

ARTICLE¹⁹



Women Journalist's Digital Security

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ARTICLE 19 would appreciate receiving a copy of any materials in which information from this report is used.

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Preface

The online space and the information revolution have brought numerous opportunities and advantages, especially for media practitioners. Information is easily accessible, research is easy to carry out and running information-based business has never been easier within a borderless flat world. However with it have come some attendant challenges.

Women have taken their place and space online but face unique challenges altogether because society in general is patriarchal and disfavours them, thus the women in the media have received their share of online bullying, threats and abuse.

Technology Assisted Violence against Women (TAVAW) is on the rise and includes cyber bullying, trolling, cyber stalking, defamation/hate speech, online harassment, public shaming, identity theft, hacking amongst other offences. Yet, media practitioners rely heavily on the Internet to source and share information. The bolder, louder and visible a women journalist is, the more the probability of facing TAVAW.

Owing to the increase in TAVAW and given the inevitable online presence that journalists must occupy, Association of Media Women in Kenya (AMWIK) partnered with Article 19 Eastern Africa with support from the Deutsche Welle Akademie (DW) to carry out a baseline survey on the dangers and threats faced by women journalists in using the Internet in their work as well as possible interventions to curb these threats. The survey specifically covered the nature, types and patterns of digital threats faced by media women in different parts of the country. It also looked at any existing mechanisms to protect women

from the risks they face, as well as gaps, which prevent justice from being reached. Needless to mention, the journey to compiling this report was not easy.

As an organization dedicated to creating a society in which the media embraces and promotes equitable development, human rights and women's rights, we felt that we still have a long way to go before media women can take their rightful place in newsrooms and in virtual platforms.

The most pressing recommendation, as outlined in the report, is to invest in social, legal and practical tools which media practitioners, particularly women can use to protect themselves from attacks. We compiled information from journalists who have been at the centre of online violence, past reports and from experts on digital security.

We hope that the document will contribute to activities that are aimed at creating awareness on online safety, help improve complaints handling, and contribute to legal reforms.

Pamela Mburia
Chairperson AMWIK

Marceline Nyambala
Ag. Executive Director

Executive Summary

The Internet has developed from a network of sharing research works to multiple platforms of expression, information sharing, business transactions and even voice and video communication. It has grown very fast to find its way into every aspect of our daily lives to the extent that many of us cannot imagine life without it.

The Internet continues to be an enabling space and resource for the realization of all human rights and is especially relevant for social, economic and human development. It was created as a leveller of communication, allowing for more direct communication between individuals, greater access to information and means for freedom of expression. For journalists, the Internet is a critical resource that they depend on for news distribution, interaction with audiences and even communication with sources.

Despite this, the Internet has also been an avenue for attacks against journalists, sometimes on a gender basis and facilitated the online harassment of women journalists. There has been an increasing concern for online safety of women journalists in Kenya over the past few years, with social media being the most used platform for these attacks. Some of the common online gendered attacks reported in Kenya include cyber stalking, sexual harassment, surveillance and unauthorized use and manipulation of personal information, including images and videos.

Online violence against women continues even in the face of International Law and emerging soft law such as the African Declaration on Internet Rights and Freedoms

which calls upon States to take measures to protect citizens from online criminal activities and from unlawful surveillance, monitoring and interception of their online communications.

The situation is particularly dire for women journalists and human rights defenders who, more often than not, do not have gender-specific mechanisms through which to address these attacks. It is within this context that the AMWIK and ARTICLE 19 Eastern Africa, with support DW, undertook a baseline survey to gauge the degree of awareness of the problem and understand its magnitude. The survey also examines the evolving nature of digital threats and sources of violation and the interventions needed to address the attacks. The survey also investigates the types and patterns of online harassment of women journalists as well as how to improve reporting mechanisms and policies that will address the situation.

Summary of Findings

- Most female journalists rely on Facebook (53.7 per cent), WhatsApp (86.4 per cent), e-mail (61.5 per cent) and mobile voice (96.2 per cent) for their day-to-day work.

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- 75 per cent of the journalists interviewed have experienced online harassment in the course of their work.
 - 36 per cent of the respondents preferred to ignore the attacks and took no action against the posts or the perpetrators.
 - Digital harassment leads to women withdrawing from the use of the Internet and in many cases they have stopped working for some time. It has also changed the patterns of online interaction by women.
 - Hacking, stalking and threats appear to be the most common forms of digital harassment of women. Most of these attacks have lasted a day.
 - 54 per cent of the respondents rate their knowledge of digital security tools and practices as good and 29 per cent as workable. Most of these tools are inbuilt in the devices that women journalists use and include simple practices like passwords and screen locks.

1. Introduction

According to statistics released by the telecommunication industry regulator, the Communications Authority, in September 2015, the number of Internet users in Kenya stood at 31.9 million, equating to access by 74.2 for every 100 people.¹ In addition, the number of mobile subscriptions stood at 36.1 million during the same period while mobile phone penetration stood at 88.1 percent.

Moreover, mobile data subscriptions contributed to 99 per cent of total Internet subscriptions, which stood at 21.6 million. This is attributed to entry of cheaper Internet-enabled phones into the market in recent years. The increase in the number of Internet users and the development of web 2.0 platforms has greatly contributed to its evolving to a more social platform. Among other things, it has also enabled free expression and the growth of citizen journalism.

Kenya's media sector has been growing rapidly. Today, the country boasts more than 90 FM stations and 50 TV stations, several print newspapers and magazines, hundreds of websites and blogs and a vibrant social media. Online communication is in several languages including Swahili, English and vernacular. In 2015, Kenya had slightly over 3,000 persons accredited to work as journalists, according to the Media Council of

Kenya, the industry regulator.²

The use of the Internet and the levels of access and connectivity, therefore, underscore the importance of freedom of expression, information and the media as fundamental human rights critical for the growth and development of a free and democratic society. These rights must also be viewed alongside the human rights of women. The need for gender equality and women empowerment is critical not only in society, but also within the media and among journalists. Consequently, their achievement cannot be possible in an environment where women are not secure and continue to suffer from violence.

The UN Human Rights Committee in its General Comment 34 defines journalism as a function shared by a wide range of actors, including professional full-time reporters and analysts as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere. Journalists have been 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.'³

¹ First Quarter Sector Statistics Report for the Financial Year 2015/2016, Communications Authority <http://ca.go.ke/images/downloads/STATISTICS/Sector%20%20Statistics%20Report%20Q1%202015-16.pdf>

² List of Accredited Journalists 2015, Media Council of Kenya. See: <http://www.mediacouncil.or.ke/en/mck/index.php/programs/mck-accreditation/2015-list-of-accredited-journalists>

³ Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion

Journalists, therefore, play a critical role in society. They inform and educate and at the same time contribute to the development of democracy because they enable the public to make informed choices, express opinions freely and participate in governance. Given the numerous issues and situations in which journalists' operate, there are a number of risks that they face in the conduct of their work. The risks are higher where they seek to bring to light information that other actors wish to suppress or consider 'inconvenient'.

