmy Gait...

You used social media euphoria to advance your music gospel career and now it is time to harvest what you planted. You deserve every one of the...

Here, Njoki chege who has been a victim of cyber bullying served it right back!

³⁷Finally Jimmy Gait hits back at the trolls and memes in one classic knockout. Genius! See: <http://www.ghafla.com/ke/2017/05/18/finally-jimmy-gait-hits-back-trolls-memes-one-classic-knockout-genius/>

³⁸HERE ARE KOT'S SUGGESTIONS FOR TITLE TO JIMMY GAIT'S SOON TO BE RELEASED SONG, Nairobi News

See: <http://nairobinews.nation.co.ke/chillax/jimmy-gait-new-song/>

³⁹Njoki Chege, CITY GIRL: FORGET ONLINE BULLIES, JIMMY GAIT. RAISE UP AND SING AGAIN. JUNE 2, 2017. [HTTP://NAIROBINNEWS.NATION.CO.KE/NEWS/ON LINE-BULLIES-JIMMY-GAIT/](http://NAIROBINNEWS.NATION.CO.KE/NEWS/ON LINE-BULLIES-JIMMY-GAIT/)

4.2. Internet troll brigade in regular columns

There have been concerns that the Kenyan media is aloof in the way it treats women journalists. Also, that the industry does not recognize its own women. Cases of sexual harassment, lack of women tackling 'hard issues' and lack of adequate women columnists and commentators are frequent concerns that continue to be debated.

Women journalists feel that they lack support from their media houses and are sometimes discriminated due to their gender. Njoki Chege, a weekly columnist with Nairobi News captured this feeling stating that “women are treated like they have no brains at all...our opinions do not matter, our voices are not important...”⁴⁰

Two women columnists were interviewed for this study. The study sought to gain their insights into their online experiences based on their articles and mostly on the topics that they continue to handle. The Internet, like no other media, has allowed people to engage across border. And in a country that freedom of expression has been largely defined by many Kenyans growing up without it, the internet continues to offer false 'safety' that can be used to say anything without fear of prosecution.

4.2.1. Joyce Nyairo – columnist, Daily Nation⁴¹

Joyce Nyairo has been a Columnist for the Daily Nation. Initially, she wrote on hard political issues, sometimes very controversial political topics, before moving to her real expertise of analyzing culture where she has continued to write on popular culture. Her engagement with the Nation began when an editor sought

her out and asked her to start writing for the Newspaper. In her over three years of writing, she notes that editors respect professionals and will usually seek one out for comments. As for readers, there are those who celebrate 'because a woman can write, while others just look down on you as a woman'. Heidi Stevens' experience resonates with that one of Joyce. She is a columnist with the Chicago Tribune and has endured internet trolls who would want her to comb her hair. She is of the opinion that “we are still living in a time in which a lot of people – men and women – aren't used to, and aren't comfortable with, hearing and reading female voices with an opinion, because I think we sort of got used to having opinions and insights and advice on big and important matters doled out by men.”⁴²

Nyairo opines that when one writes on topics considered political, there will always be trolls who have comments in particular if they do not think their political perspective has been tackled, or disagree with the article. As such, if one is a columnist, she has to develop shock absorbers and handle trolls with laughter.

Joyce advises that if one has to respond to trolls, the plan is to show them politely that they are ignorant. Here is one example of how she handled one mean reader:

⁴⁰Njoki Chege “Kenyan media houses are the most unfriendly for a woman”. March 10, 2017. Nairobi News. <http://nairobi.news.nation.co.ke/news/city-girl-kenyan-media-houses-unfriendly-woman/http://nairobi.news.nation.co.ke/news/city-girl-kenyan-media-houses-unfriendly-woman/http://nairobi.news.nation.co.ke/news/city-girl-kenyan-media-houses-unfriendly-woman/http://nairobi.news.nation.co.ke/news/city-girl-kenyan-media-houses-unfriendly-woman/>

⁴¹Interview with Joyce Nyairo May 10, 2017.

⁴²Danielle Braff. n.d. Women in Media Vs. The Internet Trolls. <https://www.crixeo.com/women-in-media-internet-troll/>

Reader:

Dear Dr Nyairo,

Thanks for your well scripted and interesting articles.

As a medic however I can't fail to notice and comment on the state of your face on the profile picture. It comes out as one of some kind of skin condition. Maybe it was time you sought help or have the picture changed. I'm sorry but it distracts a bit from your excellent pieces.

Kind regards,
Daktari.

It's a wonderful learning curve for those who open themselves to the experience.

Enjoy your Sunday,

Joyce's response:

Thanks for your medical concerns Dr.XXXX I have copied this to my editor in hope that his colleagues can right the distracting wrongs in that photograph.

Enjoy your weekend.

Readers second response:

Most obliged for taking my observation in your stride. Have a lovely weekend.

Ben.

From: Joyce Nyairo

Date: 9 October 2016 at 08:16:44 EAT

To: xxxxx
Subject: Re: Profile Photo

Not a problem, XXXX. The true test of being a (female) public intellectual is learning how to accommodate every kind of opinion, no matter how (sexist), self-serving, inappropriate, crass, irrelevant, untoward, extremist, fanatic, devoted, maniac, cranky and offensive it might be.

Reading the conversation, the first question that comes to mind is, would this said Doctor have written such an insensitive comment to a man? Usually, when a comment is made to criticize a woman's appearance in particular her face, the idea is to make her feel unattractive. It can be presumed that the said doctor wanted to diminish Nyairo's confidence and cow her by suggesting that her face has some form of skin disease. He is however disappointed by Nyairo's first response to him and acts as if he was merely (innocently?) providing the unsolicited advice in good faith. He implies that he is okay that Nyairo has taken the 'advice' in her stride. He misses her sarcasm in her response "I have copied this to my editor in the hope that his colleagues can right the distracting wrongs in that photograph." However, in her last response to him, she in a subtle but firmly and without fear puts across to him to know how uncalled for and inappropriate some remarks like his are. Needless to say, he must have gotten the point and allowed this conversation to end, as he never responded.

It follows that there are those readers who nail a writer down along tribal lines and make snide remarks online or send emails with sentiments that are in no way related to the article under discussion. Such sentiments are made based on the writer's second name, or the assumption that one supports a certain leader who happens to be from the writer's tribe.

Nyairo avers that many women do not want to be exposed to this kind of abuse. Or they are simply not strong enough to withstand rude comments. Further, many women belong to families and therefore not treated as individuals. "A woman may not have support from her spouse or children since they may find it difficult to withstand online insults. The woman is therefore limited by the pressures of her family".