Whereas conflict is inevitable, any form of violence, especially against women, should not be tolerated in any society. According to the United Nations,⁴ more than 700 journalists have been killed around the world in the past decade in the course their work.

Over the years, the number of women journalists has been increasing. However, the sector remains male-dominated and women remain a marginalised group, making up one-third of the total media workforce.⁵ Violence against journalists is also rife in the workplace and many women journalists continue to face abuse, assault, intimidation and threats.

A 2014 report of a global survey by International News Safety Institute (INSI) conducted among nearly 1,000 female journalists revealed that nearly two-thirds of them had experienced violence in the workplace, taking the form of intimidation, threats, or abuse in their work. This ranged from name-calling to death threats.⁶ In addition, more than 21 per cent of the respondents indicated that they had experienced some form of tapping,⁷ hacking⁸ or digital security threats.⁹ Further, the survey found that male persons in authority such as bosses, supervisors, government officials and co-workers perpetrated a majority of the incidences. Whereas they ended up not being reported due to cultural or professional stigmas, the women victims in the study indicated that they were psychologically affected. However, some indicated that their employers had taken measures to protect their personal security, such as offering them training on how to protect themselves, providing them with bodyguards and offering counselling.

Net freedom in Kenya is rated as "free" according to the Freedom of the Net

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

⁴ International Day to End Impunity for Crimes Against Journalists, UN. See: <http://www.un.org/en/events/journalists/>

⁵ 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/inside-the-news-final-040615.pdf?v=1&d=20150616T083403>

⁶ Violence and Harassment against Women in the News Media: A Global Picture, INSI. See: <http://newssafety.org/uploads/IWMF.FINALA.PDF>

⁷ This is the monitoring of telephone and internet conversations by a third party, often using covert means.

⁸ This is the interception of telephone calls or voicemail messages

⁹ These occur when the security of a digital/online account or file has been breached, hacked or threatened.

2015 Report. The report also rates Kenya's Press Freedom status as "partly free".¹⁰ It also 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.

Silenced and Intimidated, a 2015 report by Article 19,¹¹ confirms the disturbing trend towards the deterioration of freedom of expression and media in Kenya. The report says this trend "has far reaching consequences for the country's democracy, security and economic growth." It notes that between January and September 2015, 65 journalists and social media users were attacked in 42 separate incidents. Seven of these attacks involved women. The report suggests that the increase of the number of people charged for online commentary is indicative of the government's determination to crackdown on critical voices. The report adds that the determined assault on the media continues to undermine press freedom and the safety and security of journalists in Kenya.

The **2015 State of Internet Freedoms on East**

Africa report¹² further noted that privacy and security concerns in online communications in Kenya were associated with perceived government surveillance or communications but also threats from other Internet users, hackers and fraudsters. Further, the report states that whereas the extent of online violence against women remains unknown, there are anecdotal indications to suggest that it is becoming more rampant, given the increased access to ICTs and the lack of enforcement of laws to punish offenders.

Today, the Internet is providing an environment for innovation, creativity, expression and information sharing. According to UNESCO, electronic communications of news media, critical bloggers and other individuals or organizations disseminating information, have become targets of State actors and other third parties. The Internet, therefore, continues to be an environment or a tool through which various forms of abuses can be perpetrated, sometimes anonymously.

A 2009 study noted that social networking sites and blogs in particular, are breeding grounds for anonymous online groups that attack women, people of colour and members of traditionally disadvantaged classes.¹³ Indeed, research suggests that women are the most likely victims of online hate. The study further notes that Web 2.0 technologies

¹⁰ <https://freedomhouse.org/report/freedom-net/2015/kenya>

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

¹² http://www.cipesa.org/?wpfb_dl=193

¹³ Cyber Civil Rights, Daniel Keats Citron, University of Maryland, see: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1271900

accelerate mob behaviour where such groups target individuals with defamation, threats of violence and technology-based attacks that silence victims and concomitantly destroy their privacy. The result is that online dialogue is impoverished as victims go offline or assume pseudonyms to prevent future attacks.

Such type of conduct is not different where it is directed towards women journalists, bloggers and other media professionals. Online violence against journalists is a problem because it has the potential of inhibiting freedom of expression due to fear of reprisals. In addition, it is in most cases intended to ensure self-censorship and discourage women journalists from writing or covering issues that may make them targets of abuse. By extension it can also limit their online presence, especially on social networks.

A 2014 Pew Research study¹⁴ found that 40 per cent of Internet users had experienced online harassment. It also found that stalking and sexual harassment were more prevalent among young women than among young men. The women described their experiences of harassment as extreme or very upsetting. Further, it found that younger women were more likely to experience sexual harassment online than their older counterparts. In addition, an observer noting the bigger threat that women journalists face compared to their

male counterparts, has stated that women journalists “are targeted for being women, for being journalists and sometimes, for being women journalists.”¹⁵

A 2015 UNESCO Report¹⁶ highlighted the major challenges faced by journalists worldwide, including 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.

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, , censorship and. Such attacks are in most cases, carried out anonymously and are personal and emotive.

¹⁴ Online Harassment, Pew Research Centre, see: <http://www.pewinternet.org/2014/10/22/online-harassment/>

¹⁵ Global campaign aims to end violence against women journalists, IFEX, see: https://www.ifex.org/international/2013/12/04/violence_against_women_journalists/

¹⁶ Building Digital Safety for Journalism, UNESCO. See: <http://unesdoc.unesco.org/images/0023/002323/232358e.pdf>

2. Methodology

In examining digital safety of women journalists in Kenya, this report aimed to capture information from practicing journalists on their experience with various online platforms in the course of duty, and if at all they have safety concerns. Accordingly, data was collected from both primary and secondary sources, including administration of questionnaires, phone interviews, online shadowing and written publications.

Purpose of Study

Contribute to a strong baseline survey on the digital safety of women journalists in Kenya as a prerequisite to enabling them to better understand their risks and develop and foster safety mechanisms aimed at mitigating the risks and holding violators to account.

Specific Objectives

- a. To conduct a baseline survey to indicate the extent, nature (including taxonomies of reasons and motives to the threats and attacks) and types of digital safety threats, restrictions, attacks, harassment and intimidation women journalists/media workers are exposed to in Kenya;
- b. To establish the types and pattern of digital attacks and harassment against women journalists;
- c. To examine the extent of digital safety concerns as distributed by region and counties, and media house of operation;
- d. Identify gaps in information, action and practices that hinder holding perpetrators of threats and attacks against women journalists and media workers' to account;
- e. To identify any promising/good

mechanisms and practices deployed by different media houses/groups or women journalists to understanding and dealing with digital safety concerns

A questionnaire was distributed to 100 journalists in four counties, namely Nairobi, Mombasa, Nakuru and Kisumu. 25 questionnaires were administered in each county with 15 being sent to women and 10 to men. The selection of these counties was based on the fact that they have a considerable number of journalists and they host the four key cities/towns in Kenya. Further, key media houses have offices in these four counties.

Respondents who spend most of their days out in the field were interviewed through telephone while others were invited to fill out the questionnaire that was designed for both male and female participants. The mixing of genders was meant to offer a comparison of how they use the online platforms as well as the security concerns they have. These respondents were selected randomly from various lists of journalists availed by AMWIK and a few from the Kenya Correspondents Association (KCA).

In addition, virtual shadowing of purposely-selected media personalities namely Caroline

Mutoko, Janet Mbugua, Maina Kageni and Larry Madowo was carried out. These four individuals command a significant following both on Twitter and Facebook. For five days (that is, November 30 to December 4, 2015), for two hours of the day (8 -9am and 5-6 pm), these media personalities social media platforms were monitored to see the sort of content they post, the nature of responses they received, and where possible, which gender was active on their pages. This was to draw patterns on their virtual practices and see if there are things unique to some genders.

Additionally, interviews with the Online Editor, Standard Group and the Managing Editor, Digital, of Nation Media Group considered the two major media organizations in Kenya were undertaken. The interviews focused on such things as what consideration is given to selecting which stories are uploaded online, whether there are any gender considerations, how many women journalists work in online departments viz a viz male journalists, whether any patterns have been observed in regard to blog comments on articles and in particular those by women journalists or women columnists, whether there are any digital security concerns, and mechanisms in place by the media houses to deal with the said concerns, and so on. Upon analysing the responses in the questionnaires, a request was made to Facebook's Head of Public Policy for Africa on some key concerns.

Literature was reviewed and documentary sources included publications on women and

ICTs, as well as existing legislation, mainly to identity gaps that require attention.

2.1 Study Limitations

Although the research had achieved its aims, there were some unavoidable limitations. These included: limited access to critical persons; limited funding and the limited time, which necessitated the research to be conducted on a smaller sample size. More time and resources would have been key in facilitating sufficient time to make follow-ups where necessary. Further, some key personalities whose information would have enriched this research did not respond to the interview requests.

In addition, some journalists had multiple unverified accounts on Facebook, Twitter and other social media platforms which made it difficult to determine their main account(s). This research confined itself to the verified accounts of the key media personalities.

2.2 Working Definitions

Journalist: A person, who gathers, assesses, creates and presents news and information through radio, online, television and newspaper.

Online harassment: The use of cyber space to intentionally intimidate and embarrass an individual or groups of people.

3. Legal Framework

Kenya's 2010 Constitution guarantees a bundle of rights and freedoms that enshrine provisions of the International Bill of Rights.¹⁷ Critical rights articulated in the constitution include: right to human dignity, freedom and security of the person, privacy, conscience, expression, media, access to information and so on. This constitution marks a significant shift from the previous constitution, whose constitutional guarantees were not as elaborate.

Further, the constitution of Kenya 2010 automatically domesticates relevant treaties and conventions, which Kenyan has ratified. Such instruments elaborate on and further demonstrate the commitment of states towards the protection and promotion of fundamental human rights, including the rights of women. The instruments include among others: Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);¹⁸ Declaration on the Elimination of Violence Against Women (DEVAW);¹⁹ African

Charter on Human and Peoples' Rights (Banjul Charter);²⁰ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003;²¹ Vienna Declaration and Programme of Action (VDPA);²² and the Beijing Platform for Action of 1995 (BPfA).²³

At the regional level, the African Union Convention on Cyber Security and Personal Data Protection,²⁴ calls upon state parties to establish legal frameworks to strengthen privacy protection and develop national cyber security policies and strategies, including legal measures against cybercrime.

Further, the African Declaration on Internet

vulnerable to violence. See: <http://www.un.org/documents/ga/res/48/a48r104.htm>

²⁰ The 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/>

²¹ The 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

²² The 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>

²³ It 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>

²⁴ AU Convention on Cyber Security <https://ccdcoe.org/sites/default/files/documents/AU-270614-CSConvention.pdf>

¹⁷ Universal Declaration of Human Rights; International Covenant on Civil and Political Rights (ICCPR); and the International Covenant on Economic, Social and Cultural Rights (ICESCR)

¹⁸ It commits states to take measures to end discrimination against women in all forms. See: <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

¹⁹ It 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

Rights and Freedoms²⁵ is a Pan-African initiative to promote human rights standards and principles of openness in Internet policy formulation and implementation on the continent. The Declaration is drawn and informed by the African Charter on Human and Peoples' Rights of 1981, 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 and as such, elaborates on the principles necessary to uphold human rights on the Internet. Amongst its key principles are: freedom of expression, right to information, privacy and data protection, security, stability and resilience of the Internet, and gender equality. African governments are called upon to endorse the Declaration, which portends a deeper understanding of how human rights apply on the Internet.

In 2013, in recognition of the need to end violence against journalists, the UN General Assembly adopted a Resolution,²⁶ proclaiming November 2nd as the International Day to End Impunity for Crimes against Journalists. The Resolution condemns all attacks and violence against journalists and urges member states to implement definite

measures countering the present culture of impunity. In addition, the resolution urges member states to do their utmost 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. It also calls upon States to promote a safe and enabling environment for journalists to perform their work independently and without undue interference.

More recently, the UN Security Council Resolution 2222 (2015)²⁷ noted that 90 percent of crimes against journalists went unprosecuted, and strongly condemned impunity for attacks on journalists, which it stated had increased globally. The landmark resolution, which was unanimously adopted, acknowledges the “specific risks faced by women journalists, media professionals and associated personnel in the conduct of their work, and underlying this context, the importance of considering the gender dimension of measures to address their safety...”

The Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression, Frank La Rue,²⁸ makes several observations and

²⁵ African Declaration on Internet Rights and Freedoms <http://africaninternetrights.org/articles/>

²⁶ UNGA Resolution A/RES/68/163. See: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/163

²⁷ UNSC Resolution 2222 (2015) see: https://www.reporter-ohne-grenzen.de/fileadmin/Redaktion/Nothilfe/Sicherheit_von_Journalisten/150527_UN_Security_Council_Resolution_2222.pdf

²⁸ Report of the Special Rapporteur on the promotion

recommendations in regard to the challenges individuals have in receiving and imparting information through the Internet. The report notes the importance of the right to privacy as an essential element of freedom of expression, and calls upon states to adopt effective privacy and data protection legislation. The report further laments the increased targeting through cyber-attacks of websites of critical individuals or organizations and reiterates the state's obligation to protect individuals from interference by third parties that seek to undermine their rights to freedom of opinion and expression.

The Kenyan state has also adopted a National Human Rights Policy and Action Plan in 2015, which is a comprehensive policy document that is expected to guide the implementation of human rights initiatives nationally. The policy identifies sexual violence in all its manifestations as an important issue that needs to be addressed. Further, despite not mentioning online offences, it nonetheless commits 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, take measures to empower women to claim their rights, and strengthen institutions that promote women's rights.