Nyairo's views resonate with those of Heidi Stevens of the Chicago Tribune. For her the comments by trolls started affecting her work and she felt that she lacked the knack to absorb those personal attacks directed at her. "I tried for a while reading them and not taking them to heart, and I found that I don't have that skill... They sting a little bit, and they become predictable."⁴³ Her reaction to these trolls "...they're still there, staying put in the comment section like poisonous snakes waiting to pounce". She has however decided to not allow them space in her life.

How then do we encourage women to venture more into column writing? Nyairo observes that unlike earlier times where journalism used to be a post-graduate course, it is now offered as a first degree and sometimes people are just bad writers, regardless of their gender. She states:

They are unable to point evidence, provide an explanation and suggest a solution. Editors love that they don't have to edit much. They want people who can write well, adhere to the word count and write in popular language. My personal rule is that once I write an article, I read and edit it ten times. Sometimes I give it to someone in the house to read. Meaning that I revise, revise and revise before sending it to the editor.

In addition, Nyairo feels that if one is a writer of distinction, there is the threat of politicians wanting ownership and thinking that a good writer can articulate their agenda for them. Groups such as political ones or those running civic causes also feel that they can use a writer to further advance their causes. However, as

a critical writer, it is very important to maintain independence. It can therefore be clear for any writer in particular women, that at the end of the day, the mind of the writer belongs to her and she should exercise discretion!

Should we women remain in women only spaces?

Nanjira Sambuli⁴⁴ writes a blog that runs on nation.co.ke. She focuses mainly on technology issues, an area which is not considered a women's soft life subject. Her write-ups reflect how technology is played in the society from policy to politics.

For her to start blogging for the Nation Newspaper, the Managing Editor for Digital approached her. She was given carte blanche to write, meaning she can write on anything including not limiting her on number of words. Further, her articles are rarely edited or changed from what she sends as a final copy, "I have a fantastic editor who leaves my articles as they are with his role being that of giving the write up a title". Hence Nanjira does not write on women specific issues and feels that she is on the same level with male writers: "blogs and opinions are bundled together. Nation unlike other newspapers has more women in its columns and blogs".

When she started writing, she tried doing a weekly column but that changed and she now writes every other week as she needs a number of days to think. This way, she feels she is able to cultivate a position and not just 'yapping'. Her topics are derived from things that have happened, or maybe a reaction to something

⁴³ Ibid.

⁴⁴ Interview with Nanjira Sambuli, April 26, 2017.

that has taken place. She has realized that a good strategy calls for framing of an issue in a way that will attract readers. She does occasionally write on women issues where she feels compelled to speak up because of how women are represented or treated, and affirms that women issues are still important. Her articles rarely attract bile comments from readers, probably because they are of expert nature.

Nanjira was previously a musician and used to perform with the Ma3 band⁴⁵. And so when she started writing on tech issues, some of the comments that came on her blog were those questioning her expertise on these issues since she was a musician: "what do you know about technology as a member of mat3 band?" She however has not experienced direct attack and she jokes that perhaps the issues she writes about are too tech. She expected comments when she raised the concern of manels⁴⁶ in conferences and in workshop panels, and amazingly men were supportive. Nanjira checks for comments and reactions once her article goes out and so far no attacks.

She is of the opinion that women issues need mainstreaming, which is not necessarily setting divisions as women need to occupy these spaces. She calls on editors to treat women journalists and columnists in the same way that she has been treated. She emphasizes on the need to bring on board more women contributors and writers.

"Women must not remain in women only spaces or retreat". Many women she says, are afraid of the limelight, but she reiterates that they must be ready to be in the mainstream.

Are there issues that she cannot write on? The answer is in the affirmative: "there are issues that I cannot write about as people may not listen." She is of the opinion that there is still some kind of segregation of some "male subjects" even in technology. Therefore she will stay away from writing on such for the reason that she does not want to be attacked because "if attacked, it takes way too long to recover".

From Nanjira's experience, it can be deduced that she has not had nasty experiences. This may be attributed to the nature of the technical topics that she mostly handles. Perhaps internet trolls do not understand her blogs and therefore have no point of entry where they can start harassing her. Further, looking at the nature of content that emanates from trolls, it may be a challenge for them to engage constructively or at all on topics that are complex. Lastly, she has intentionally opted out of writing certain subjects as a proactive defense against possible attacks.

⁴⁵<https://www.kenyabuzz.com/lifestyle/ma3-band-profile>

⁴⁶Manel is a term coined to describe panels of discussion comprising men alone.

5. Dealing with online attacks

The Kenyan Blog sphere has continued growing over the years in terms of diversity of content, number of blogs and readership. The Bloggers Association of Kenya (BAKE) in 2016 reported an increase in average blog monthly visits. Kenyans see blogs as alternative sources of news which are often censored from the mainstream media.

Often times smear campaigns against popular personalities are run on the Facebook, Twitter and lifestyle blogs. Some of them are started by social media influencers. These are users who have a large pool of following and their tweets generate huge number of engagements. Influencers normally post sensational or content of a comic nature in order to please and gain followers. The more influence they have, or the hits on their sites, the more advantage they have in digital marketing and promoting agendas and propaganda on social media platforms. Some even initiate Twitter

programs for their followers such as Twitter train, which seeks to promote their followers' accounts. Most influencers under Kenyans on Twitter-- #KOT--have verified accounts and run lifestyle news blog that spread gossip.

When it comes to smear campaigns online, and internet trolls that involve women, the response has been such that women usually do not counter the attacks. They resign to fate. The following two examples are highlighted in this study as useful examples that can inspire women journalists and give them some ideas on how to face up to internet trolls.



5.1. #beforewambuimarriedbob¹

Though not a journalist, Wambui Collymore is a great example that women journalists can learn on how one can turn a situation of online bullying into humor and disempower internet trolls.

Wambui is married to one of Kenya's highly paid Chief Executive Officer of Safaricom Bob Collymore. Safaricom is the leading mobile service provider in Kenya. And when Wambui got married to Collymore, she immediately became a favourite of Kenya's internet trolls making her trend on twitter several times.

On February 6, 2017, a hashtag **#BeforeWambuiMarriedbob** emerged on Twitter alleging that all was not well with the marriage and that a divorce was in the offing.⁴⁷ Further, some Safaricom subscribers had decided to rope her in to address their dissatisfaction with Safaricom⁴⁸ and ultimately her husband.



Malcom x @Malcandi Feb 6

#BeforeWambuiMarriedBob

We used to have 10 Bob For Unlimited SMS.