Locally, at the statute level, the Sexual Offences Act (2006) remains the most

authoritative and elaborate proclamation on sexual and gender-based violence. Relevant offences created under the can be instrumental in tackling online offences such as the exploitation of prostitution, sexual harassment, and sexual offences relating to positions of authority and persons in a position of trust. The Act also provides for protection measures for vulnerable witnesses. The Act however, does not speak in detail on online offences, which fact presents a challenge to the enforcement of constitutional guarantees to women in the country.

The Penal Code on the other hand, is the source of a majority of the country's penal law. Some of the offences under this law can be useful in stemming online violence against women. For example, the Act prohibits the trafficking in obscene publications; defamation; obtaining by false pretences, extortion, and other conspiracies; and personation. It also prohibits major offences capable of commission in real space such as murder, robbery, theft among others.

The Kenya Information and Communication Act (KICA) seeks to regulate radio communications, broadcasting services, postal services, and the telecommunications sector. It creates offences such as the misuse of telecommunication equipment, sending of offensive or annoying messages, interception of and disclosure of messages, hacking, publishing obscene information in electronic form, and electronic fraud. The offences of misuse and sending offensive messages while useful in prosecuting online offences,

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

are contentious as their definitions are vague, and their application is subjective, and as such, present opportunities for abuse and confusion.

Under KICA, mandatory registration of telecommunication subscribers is required. This entails the collection and maintenance of records by a telecommunication services provider of personal information of each subscriber within its network. Such information is required to be kept confidential, but may be disclosed when required by operation of law, including where it is required in connection with investigation of criminal offences or in respect of civil proceedings. The regulations also prohibit proxy registration.

Moreover, the Consumer Protection Regulations under KICA elaborates the rights of consumers in the context of the Act and requires its licensees to ensure they establish a customer care system and complaint handling procedures. Further, licensees are required to maintain confidentiality of subscriber information, limit unsolicited communication, and provide access to emergency and safety assistance services.

The National Cohesion and Integration Act was formulated to encourage cohesion and integration by outlawing discrimination on ethnic grounds. It establishes the National Cohesion and Integration Commission (NCIC) while also defining and creating offences involving the spread of hate speech that is intended to stir ethnic hatred.

The Media Council Act 2013 seeks to give effect to the provisions of Article 34(5) of the Constitution of Kenya, 2010. The law also establishes the Media Council of Kenya; which is the body charged with the role of accreditation of journalists. Further, the Media Council of Kenya's Code of Conduct for the Practice of Journalism²⁹ spells out the minimum standards that journalists in the country are expected to observe. The code requires journalists to avoid publishing obscene, vulgar or offensive material unless such material contains news value necessary in the public interest. Further, it requires journalists to respect the right to privacy, the rights of children, and victims of sexual offences while also urging the media not to present acts of violence that glorify anti-social conduct or quoting what would otherwise be considered hate speech.

At the institutional level, there is established the National Gender and Equality Commission, the Kenya National Commission on Human Rights, the National Police Service and the Communications Authority, which are critical in safeguarding the rights of women offline and online.

Therefore, from the foregoing, women journalists in Kenya enjoy the rights to among others, equal treatment and non-discrimination, freedom of expression, information and opinion, dignity, privacy,

²⁹ Code 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>

access to justice and fair trial. There are also institutional frameworks available for the protection of the rights of women, including women journalists. However, the challenge as is evident is the gap in implementing existing legislative frameworks to tackle online offences and introducing online offences into the ambit of existing policy and legislation.

4. Findings

The findings are derived from the survey in which 100 questionnaires were distributed, and responses received from 61 journalists, interviews with online editors of the two key media houses, and from virtual shadowing of four key media personalities. We reveal their identities as their profiles are public, and have no privacy settings. We can therefore deduce that they have good intentions to engage with the public.

4.1 Distribution

The respondents' ages (see diagram 1) started from 18 years, the minimum age for employment in Kenya. Though this survey had female respondents as the majority, at least one male respondent featured in each age and county category.

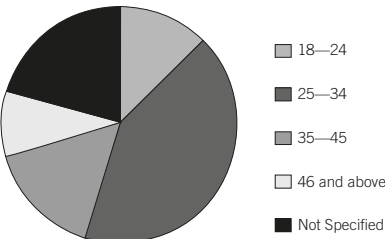


Diagram 1: Age Distribution of Respondents

Further, the respondents were drawn from a wide range of job roles within media with the percentages as shown in **Diagram 2**. Among the respondents, 52.2 per cent are employed, 26 per cent were freelancers while the rest (21.7 per cent) are employed and also do freelance work.

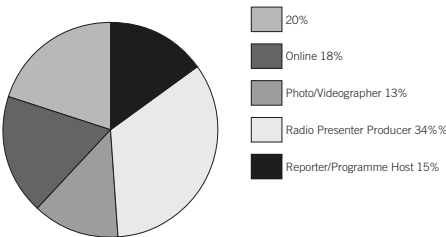


Diagram 2: Roles of Respondents

4.2 Usage of Digital Communication Tools

The responses indicated heavy reliance on e-mail, WhatsApp, Facebook and mobile voice calls in daily communications. These tools, especially WhatsApp show that most of these journalists have access to smartphones, which have been one of their main devices for communication. It also indicates the levels of vulnerability since these sites appear to be among the top sites where digital harassment occurs.

For daily communication, the female journalists rely heavily on WhatsApp (96 per cent), Facebook (66 per cent) and e-mail (60 per cent). As citizen journalism continues to grow both in terms of content generators and in diversity, the traditional media houses have also tried to find new patterns and practices of news distribution for the online consumers.

For instance, in January 2016, Citizen TV started distributing videos of its prime time news on Facebook and Twitter. The Standard Media Group has also set aside a page for citizen blogging where anyone is able to post articles as long as they register.

Online chats on mailing lists and WhatsApp groups are increasingly being used by organizations for daily in-house communication. Harassment occurring on these platforms would have very adverse and direct effects both to the company and to the individuals affected since information shared on these tools is mostly not secure and can easily be tapped by other users. The attacks could also have direct effects on the work environments.

Voicemail and text messages have remained useful even with the increased usage of online communication. They have also become more affordable with time and can reach people as long as they have their gadgets on.

A large section of Twitter trends comes up daily from the traditional media houses. Most of them are developed and built concurrently with the TV and radio programs for more engagement with a large audience. Media houses have also used this tool to deliver breaking news, a way of complementing citizen journalism that has grown faster on Twitter than any other platform.

However, even as blogging in the country has developed so much over the years, very few journalists blog as would have been

expected. Only 26 per cent of the survey respondents use the blogging platforms daily. The common platforms used for blogging include WordPress, Blogspot and Blogger. A few journalists have set up their own websites for the blogs.

Usage of Digital Platforms

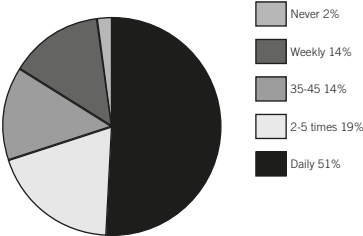


Diagram 3: Mobile Voice Usage

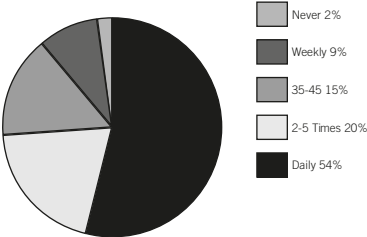


Diagram 4: Twitter Usage

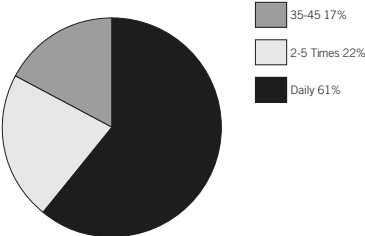


Diagram 5: Email Usage

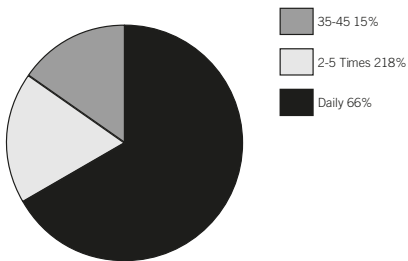


Diagram 6: Facebook Usage

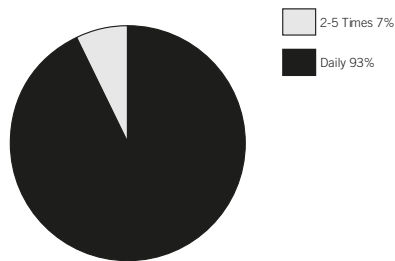


Diagram 9: WhatsApp Usage

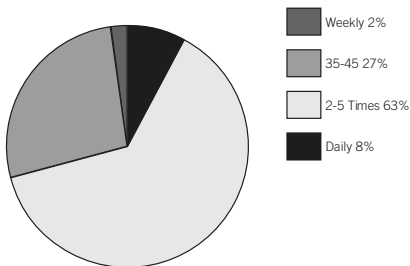


Diagram 7: SMS Usage

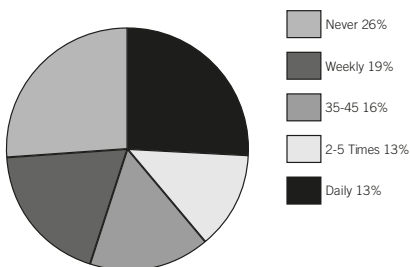


Diagram 8: Blogging Frequency

4.3 Use of Online Platforms

Women use the Internet in a fairly different context compared to men. Women journalists have social media profiles and rely heavily on social networking and blogging sites to connect with their audiences. Most popular women in media use these spaces also to advertise, air out opinions and act as good role models to their followers. Their posts usually have huge numbers of responses because of their popularity. Posts touching on politics are more likely to have insulting comments and threats than the ones on adverts and lifestyle. However, Churchill Otieno, the Managing Editor, Digital, at Nation Media,³⁰ observes that sometimes comments are not usually gender sensitive unless you are like Njoki Chege who attracts reactions as a woman and not a journalist.³¹ Reactions are sometimes based on ethnicity of the writer and 'perceived' political affiliations, and on subjects that 'make us fight'.

³⁰ Interview, February 1, 2016

³¹ Efforts to Interview her were unsuccessful, as she kept promising to get back to us.



IG @batyious @alekeengilbert · Jan 23
Political bloggers to Njoki Chege, we just want to talk

127 85

Image 1: from Twitter

Other online attacks also stem from journalists' celebrity nature that attracts insulting blogs touching on their private lives.

The following is an illustration of media personality's prominent social media platforms"

Online accounts/profiles as followed on December 4, 2015

Caroline Mutoko

Twitter: 146,000 followers

Facebook: 838,741 followers

Both Facebook and Twitter are verified

Maina Kageni

Twitter: 313,601 followers. 8,990 tweets

Facebook: 463,256 followers

Twitter is verified but Facebook is not.

www.mainawakageni.com

Janet Mbugua

Twitter: 8,828 Followers. 674 tweets

Facebook: 48,528 followers

Twitter is verified while her Facebook is not.
www.officialjanetmbugua.com

Larry Madowo

Twitter: 646,000 followers. 52,027 tweets.

Facebook: 579,066 followers

Both Facebook and Twitter are verified

www.larrymadowo.co.ke

Caroline Mutoko is the most visible Kenyan media personality on Facebook. She uses her platforms to market a wide range of products from holiday travels, shopping malls to software applications. She also posts political opinions which have had mixed opinions including the intimidating ones based on both her profession and gender. She does not have dedicated times for engaging her followers on social media, though her posts have intervals ranging from 30 minutes to eight hours. She posts three times a day at a minimum.

On the dates that her updates were monitored, Janet Mbugua, considered a household name on Kenyan television, had very few tweets and Facebook updates, and the few available were on her status as a new mother. These attracted little debate but had a lot of "likes". For example her post on December 4th talking about the joys of motherhood in relation to the birth of her son got 782 likes.

Maina Kageni is the "king" of morning radio and posts both on Facebook and Twitter. During the duration in which he was shadowed, his posts were mostly social and marketing and on male/female relationships

framed in such a way as to generate debate and elicit more views on his morning show. The debates on Twitter were minimal with less than ten likes. However on Facebook, both genders engage in equal measure to discredit or give credit to the gender that they belong to. It is noticeable though that Maina's Facebook posts meant for his radio show are predominantly slanted to 'blame' women for whatever issue in a man/woman relationship. This draws heated exchanges among men and women and at times the debates rages for more than two hours. Occasionally Maina Kageni receives one-off insults and threatening messages based on his sexuality depending on his posts.

Larry Madowo is a news anchor on NTV, one of Kenya's television stations, and runs *The Trend*, a weekly program popular with the youth. He heads the Nation Television digital team and runs their Twitter handle @ntvkenya, which has a million followers. He engages more with his audience on Twitter than other platforms. He always has a way of turning insults into humor but sometimes he responds to them through twitter or newspaper columns. Madowo is highly visible online, in the real sense of the word.

4.4 Types and Patterns of Digital Harassment

Smear campaigns against women journalists have sometimes occurred concurrently on multiple platforms. These campaigns are influenced by the content that women journalists may cover during their work. Some of the smear campaigns tactics include

Facebook hate pages, Twitter hashtags, blog comments and memes with insulting messages. An example that resonates with this finding of abuse resulting from work is one where Caroline Mutoko in her weekly column in *The Star* newspaper, advised President Uhuru to "give heaven something to work with".

In the article, she castigates the President for being indecisive but in the same breath laments the lack of a possible alternative to the President. This article was shared widely and became a point of discussion in different blogs and websites where Mutoko was deemed to have attacked the opposition politician Raila Odinga. One blogger decided to take on Mutoko³² for committing this sin and, without substantiating, accused her of being in the habit of attacking Raila Odinga:

...But let's be fair, CAROLINE Mutoko has never been known to be factual and realistic. She thrives on shallow penetration and below the belt operation. Don't ask me to expound. That's why despite regular penetration by P akiaang'oa, she couldn't give birth and had to steal a baby from a hospital...