But nowadays 😂😂

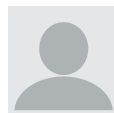


MKUBWA WA WANYONGE

@OkongoSir Feb 7

#BeforeWambuiMarriedBob the kind of women who loves money and treats marriages like tenders. Bob was cautioned.

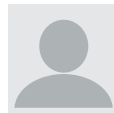
Wambui then decided to take her trolls headon and in fact turned the hashtag around.⁴⁹ She decided to use the troll to celebrate her marriage and in particular her husband in ten tweets.



Wambui K. Collymore

@WambuiKamiru Feb 6

I kind of likethis



#BeforeWambuiMarriedBob

it give me a chance to celebrate someone special in my life. Here's a countdown...

The ten tweets came at intervals, telling #KOT of what she found out about Bob Collymore after she got married to him. She posted pictures of Collymore dancing, interacting with children, wearing 'happy socks' etc.



⁴⁷BOB COLLYMORE'S WIFE SHUTS DOWN DIVORCE RUMOURS IN STYLE. The Nairobi. February 6, 2017. <http://nairobi.news.nation.co.ke/life/bob-collymores-wife-cool-response-swirling-divorce-rumours/>

⁴⁸Njoki Chege. February 7, 2017. Bob Collymore's wife turns the tide on Twitter trolls. <http://mobile.nation.co.ke/news/collymore-wife-attacked-on-twitter/1950946-3802586-iuix6m/index.html>

⁴⁹BOB COLLYMORE'S WIFE SHUTS DOWN DIVORCE RUMOURS IN STYLE. The Nairobi. February 6, 2017. <http://nairobi.news.nation.co.ke/life/bob-collymores-wife-cool-response-swirling-divorce-rumours/>

A few of her tweets randomly selected:



Wambui K. Collymore
@WambuiKamiru Feb 6

1.
#BeforeWambuiMarriedBob
Wambui would never have known that @bobcollymore can make her year by dancing.
<https://www.youtube.com/watch?v=ncgBY55wIOE>



Wambui K. Collymore
@WambuiKamiru Feb 6

2.
#BeforeWambuiMarriedBob
Wambui would never have known that socks come in many colours.



Wambui K. Collymore
@WambuiKamiru Feb 6

10.
#BeforeWambuiMarriedBob
Wambui would have said that social media is for udaku. But it can also be used to amplify/ celebrate good.

Wambui was able to share ten tweets that gave the internet trolls a glimpse of the other side of Bob Collymore. Her attitude and courage to take on the troll saw her get support from some twitterati. A few examples demonstrate this:



Wambui JL @SimplyWambui Feb 7

Wambui JL Retweeted Wambui K. Collymore

When they want to tarnish your name but you're like **#NotTodaySatan!**
@WambuiKamiru's response to **#BeforeWambuiMarriedBob** = 100% Awesome 😄



Banana Stig @sjmburu Feb 7

Dissatisfaction, granted. But dragging @WambuiKamiru into Safaricom's woes is uncalled for & wrong. **#CyberBullying**
#BeforeWambuiMarriedBob



Al Kags @alkags Feb 6

How is **#BeforeWambuiMarriedBob** an actual trending hastag? @WambuiKamiru, well handled though.

Wambui had little direct posts engaging with her attackers. She remained true to using the day to celebrate her husband and her marriage. Needless to say, Wambui has not trended.

It can be deduced that such a hashtag is wrong at different levels. First, it is unfair to drag her into her husband's work related challenges. Secondly, the trolls seem to begrudge her for the simple reason that she is married to the highest paid up CEO in Kenya. Further, the insinuation that such a woman has no genuine love for her husband and is only interested in his money is unfair.

5.2. Betty Kyalo, KTN News anchor

Betty Kyalo became the subject of internet trolls after she separated from her journalist husband Denis Okari. Rumors were rife that she had started dating a rich politician who had bought her a high-end vehicle. Further, that she also leaving in an up market apartment whose rent was supposedly being paid by the said rich politician.



IndependentGeek @ElvoKibet 22
Aug 2016

TV personality, Betty kyalo was trending for the better part of mid last week with [#SomeoneStopBettyKyalo](#) we have the details [#PunchUpEbru](#)

Loosely translated, this DarrioRepublik was upset at the responses from Betty and tells her that if her stupidity was converted into intelligence, she would have been a wise lady.

Kenyans on Twitter focused on her relationships, physical traits and tribal background. Bloggers also spread these attacks as they collected content from hash tag feeds to blogs. Her ex-husband who is also a journalist faced comparatively few attacks.

Then in the month of August 2016, one of her twitter followers requested her for a dinner date declaring that they had alot in common⁵⁰. And at this point, Betty decided to take on [#KOT](#) and respond directly. Using the same the hashtag [#SomeoneStopBettyKyalo](#) she responded to several tweets in a humorous way.⁵¹

In a humorous way as evidenced below
“The only dinner we will have is me on tv sipping water and you at home as you eat”. Then one follower felt offended that Betty had continued



DarrioRepublik @deej_darri

Hi [@BettyKyalo](#) hiyo ufala ikiconvertiwa into intelligence ungekuwa a wise lady. wacha umbleiner no hard feelings [#SomeonestopBettyKyalo](#)

⁵⁰Team Mafisi troll Betty Kyalo after her hard tackles. August 17, 2016. <http://www.madam.co.ke/team-mafisi-troll-betty-kyalo-after-her-hard-tackles/>

⁵¹ibid.

5.3. Jane Wangeci, Standard newspapers

Jane Wangeci,¹ a Standard newspaper Correspondent from Lamu County, is a frequent Facebook user with over 1900 friends on Facebook. She considers Facebook a good platform of communication. Infact journalists in Lamu have a closed group which they share leads in particular on security concerns. She has found the group very useful especially in getting good newsworthy stories.

In her nature of work, she gets a lot of friend requests on Facebook mostly from people she does not know. Before she accepts any request, she tries to exercise due diligence and usually wants to know whether she has common friends with the person making the request. And so it is in the same spirit that she accepted a request from a person going by the name *James James*. This was the third time he was making this request. And as soon as she accepted his request, James James started making advances at her.

As a journalist, she indicated that this happens so many times and her usual response is that she is not interested in having any relationship with anyone. Some men insist that they are not easily rejected and can persist in an irritating way saying they either have a lot of money or are capable of raping. Jane endeavors to check names of strange phone numbers on Truecaller as again she gets calls from people unknown to her either for coverage or for tips on leads to a good story or article.

When James James persisted, she threatened to block him. Then one morning he sent her a text with no words. Jane was travelling in a bus and her gasp attracted the two people who she was sitting in between. Right there on her screen was a picture of James James purported male sex organ. Jane stated that she was seething with anger and could not wait to get to her destination to respond. Her thoughts at that time centered on what if her young son had taken her phone and seen the photo in the gallery app. The last thing she would want is to torment her baby. She wanted to stop 'this nonsense' that if one accepts a friend's request, it translates into wanting intimacy.

*Jane Wangeci May 15 at 4:36am
You call urself James James man up n keep that bull***** to urself...I don't need cyber bullying from u am nt interested with ur shaft nor did I request to know the size I ain't that immoral*

Facebook happens to allow one to converse with friends who are likely of a similar mind, or have shared values. And so most of Jane's friends on Facebook both men and women empathized with her, expressed rage and urged her to block the man.

And Facebook is a platform for communication and not 'katiaring⁵² the opposite sex'. She right there and then decided to out him publicly.

⁵²Slang for flirting

A cursory look at of James James profile on Facebook reveals that as of May 20th 2017, he had 1083 facebook friends, with only 36 being men. The rest were all women. A few things can be deduced. First, the name James James is a pseudo-name. Secondly, his profile picture is not of him. He uses that of Patrick Vieira a former footballer and current head coach of New York City FC.⁵³ With these two highlights, the intention can be considered suspect. This is an account used by the person to anonymously propagate ulterior motives and therefore wants to remain anonymous.

What steps did she take to remedy the situation? Jane decided to report her frustrations to the Joseph Nkaissey, Cabinet Secretary for Internal Security⁵⁴. She sent him a message and indicated that these social media platforms have opened doors for con artists to mint money from people fraudulently, criminals, thugs and con men. She wanted to know what the government can do to protect innocent people interested in using the platforms in a safer way. The Cabinet Secretary advised that she broadcasts all over and should not be afraid to mention the names of the culprits.

Jane disclosed that she gets hurt and sometimes "these trolls do take a toll on me". And in fact she indicated that she had contemplated leaving Facebook, but decided against it after considering its social benefits. Two solutions would work for her. One, she would no longer accept requests from strangers as 'no is a good defense'. Two, she would be a passive Facebook user and not accept any more friends' requests. She would rather

only be left with her journalist friends, and her family members. And therefore, it was no surprise when a few days after this interview, she posted this as her update.

Jane Wangeci May 21. 7 hrs

In case I don't honour ur friend request bear with me.....gat enough friends

Martin K. Murithi *convert your profile to a page...you can absorb more Like* Show more reactions

Jane Wangeci

Not that I can't accept. The manner in which bullies...think but they can do to me is what has resulted into my list of friends being full.

Should women journalists be afraid? Some people call and ask to meet a journalist in the name of "giving leads to a story" or "crucial information." According to Jane, women journalists must avoid honoring such calls from strangers as this has potential to turn out nasty. "Sometimes journalists should just accept that some of those lead stories can lead to harm. And if one must honor such meetings, please go with company". She suggests the need for women journalists to undergo personal security training which would allow them to exercise caution in accepting online invitations as social networks have many 'idlers' who can be a nuisance to journalists.

⁵³Profile of Patrick Viera. https://en.wikipedia.org/wiki/Patrick_Vieirahttps://en.wikipedia.org/wiki/Patrick_Vieirahttps://en.wikipedia.org/wiki/Patrick_Vieirahttps://en.wikipedia.org/wiki/Patrick_Vieira

⁵⁴Now deceased.

5.4. Verah Okeyo – Environment and health reporter, Nation Media Group

Verah¹ opined that journalists ought to be careful as far as their interactions with audiences were concerned. Verah noted that she goes online to seek leads and information on her news pieces, search for information, communicate with sources, distribute articles and interact with her audience¹.

Apart from being online as an environment and health journalist, she also has a website⁵⁵ where she writes about arts, music and fashion. On this website, she has an online store that sells ladies clothes. Basically, she uses the Internet daily and when she is not working online, she uses it either for her non-office work or for personal communication.

Her articles on health have on different occasions raised controversy, in particular those relating to reproductive health, teenage sex and family planning. These have on various occasions elicited responses from religious groups, schools and sometimes individuals. There are times she has received threats from people who claim that they know where she lives, and threaten to kill her. Other times, the threats are posted publicly on social media. Such posts have potential to harm her reputation. Verah observes that such responses form part of the nature of her work and she has learnt how to deal with it without engaging her employer.

She has also shared about her experiences of being bullied online⁵⁶ and suggests five ways in which people can use the social media:

1. It is important to ask yourself “how important it is to the rest of the world” when you post your comments. When one reacts out of anger, they should be guided by first doing a draft post, then reading it and after sometime make judgment on whether to publish. Giving

it sometime will allow one to think straight and with minimal emotions.

2. Drawing a boundary between online and offline lives and sieving what spills through these two spheres is important. Here she gives an example of her male colleague Larry Madowo who heavily depends on the social media platforms for work but a big part of his online audience know very little of his personal life.

3. It is essential to understand the different personalities of social media users. There are users who are always mean and will react negatively to every situation.

4. Do not engage or call out certain personalities. She says:

“So when you call them out, in public, tear their defenses and leave them exposed, what next? Will you put them together again? Will you give them some other persona to live on? Believe me when I say, with your face on your account, a grudge online can be extended offline where people would look for you to put you in your place for putting them in their place”.

5. If attacked, it is important to take some time off social media through either deactivating accounts or not visiting them until one has dealt with these online experiences internally.

⁵⁵<http://www.verahokeyo.com/>

⁵⁶Verah Okeyo. Why Kenyans cyber bully on matters sexual, survival tips. February 11, 2017. <http://www.verahokeyo.com/why-kenyans-bully-people-online-on-matters-sexual-tips-to-survive/>

6. Roles of key institutions

In this section, several institutions that have a role to play when it comes to online abuse are called to attention.

6.1. Media digital platforms

Two media houses were selected for this study with the rationale being that they are considered the 'big boys.' The two, are the Nation Media Group and Royal Media Services. The rationale was that these two command huge audiences and would therefore provide a picture and patterns of digital departments.

6.1.1. Nation Media Group (NMG)

In 2015, The Nation Media Group (NMG) Digital department had over two hundred journalists, with about 30 percent being women.⁵⁷ According to Churchill Otieno,⁵⁸ the Managing Editor for Digital at NMG, there has not been a significant increase in the number of women in his department. This may be attributed to the fact that NMG still lacks an explicit affirmative action policy that would see or encourage women to work in this department.

Several women blog weekly for the NMG. They include Abigail Arunga, Muthoni Thangwa and Nanjira Sambuli. According to Otieno, the criterion used to settle on them is purely merit and competence. Further it is about the ideas they bring forth and uniqueness of their arguments.