...You survived at and only at Radio Africa because PQ could only settle for the pathetic you. I see no hope a better

³² Caroline Mutoko, Uhuru, give heaven something to work with. *The Star*. November 9, 2015. http://www.the-star.co.ke/news/2015/11/09/uhuru-give-heaven-something-to-work-with_c1238785

Kenyan media when people can't trust their brains. Caroline Mutoko, I am happily a Raila sycophant. Die bitch!! Die!!"

The blogger in question in attacking Mutoko diverted attention from the issues addressed in the article, and went personal issues.

In another incident, Mutoko was contributing to a debate in which a born again man wrongfully sent an intimate message to a WhatsApp group. Mutoko gave her views on the matter and instead this same user hijacked that debate and demanded to know from her, how many men she had "bedded".³³ This debate shifted from the sender of the wrong message to Mutoko, with contributors demanding that she lists the phone numbers of all the men she has 'slept' with. A call that Mutoko ignored. She is one of the bold women in media and is not afraid to continuously articulating her views online.³⁴ A lot of women journalists react to trolling differently than men. "Men tend to be thick skinned while women are affected differently and therefore are cautious in handling some sensitive topics as politics."³⁵

- I understand it as unwanted and unwarranted request for information

or even pushing of unsolicited campaigns or information to my online pages.

- Misuse of social media platforms to intimidate and undermine other users, it can take the form of sexual harassment, bullying or coercion or even political (sic) for doing your work.
- Embarrassment, sending threats, doing things that lower one's' self esteem
- It includes but (is) not limited to, receiving any threats or being insulted using the new media/social media
- Hate speech online
- Intimidation that discourages one from expressing themselves online
- When one threatens you either from (a) feedback or does not like your status. Anonymous people invading your space

4.4.1 Understanding Online Harassment

This research defines **online harassment** as the use of cyber space to intentionally intimidate and embarrass an individual or groups of people. This definition was derived so as to minimize challenges that exist in differentiating communication that may harass an individual. Difference of opinions

³³ How many men has with carolinemutoko slept with? <http://www.okoanews.com/how-many-men-has-ex-kiss-100s-caroline-mutoko-slept-with-blogger-skins-her-alive/>

³⁴ Efforts to interview her were unsuccessful.

³⁵ Interview with Churchill Otieno, Managing Editor, Digital, Nation Media. February 1, 2016

was not considered under this definition since then arguments are based on the content. The relationship between the communicators was also considered in differentiating sarcastic statements that may appear insulting to another party.

Although there is no clear consensus on the definition of **online harassment**, respondents had comparatively similar understanding of the term. Some perceptions of online harassment were linked to the forms of harassment the respondents had experienced. This is an indication that there is some level of awareness of what online harassment is.

“I felt irritated and I kept off online for sometime then I went and I unfriended anyone who never made sense to my life online. I generally hated everything about social media”

“People asking for some clarifications on what had been commented thinking that the other person knew me personally and had spoken the truth”

“I lost my confidence and shied away from the general public”

“Such harassment is meant to either scare you or slow you down, but i believe you've got to stand with your stuff, comments etc , so the effect may be minimal but you have to live with it.”

“it lowered my dignity to the people

whom I respect and I also lost concentration in whatever i was doing.”

“I didn't feel like going for work”

“At first, it made me tense but later I grew more strong and passionate in my career.”

4.4.2 Forms of Online Harassment

The most common type of attacks is unauthorised access of accounts. 36 per cent of the respondents have had their accounts hacked. This indicates that the awareness of digital security is still low. The most effective remedy should include digital security training and counselling to minimise the reactions and effects of the attacks.

75.4 per cent of the respondents have had incidents where they were harassed online because of being journalists. The responses by the female respondents have also shown that a good number have had ‘double attacks’ where they were harassed as a result of the content they covered and at the same time attacked for being women or even being attacked because of gender and ethnic backgrounds. A freelance journalist said she experienced harsh comments on her Facebook page for an article she posted on her company's website. The comments were mostly about her sexuality and ethnicity. Julie Gichuru's **Sex for Fish** feature spurred mixed reactions from the public, including insults based on her appearance, ethnic background and sexuality.

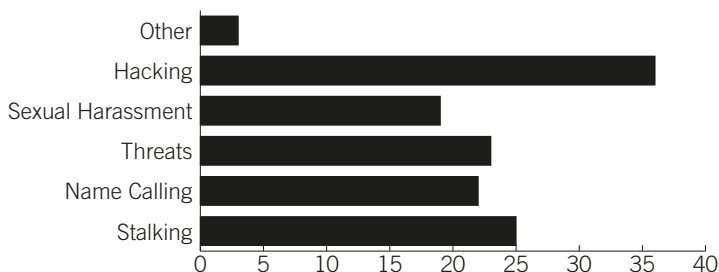


Diagram 11: Forms of Online Harassment Experienced

WiliesAmbet This old ugly yellow pig crossed the red line n she will pay for it.since when did referendum turn to be a luo issue? is the Awasi the only place in kenya with inadequacy of water? not considering that, why did you have to connect the awasi issue with national politics? How many kikuyus including you who sell their bodies for survival have you ever aired on national tv?get a life you old moronic harlot!

Standard Digital Online editor, David Ohito, concurs.³⁶ He cites the example of women journalists who report on football and gives the example of Carol Radul who makes predictions of football matches. “If she gets the prediction wrong, she is in for a hard time. Sometimes commentators tell her she got it wrong since football is not a woman’s game, yet when a male journalist does the same, he is not condemned in the same manner.”

³⁶ Interview with David Ohito, Digital Editor, Standard Group December 9, 2015

Rachael Nakitare, the immediate former president of International Association of Women in Radio and Television (IAWRT)³⁷ cites the example of a research conducted by IWART on women’s use of ICTs in Kenya in which one of the findings was that women are not appropriating online platforms as much as men. This story was covered by a women journalist³⁸ and attracted what she deems as negative debate and criticism on Twitter. And yet when the story was done by a male blogger, it did not attract flak and instead there was some level headed debate.³⁹

Journalists who had experienced online harassment cited multiple platforms where

³⁷ Interview January 29, 2016

³⁸ Caroline Wafula. Mobile, Internet use among Kenyan women very low, study shows. October 21, 2015. <http://www.nation.co.ke/news/Mobile-internet-use-among-Kenyan-women-low-/1056/2923624/-/kn2cjkz/-/index.html>

³⁹ John Walubengo. Women must escape the digital straitjacket. December 8, 2015 <http://www.nation.co.ke/oped/blogs/dot9/walubengo/-/2274560/2988300/-/xkrle2z/-/index.html>

they had experienced these attacks. The most mentioned platform was Facebook 39.7 per cent, which reflects its popularity for both daily and weekly communication.

A good number of these attacks lasted a day although most of the victims said they decided to take little or no action against them. This is largely because the attacks are one-off and come as reactions to posts and an airing that the journalists were working on. Account hacking was also reported as a one-off incident. The patterns of online violence against women in media have taken the same shape across different counties although the percentage of women attacked in Nairobi is higher compared to other counties.