Currently, NMG has hired social media managers who in their roles have to generally apply the Nation's Editorial Policy, and have to consciously avoid demeaning women. Further

these managers who work on all NMG's digital platforms have a sense of abuses and harassment of women online even though not all of them may be aware of the levels of abuse. One thing that they are tasked with is to promote the voice of minorities.

This study notes that NMG halted its online comment section to its news articles. It no longer allows readers to comment online on its stories. Otieno highlighted the effort needed to keep the comments within the Nation Editorial Policy became unsustainable and therefore the decision to halt the comments.

The step taken by NMG is one being taken by different media organizations in the World as they lack the capacity to stop trolls from abusive behavior. For example, *Reuters, USA Today, The Chicago Sun-Times and Popular Science* immobilized their online comment sections since the negative comments had become overwhelming.⁵⁹ However, readers can post on their social media platforms, which mean that the social media managers have a greater role in how the news organizations platforms are viewed by readers.

Responding to the issue of immobilizing main newspaper online comment sections but allowing readers to post on the same main newspaper social media handles, Dr Lucy Gichanga who is a Lecturer in Digital Media at the United States International University – Africa (USIU)⁶⁰ considers it a good strategy. She is of the opinion that no matter how

⁵⁷Women Journalists Digital Security. May 2016. Amwik/Article 19 Study. <http://amwik.org/wp-content/uploads/2017/02/Women-Journalists-Digital-Security.pdf>

⁵⁸Interview with Churchill Otieno, May 14, 2017.

⁵⁹Danielle Braff. n.d. Women in Media Vs. The Internet Trolls. <https://www.crixeo.com/women-in-media-internet-troll/>

vile or good the comments, as long as they are not deleted, they remain a key content plus ingredient and value of the host Media organization. "Anyone needing to comment can comment on the content on social media and the vile comment is forever linked to their own timeline on the social platform and not the media house".

Considering that these news organizations are allowing readers to post on their social media accounts as opposed to the online comments sections is an indicator that it is time to invest in training social media managers "for them to be not just managers, but real editors". Dr Gichanga⁶¹ is based at a University that has already taken a lead and is now training students to be social media managers. Commenting on the training being offered, she notes that their focus at USIU is to train social media managers to post useful posts, stratified scheduled and planned narratives. This is to enable them take charge of the narrative and offer generally useful information that spontaneously completes a dialogic loop. It can be inferred that the role of social media managers in news organizations will be key in managing social media accounts.

NMG's various online platforms attract a considerable number of followers, and with this comes insults in particular those targeting women. Otieno notes that what is seen online is a reflection of offline but the technology amplifies the voices, in other words,

democratizes these voices. Here we see "private thoughts shared online at the speed of light. Sometimes people fight online about ideologies. But most of those sharing are not trained to communicate online."⁶²

How then does NMG handle gender online abuses? Otieno notes that NMG abhors all online abuse, and therefore does not condone any on its platforms. Further, it has put in place an Editorial policy⁶³ as well as a Social Media Policy.⁶⁴ The editorial policy anchors the character and philosophy of the Nation Media Group's news and information outlets. It touches on "broad and specific issues of policy, professional, operational and administrative guidelines as well as journalistic conduct in the sourcing and compilation of news." Remarkably in article 19, it provides that:

Women's coverage should not be confined to cosmetic and domestic issues, but must concentrate on the many important women's issues in East Africa today. The contents in the women's pages or programmes, where these exist, must be properly discussed and planned at editorial conferences and should be relevant, topical, professionally written and presented.

The social media policy is meant to guide journalists when using online platforms so that they avoid undermining their professionalism and compromising the company's credibility. The policy encourages journalists to engage audiences and be active online, while in

⁶⁰Interview with Dr. Lucy Gichanga, Digital Media Lecturer, The United States International University - Africa. May 31st, 2017.

⁶¹Interview with Dr. Lucy Gichanga, Digital Media Lecturer, The United States International University - Africa. May 31st, 2017.

⁶²Interview with Churchill Otieno, Managing Editor, Digital, Nation Media Group. August 4, 2017.

⁶³NMG's Editorial policy, <http://www.nation.co.ke/meta/1194-1199444-157ja8l/index.html>

⁶⁴NMG's Social media policy. <http://www.nation.co.ke/meta/1194-1872318-12rdo8cz/index.html>

the same breath urges them to adhere to journalism ethics as their conduct online makes them more visible. Notably is that comments likely to cause extreme offence, for example on gender or ethnic insults or stereotypes, are not allowed.⁶⁵

6.1.2. Citizen television

Citizen television⁶⁶ is the flagship of the Royal Media services which also runs several radio services. It is by far the most popular television station in Kenya.⁶⁷ It runs an online section which however does not have a blog section. In an interview with Tim Oriedo⁶⁸, the Lead Digital and Partnerships Royal Media Services, the online section has 34 members of staff with 12 of them being women. In his opinion, the women engage as much as their male counterparts, and are yet to raise any digital security concerns.

When it comes to uploading articles online, Citizen has no consideration or consciousness for affirmative action. However, Oriedo notes that stories done or reported by women journalists are fair and balanced, and they portray women positively.

The Station has social media managers whose role is content moderation. Further, the station has a social media policy which can be attributed to the traction of stories on Citizen social media platforms. However, the policy was not available for scrutiny. In addition, it

was challenging to get more information on such areas as the mechanism the station has put in place to deal with digital safety concerns, the job description of social managers and patterns of social media engagement on their platforms.

6.2. Social media companies

Social media companies have been very proactive in monitoring online environments and coming up with prompt responses on various issues. Facebook recently rolled out an initiative to combat fake news. This initiative brought together stakeholders from the civil society, media houses and politicians concerned about fake news. Additionally, it is working with third party companies to assist journalists verify sources and credibility of news items.

In addition, Twitter, Facebook and Google have tailored policies to meet specific needs of different regions. These policies are mostly developed from the nature and number of complaints received by the users in these regions. It therefore means a region's policies may remain out of date if their concerns are not registered. Notably is that all these social media platforms have community standards, and have a mechanism of reporting for take down, such issues as hate speech, offensive content and so on.

⁶⁵Ibid. Article 2.7, offensive material and tone of voice.