Ebele Okobi, Facebook's Head of Public Policy for Africa points out that with over 1.5 billion people using the service, there is a huge amount of content created and shared on their platform every day. The vast majority of this content is benign in nature, but some of it may be shocking, distasteful, or downright abusive and sometimes inappropriate. Facebook receives millions of reports every week, and handles these in a timely manner, but she notes that women can be targeted online in several ways: from harassing private messages, to bullying comments, direct threats, impersonating accounts, blackmail from an ex-partner to share intimate content. Such content, or any that is against the [Community's Standards](#), as well as abusive accounts are usually removed. "In tandem, we also work hard to provide people with the right tools and resources

to make their experience on Facebook as enjoyable as possible" she says.

4.5 Reporting Mechanisms

43 per cent of the journalist who experienced digital harassment did not take any action. Most of them do not know how to deal with them following the provisions of anonymity in these social media platforms and the long processes for seeking redress through the judiciary.

None of the respondents have ever reported harassment on social media sites like Facebook and Twitter. A number of reasons for this include poor knowledge of the reporting tools, the longer time they have taken to take down reported content and the difference in social context between different regions where abusive content in Kenya still fits within the community guide policies of these companies.

Less than 10 per cent of the respondents who had experienced online harassment reported to their employers, this is also related to the finding that 70 per cent don't think their employers have done enough to protect them from online harassment. Some respondents said that their employers did very little in supporting them and some said their employers didn't follow up on the incidents upon reporting.

A good number of hacking cases that have occurred on social media platforms have had the challenge of jurisdictions. The borderless

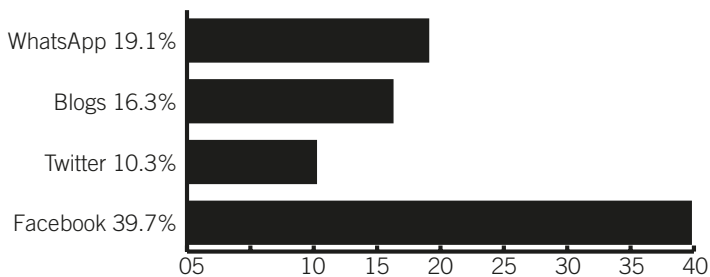


Diagram 12: Platform for Online Harassment

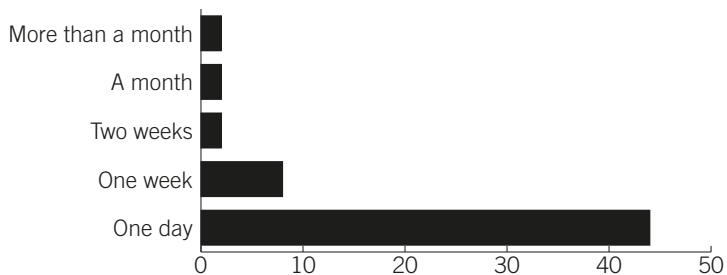


Diagram 13: Duration of Harassment

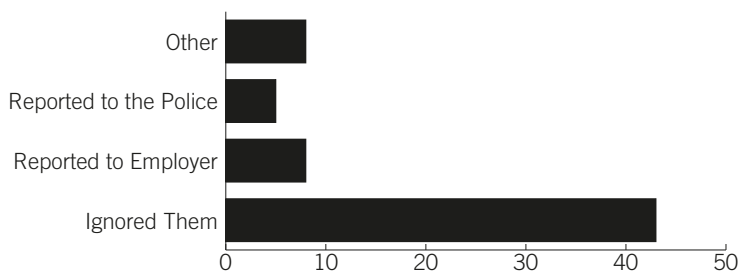


Diagram 14: Action Taken

nature of the Internet has also enabled borderless cybercrime. It therefore becomes difficult to prosecute attackers from different jurisdictions since within the national borders different laws are applied.

As much as the Internet enables a multiplicity of voices to reach multiple audiences, it can have private isolated spaces such that users, who can relate to what is being talked about, are the only ones who get to know what is happening. Digital violence against women journalists mostly goes unnoticed by the general public, and it is only the people within the small online communities who get to see them, and most of the time they do not act. Women journalists do not have to become the most popular to get these kinds of attacks. They fall victim because of the nature of topics they covers such as politics, sports, lifestyle and sexuality that most often draw mixed reactions from their audience.

To some extent, name calling and insulting comments have been accepted as the norm so that women who report these cases are tagged as 'petty', yet they negatively affect women's' productivity at their workplaces and how they use the Internet.

Some of the issues that hinder timely reporting include the organization of the police units and their capacity to handle these crimes at county level.

I reported one case to the District Criminal Investigations Officer (DCIO) but he told me the matter is [to be]

handled by [the] Cybercrime Unit and said they are in Nairobi alone. Yet I stay in Kisumu

Male respondent, Kisumu

The police Cybercrime Unit is yet to be devolved; yet the rate of Internet penetration in these counties especially in towns like Kisumu, Nakuru Mombasa is high.

Other actions that the respondents took to deal with the online harassment they were experiencing included changing of passwords, opening new accounts and editing comment threads on their posts. One of the Nairobi female respondents who had been a victim of name calling on her Facebook posts said that she monitors her posts on her social media pages and blogs all the time. She added that usually it is the initial comments that shape how the rest of the comments will be. She therefore proceeds to sieve the comments to have meaningful threads with her audience. Other women who were affected by the online attacks have responded in different ways. Those who have taken action have responded to this type of attack by changing their passwords, others brought their pages down and after a while created new social media accounts, which they stated, had worked fairly well. Still, others reported changing their SIM cards to have a break from cyber stalkers.

A substantial percentage (31.1 per cent) has opted to ignore the attackers who have harassed them on social media. One of the reasons for this is that they the perpetrators

do not intend to carry out the threats.

“The threats had no basis, the source had neither the capacity nor reasons to implement the threats”

Freelance journalist.

20 per cent of the respondents who had experienced online harassment said the attacks negatively influenced their work environment by affecting relationship with work colleagues while seven per cent went offline. 28 per cent said they took the events positively while other respondents indicated that support from work colleagues minimised effects of the attacks.

Below are some of the quotes from the respondents in explaining how they responded to these attacks:

- “I felt irritated and I kept off online for sometime then I went and I unfriended anyone who never made sense to my life online. I generally hated everything about social media”
- “People asking for some clarifications on what had been commented thinking that the other person knew me personally and had spoken the truth”
- “I lost my confidence and shied away from the general public”
- “Such harassment is meant to either scare you or slow you down, but i believe you’ve got to stand with your stuff, comments etc , so the effect may be minimal but you have to live with it.”
- “it lowered my dignity to the people whom I respect and I also lost concentration in whatever i was doing.”
- “I didn’t feel like going for work”
- “At first, it made me tense but later I grew more strong and passionate in my career.”