⁶⁶<https://citizentv.co.ke/>

⁶⁷IPSOS Poll: Inooro TV overtakes K24 to be 4th most watched station. <http://nairobiwire.com/2016/03/ipsos-poll-inooro-tv-overtakes-k24-to-be-4th-most-watched-station.html>

⁶⁸Interview with Timothy Oriedo. May 31, 2017

6.3. The regulator

The Communications Authority hosts the Kenya Cyber Incident Response Team (CIRT) which reports and advices on cyber threats. It is currently trying to promote the establishment of new CIRTs in other sectors such as banking, education and health. Through this Incidence response team, the Communications Authority has reached out to the Over the Top (OTT) service providers and both international and national Investigating agencies to extend its original focus to reach other mundane crimes carried out in the cyberspace. It currently deals on issues such as child abuse online, hate speech and social media fraud through awareness programs and investigations.

6.4. Role of training institutions: the case of the United States International University – Africa

Due to the new emerging roles of social media managers or digital managers, some media training Institutions are starting to embrace the new changes through offering of professional courses in digital media.

One such institution is the United States International University– Africa (USIU)⁶⁹ which is now offering a Digital Communication Masters program⁷⁰. In a conversation with Dr. Lucy Gichaga⁷¹, she pointed out that the course aims to equip students to be digital leaders in the corporate world as well as beyond.

This includes the component on managing social media for media organizations. "Most students attending this course are drawn from media organizations and therefore undertake their projects based on their media organizations".

Further, the digital ecosystem is a self-organized, scalable and sustainable network system with far-reaching economic, political and social impact on both online and offline realities.

Further, that the issue of digital safety in particular for women journalists is a focus area in the digital foundation courses and may include special groups including women as focus areas. Dr. Gichaga⁷² points out that as users share sensitive content online in standardized platforms, issues that arise include: User privacy and sharing data that may compromise them, privacy issues on sensitive crimes such as rape, and violent actions involving juveniles (both perpetrators and victims need to remain anonymous), copyright issues among many others. "Therefore safety is a key study area embedded in most courses including those that I teach in Social Media strategies etc. USIU happens to have around 60% of women on campus and the digital courses have even higher percentages of women."⁷³

Students have concerns of staying safe online and the lecturers address this by encouraging neutral and strategic safe behaviors and other strategies on online safety.

There is a plan to conduct community training for digital strategies to interested corporates. "We also host the Social Media Lab ran by Dr, Maria Canundo that helps research about social media including issues such as safety".

Dr. Gichaga wrap ups by saying that there is need for digital safety given the growing online-trolls culture among "our very own #KOT⁷⁴ and other contexts". She avers that training women journalists so as to make them aware of the menace and to better arm them is commended. She calls on journalists to adhere to the established code of conduct for journalists in Kenya and internationally on sharing text, video and audio.

⁶⁹<http://www.usiu.ac.ke/>

⁷⁰Current catalogue. <http://www.usiu.ac.ke/images/download/catalog/Catalog.pdf>. Page 288-289

⁷¹Interview with Dr. Lucy Gichaga. June 20, 2017

⁷²Interview with Dr. Gichaga, USIU. August 4, 2017.

⁷³ Ibid

#KOT is acronym for Kenyans on Twitter.

7. Legal and policy environment

Kenya's legal and policy environment for the protection of the rights of women journalists comprises the Constitution of Kenya 2010, statutes and subsidiary legislation, policy documents, common law, judicial precedents and International Instruments ratified by the country.

The Constitution is the supreme law and provides the framework for human rights in the country under its Chapter 4.⁷⁵ The key rights under the section include: right to human dignity, freedom and security of the person, privacy, conscience, expression, media, access to information and so on.

However, freedom of expression and media, right to privacy and information are among the rights that can be limited under Kenyan law. The Constitution incorporates treaties and conventions which Kenya has ratified to be part of the laws of Kenya. The instruments relevant to the protection of women journalists include among others: Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);⁷⁶ Declaration on the Elimination of Violence Against Women (DEVAW);⁷⁷ Vienna Declaration and Programme of Action (VDPA);⁷⁸ and the Beijing Platform for Action of 1995 (BPfA).⁷⁹

The Constitution also establishes independent

institutions such as the National Gender and Equality Commission, the Kenya National Commission on Human Rights, the National Police Service, all which have the power to receive complaints and conduct investigations geared towards protection of the rights of women offline and online.

At the regional level, the relevant instruments include: African Charter on Human and Peoples' Rights (Banjul Charter);⁸⁰ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003;⁸¹ African Union Convention on Cyber

Security and Personal Data Protection;⁸² and the African Declaration on Internet Rights and Freedoms;⁸³ the Windhoek Declaration on Promoting an Independent and Pluralistic African Press of 1991; the African Charter on Broadcasting of 2001, the Declaration of Principles on Freedom of Expression in Africa of 2002; and the African Platform on Access to Information Declaration of 2011.

⁷⁵Universal Declaration of Human Rights; International Covenant on Civil and Political Rights (ICCPR); and the International Covenant on Economic, Social and Cultural Rights (ICESCR)

⁷⁶It commits states to take measures to end discrimination against women in all forms. See: <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

⁷⁷It defines the term, 'violence against women' as 'any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life'. Further, it calls upon member states to take measures directed towards the elimination of violence against women who are especially vulnerable to violence. See: <http://www.un.org/documents/ga/res/48/a48r104.htm>

⁷⁸The Declaration urges States to take all appropriate measures to combat violence against women in compliance with their obligations. See: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>

⁷⁹It urges governments and other actors to take integrated measures to prevent and eliminate violence against women. See: <http://www.un.org/womenwatch/daw/beijing/platform/violence.htm>

At the United Nations level, two resolutions are worth noting. The first is the UN General Assembly Resolution A/RES/68/163 of 2013,⁸⁴ which recognized the need to end violence against journalists, and proclaimed November 2nd as the International Day to End Impunity for Crimes against Journalists. The Resolution while condemning attacks and violence against journalists, urges member states to prevent violence against journalists and media workers, to ensure accountability, bring to justice perpetrators of crimes against journalists and media workers, and ensure that victims have access to appropriate remedies.

This resolution was followed in 2015, by the UN Security Council Resolution 2222⁸⁵ which noted the global increase of attacks on journalists and condemned the impunity of such attacks. The resolution acknowledged the specific risks faced by women journalists, media professionals and associated personnel in the conduct of their work, and the importance of considering the gender dimension of measures to address their safety.

The Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression in a recent report⁸⁶ also stated that the right to privacy was an essential element of freedom of expression. The report highlighted the several concerns regarding freedom of expression and privacy in the digital space and

called upon states to adopt effective privacy and data protection legislation.

As regards local policies, the country has in place a National Human Rights Policy and Action Plan in 2015; National ICT Policy (2006); the draft National ICT Policy (2016); National Gender and Development Policy (2000); Sessional Paper No. 2 of 2006 on Gender Equality and Development and its Plan of Action; Vision 2030; Cyber Security Strategy⁸⁷ and the National ICT Master Plan.⁸⁸

The National Human Rights Policy and Action Plan adopted in 2015, identifies sexual violence in all its manifestations as an important issue that needs to be addressed but it does not mention online violence against women as an issue. However, it elaborates the commitment of the state to take policy, legislative and administrative measures to: eliminate all forms of violence against women, ensure equality between men and women; eliminate discrimination of women; empower women to claim their rights; and strengthen institutions that promote women's rights.

The Kenya's Vision 2030 blueprint aims to build a just and cohesive society, with equitable social development; and, produce a democratic political system that nurtures issue based politics, the rule of law, and protects all the rights and freedoms of every individual

⁸⁰The Charter calls upon States to ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions. See: <http://www.achpr.org/instruments/achpr/>

⁸¹The Protocol calls upon States Parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence. See: http://www.achpr.org/files/instruments/women-protocol/achpr_instr_proto_women_eng.pdf

⁸²AU Convention on Cyber Security <https://ccdcoe.org/sites/default/files/documents/AU-270614-CSCConvention.pdf>; It calls upon state parties to establish legal frameworks to strengthen privacy protection, develop national cyber security policies and strategies, including legal measures against cybercrime.

⁸³ African Declaration on Internet Rights and Freedoms <http://africaninternetrights.org/articles/>; Seeks to promote human rights standards and principles of openness in Internet policy formulation and implementation on the continent.

and society in its second and third pillar respectively.

The National ICT Policy (2006)⁸⁹ noted the need for a comprehensive policy, legal and regulatory framework to among others, address issues of privacy, e-security, ICT legislation, cyber-crimes, ethical and moral conduct, copyrights, intellectual property rights and piracy. It further noted that at the time, it was a challenge for the country to establish such a framework. The government committed to developing regulations to ensure networks are robust, resilient and with adequate security. Further, to create statutory obligations on telecommunication service providers to assist law enforcement in executing lawful intercepts.

The draft National ICT Policy (2016)⁹⁰ which awaits first reading in parliament, also recommends a number of measures to enhance the development of the sector. A key objective is the proposal for the government to develop data protection legislation to ensure the protection of the confidentiality and integrity of citizens' information. The legislation is expected to provide for the collection, use, retention, security and disclosure of such information, including disclosure to law enforcement agencies. With regards to broadcasting, the draft policy aims to create within the framework of the

Constitution, an environment that enables broadcasting services to be provided in the public interest and contributes equitably to the socio-economic and cultural development of Kenya.

In addition, it proposes a number of measures to enhance consumer protection including through the development of relevant legislation and policies. Moreover, the draft policy notes that cyber security has indeed become a national priority that calls for the articulation of new and integrated, and comprehensive strategies for addressing it.

The proposed measures included among others: promotion of confidentiality of personal information, enactment of specific and effective legislation on privacy, security, cybercrimes, ethical and moral conduct, encryption, digital signatures and so on. In addition, operators will be required to ensure their infrastructure is robust, resilient and has adequate security, redundancy and backup arrangements.

The National Gender and Development Policy (2000), forms the government policy for ensuring gender equality. Among its key objectives is the promotion of measures to reduce SGBV and generation of sex disaggregated data to guide interventions.⁹¹ Sessional Paper No. 2 of 2006 on Gender

⁸⁴ UNGA Resolution A/RES/68/163. See: http://www.un.org/en/ga/search/view_doc.asp?s

⁸⁵UNSC Resolution 2222 (2015) see: https://www.reporter-ohne-grenzen.de/fileadmin/Redaktion/Nothilfe/Sicherheits_von_Journalisten/150527_UN_Security_Council_Resolution_2222.pdf

⁸⁶Report of the Special Rapporteur on the promotion and protection of the right to freedom of expression, Frank La Rue http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

⁸⁷See: <http://www.icta.go.ke/wp-content/uploads/2014/03/GOK-national-cybersecurity-strategy.pdf>

⁸⁸See: <https://www.kenet.or.ke/sites/default/files/Final%20ICT%20Masterplan%20Apr%202014.pdf>

⁸⁹National ICT Policy (2006), Republic of Kenya. See: https://www.researchictafrica.net/countries/kenya/a/National_ICT_Policy_2006.pdf

⁹⁰ draft National Information and Communications Technology (ICT) Policy, Ministry of ICT, Republic of Kenya, August 2016

Equality and Development and its Plan of Action further provides a framework and implementation strategy for gender mainstreaming in national policies, strategies and programmes.⁹² Kenya's Cyber Security Strategy and the National ICT Master Plan identify cyber security as a national priority, but do not address online violence against women.

With regards to Statutes, there are a number of laws that regulate aspects concerning the rights of women journalists. The specific legislation includes: the Sexual Offences Act (2006); Penal Code; Kenya Information and Communication Act (KICA); National Cohesion and Integration Act; and the Media Council Act.

The Sexual Offences Act (2006) deals with sexual and gender-based violence generally, but it is yet to be updated to provide for offences carried out online or through the use of technology. The relevant provisions that may be useful in addressing the shortcoming include those providing for consequential offences arising out of online interaction such as the exploitation of prostitution, rape, sexual harassment, and sexual offences relating to positions of authority and persons in a position of trust.

Moreover, some of the provisions of the Penal Code can be useful in stemming online

violence against women. These include those prohibiting the trafficking of obscene publications; obtaining by false pretences, extortion, conspiracies; and impersonation. The act also punishes offences such as murder, assault, robbery and theft among others, which women journalists may experience in the course of their work or as a consequence of their online interactions. The Kenyan High Court in February 2017, declared criminal defamation provisions in section 194 of the Penal Code unconstitutional, hence affording protection to journalists against whom the provision was used adversely.⁹³

The Kenya Information and Communication Act (KICA) on the other hand, regulates several aspects within the telecommunications sector. It is useful for the protection of women journalists in that it prohibits the interception of and disclosure of messages, hacking, publishing obscene information in electronic form, and electronic fraud. Section 29 which created the offence of misuse of telecommunication equipment and sending offensive messages was declared unconstitutional by the High Court.⁹⁴ The provision presented an unreasonable limit to freedom of expression owing to its overly broad, overreaching and vague description. The act also requires mandatory registration of telecommunication subscribers by service providers; a provision that is useful in the

⁹¹See: <http://www1.uneca.org/Portals/ngm/Documents/GenderPolicy.pdf>

⁹²See: http://www1.uneca.org/Portals/ngm/Documents/Gender_Mainstreaming%20Action%20Plan%20final%20-Apr08.pdf

identification of offenders. The Act also establishes a Multimedia Appeals Tribunal before which any person aggrieved by the conduct or 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 bring a complaint.

The rights of consumers of telecommunications services are further articulated under the Consumer Protection Regulations under KICA. Licensees are required to establish customer care systems and complaint handling procedures; maintain confidentiality of subscriber information; limit unsolicited communication, and provide access to emergency and safety assistance services. These provisions can be invoked in the defense of the rights of women journalists.

The National Cohesion and Integration Act creates offences involving the spread of hate speech that is intended to stir ethnic hatred. Media enterprises may be held liable under the Act for content that amounts to hate speech.

The Media Council Act 2013 provides for the regulation of the media, including the accreditation of journalists in Kenya. The Media Council of Kenya oversees the implementation of the Code of Conduct for the Practice of

Journalism⁹⁵ which sets out the minimum standards that journalists in the country are expected to observe. The code prohibits journalists from publishing obscene, vulgar or offensive material unless such material contains a news value necessary in the public interest.

It also requires journalists to respect the right to privacy, the rights of children, and victims of sexual offences while also urging media not to present acts of violence that glorify anti-social conduct or quoting what would otherwise be considered hate speech. A person aggrieved by the conduct or 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 bring a complaint before the Complaints Commission.

There are also a number of draft legislation currently under discussion. These include the sexual Offences (Amendment Bill), 2016⁹⁶ which unfortunately does not cover technology assisted offences. However, it proposes to formalize special police units in every county to handle sexual offences and require both national and county governments to promote public awareness on sexual offences.

The Computer and Cybercrimes Bill 2016⁹⁷ on the other hand, introduces new cyber offences

⁹⁵Kenya: Court strikes down criminal defamation laws, Article 19 East Africa. See: <https://www.article19.org/resources.php/resource/38626/en/kenya:-court-strikes-down-criminal-defamation-laws>

⁹⁴Kenya: Win for freedom of expression as repressive law declared unconstitutional, Article19 See: <https://www.article19.org/resources.php/resource/38343/en/kenya:-win-for-freedom-of-expression-as-repressive-law-declared-unconstitutional>

such as Cyberstalking and Cyberbullying; elaborate investigation procedures; and, a framework for international cooperation. In addition, the draft Cybersecurity Regulations (2016) introduces a number of content related offences. It further provides a framework for reporting, investigation, prosecution and management procedures which appear to replicate what is already contained in the draft Computer and Cybercrimes Bill 2016.

Despite this elaborate framework, it is important to point out the policy and legal

framework is still weak in how it attempts to deal with online or technology related offences committed against women.

Whereas some of the existing offences can be used to punish some of these offences, the challenge remains that a host of the new cyber offences will not be prosecutable.

Over and above this, there are still gaps in capacity of law enforcement to effectively coordinate responses, investigate, collect evidence and prosecute these new offences.



⁹⁵Code of Conduct for the Practice of Journalism, Media Council of Kenya. See: <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CI/WPFD2009/pdf/code%20of%20ethics%20in%20Kenya.pdf>

⁹⁶Sexual Offences (Amendment) Bill, 2016. See: http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2016/TheSexualOffences_Amendment_Bill_2016.pdf

⁹⁷Computer and Cybercrimes Bill, 2016, National Assembly Bill. See: <http://www.mygov.go.ke/wp-content/uploads/2016/07/MOICT-PUBLICATION-READY-COMPUTER-AND-CYBERCRIMES-BILL-2016-1-1-1.pdf>

8. Recommendations

The study makes several recommendations:

Media

- Media outlets should come up with ways of protecting women journalists, and their role as intermediaries could be to ensure that there are good online practices for users.
- Provide women journalists with personal security training so that they are aware of the risks of the Internet.
- Media associations also need to start engaging on Internet policy discourses and policy development processes. A lot of policies that regulate information controls on the Internet also regulate the media as media houses increasingly rely on the Internet in distributing and sourcing for news. Moreover, these policies are harsher on them than on citizen journalists as it is easier to sue already established organizations than individuals.
- Cyber-awareness programs on online safety and protection, cyber offences and digital security are necessary for women journalists.
- Women journalists should be encouraged to use the reporting tools available in most social media networks which allow the flagging and reporting of offensive conduct that goes against the user policies.
- Be guided by legislation on media conduct, Cyberlaws and media laws (KICA, Media Council).
- Develop common metrics for monitoring and evaluation of media organisations' online platforms.

Legal

- Law reform to ensure clarity, new offences and frameworks are captured. This should include revision of laws to provide for cybercrimes and other online offences constituting online violence against women, and to provide for stiffer penalties for online offences.
- Legislation should provide for prohibition of contact, to restrain perpetrators and for granting of protection orders for victims.
- The Privacy and Data Protection Bill and the Computer and Cybercrimes Bill should also be updated and enacted to ensure the comprehensive protection of the rights to privacy and guarantee of cyber security.

Intermediaries

- They should improve complaints handling, referral, feedback and response systems.
- They should be encouraged to make a public commitment to human rights standards and more so, the protection of the rights of women.

Government

- Enhance coordination, information sharing and exchange between law enforcement, business and regulators.
- Regular training of police, prosecutors and judicial officers on cyber laws.
- Strengthen capacity and technical competences of key institutions to enable them effectively respond and tackle online violence against women.
- Conduct regular data collection, monitoring and review of trends in order to ensure the prevention of offences and to enable the design of countermeasures.

Women Journalists

- Help bring down/ de-emphasize the glorification of social evils, warlike activities, ethnic, racial or religious hostilities on online platforms.
- Post/share what is factual.
- If a woman journalist is attacked online, other women journalists should in solidarity support the one being attacked by responding in ways that discourage the trolls.
- Counter memes as part of social media strategy.

All

- ▶ Observe cyber hygiene in devices, online platforms and the gallery. Finally, security is a personal responsibility. It starts with each individual. Therefore in sharing and engaging on social media platforms, one needs to consider the content and ask if it is content that should be available in the next five years. This is important as Kenya still lacks a policy on the right to be forgotten.

Online safety for women journalists

An update of the Survey on Women journalists in Kenya

Muringa Court, Block D, House No. 14, Kirichwa – Muringa Road Junction Kilimani
P.O. Box 10327 – 00100, Nairobi, Kenya
Tel: +254 (20) 444 1226 | Tel/Fax: +254 (20) 444 1227
Mobile: +254 722 201958/737 201958
E-mail: info@amwik.org
Website: www.amwik.org
Twitter: @AMWIK
FB: Association-of-media-women-in-Kenya-AMWIK

ISBN 978-9966-117-38-0



9 789966 117380