Journalists use these spaces to find out new story ideas, distribute news and check the comments that come from their articles. It can easily be deduced that this harassment against women may have a direct effect on their earnings as they are forced to move out of the very spaces they use to earn a living.

On the question as to what measures social media platforms provide to women journalists from digital harassment, Ebele Okobi of Facebook⁴⁰ states that, Facebook provides an extensive amount of tools for people to share with the right audience, manage their account, manage their experiences on Facebook (from unfollowing to blocking), all the way to reporting content that may be deemed inappropriate. “We encourage everyone to visit our [Help Centre](#) and our [Safety Centre](#) to take control over their experience.”

Users are encouraged to report content that may be abusive. “In the event that the content posted or behaviour encountered is also illegal, we encourage women to capture evidence of such occurrences, and contact the police or seek legal representation. It is important for women to speak up, contacting people they trust and who can provide support,” asserts Ebele.

4.6 Commands on Digital Security

Although 55 per cent said they had good knowledge of digital security tools and practices of privacy, security and unfettered access in digital communications, 75 per cent of the respondents have been victims of online harassment. Most of the respondents who said they had used digital security tools got the applications as in built programs in their devices.

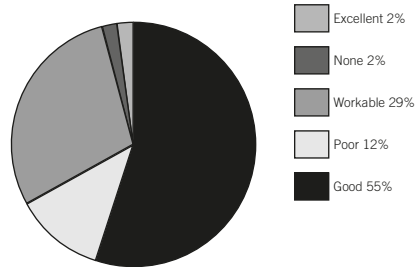


Diagram 8: Knowledge of privacy, security and unfettered access in digital communications

60 per cent of the survey participants indicated that they have used tools and technologies intended to protect their privacy and security online. The ones who have never used these tools gave some of the following reasons.

“No prior knowledge of such tools that can protect my privacy while online”

“Have not been attacked before”

“Because I do not know the sources to get the tools and do not know the tools themselves.”

“I haven’t found any of that is useful”

“I do not think someone can go beyond threats”

“I don’t know how to source or use them”

Sourcing for these tools is difficult especially for freelance journalists who find them expensive and they are not under any

⁴⁰ February 11, 2016

umbrella body that can assist them in acquiring them. Other respondents who have used these tools said they got them through training; some looked for them on the Internet sites like Android Play Store and via Google search. Notably, none of the respondents bought the tools.

Some journalists have not used security tools because they don't find them important for their work or safety in general and some lack knowledge of where to find free tools.

A further 76 per cent of the respondents reported having made decisions not to communicate because of security threats. This can be attributed to the fact that they do not use advanced tools/technologies for digital security as most of them rely only on built-in tools like passwords for security. Journalists need to be equipped with safe communication tools so that they can communicate with sources and colleagues without fear of surveillance.

A negligible four percent of the respondents, who have made decisions before not to communicate, said they deal with sensitive information and would fear for their own security if the information is traced to them:

“Sometimes I may have some crucial information to share with my fellow journalists but I might only share it in person because of fear of stalking and tracking of my communication and online activities by third parties including the government security

apparatus. Also, I might not share crucial information with some select persons if it is sensitive and its implications adverse especially for the public if not handled well.”

Nakuru journalist

“With the advent of the devolved units, threats to journalists is now devolved, and worse enough they identify you and your location; so people would easily follow up on what you post in your blog, Twitter or even WhatsApp; so at times you decide to mute.”

Kisumu journalist

Considering that many of the women journalists use Facebook, it is recommended for them to explore some of the following links⁴¹:

Personal account information and understand basic privacy settings: <https://www.facebook.com/help/325807937506242/>

See your profile as others see it: <https://www.facebook.com/help/288066747875915>

A strong password, which should be different from one's e-mail address (<https://www.facebook.com/settings?tab=account>)

Turn on **login approvals** and **login notifications** (<https://www.facebook.com/help/148233965247823> and <https://www.facebook.com/help/148233965247823>)

⁴¹ Interview with Ebele Okobi, Facebook's Head of Public Policy for Africa, February 11, 2016.

facebook.com/help/162968940433354). This usually sends alerts if logging is made from a different location. Therefore if a woman's journalist's account is hacked, she gets to know and can take remedial measures such as changing the password.

Read about [basic security tips to keep your account secure](https://www.facebook.com/help/213481848684090): <https://www.facebook.com/help/213481848684090>

[How to report someone or something to Facebook](https://www.facebook.com/help/181495968648557): <https://www.facebook.com/help/181495968648557>, and

[How to report blackmail, revenge, porn or sextortion](https://www.facebook.com/help/contact/567360146613371): <https://www.facebook.com/help/contact/567360146613371>

“These are some tools and processes to help women feel safer online. However it is important for us to hear from women journalists who may be harassed, to get their feedback [and] understand where we can continue improving the safety of our platform. We want women to speak up, never hesitate to report content they believe is harassing, and contact a trusted person,” Ebele Okobi.

5. Online Media Departments

Understanding some basic operations of the Digital Departments of Media organizations was deemed necessary in understanding if there are challenges that women journalists deployed in the digital departments face.

The Nation Media Digital department has over 200 journalists with about 30 percent being women, while that of the Standard Group has 27 personnel. Out of this, women constitute around 70 percent.

5.1 Criteria for selection of articles to upload online

Usually, news organizations generate a lot of stories some of which find their way into the newspapers, others in radio, and others on television, while others appear in all these platforms.

At Standard Group (SG), articles uploaded online have to meet news measures and the needs of targeted audiences or what their public is interested in. These may be on lifestyle, sports, current affairs and so on. Standard Digital is purely a news and information site. On international news, those that resonate with their audiences are the ones that find space online. For the Nation Media Group (NMG), the news value of any story is the overriding consideration.⁴²

In uploading these articles, the only affirmative action at NMG is that minorities get a hearing. The minorities here may not constitute women. The situation is similar

at SG. There is usually no consideration for affirmative action, but considering that there are many women journalists working in the department, there is a tendency to usually gravitate towards human-interest stories and those that appeal to women such as fashion. However, the department at SG endeavours to guard against cyber bullying and patriarchy.⁴³ For example, a man can post any comment on the Standard Group blog without attracting hateful responses. It is not the same for women. When a woman posts a comment, the pattern has been for abuse and attacks to follow which really are meant to intimidate the woman against venturing in this digital space. An example is if a woman makes a comment on a story about opposition politician Raila Odinga's take on an issue. The comment goes something like "[Wee Malaya unasemani hapa?](#)"⁴⁴ and yet when a man comments on the same story it elicits no response. Even in neutral topics like sports, if one team wins, the comments on the blog tend to be something like '[umeshindwa kama mwanamke](#).'⁴⁵ These are comments that do not meet ethical standards, says Ohito, SG Digital Editor.

Ohito feels that the digital divide evident in media organisations is a reflection of society

⁴² Interview with Nation Media Group Online Editor Churchill Otieno. December 10, 2015

⁴³ Interview with David Ohito, Digital Editor, Standard Group December 9, 2015

⁴⁴ Swahili for: You prostitute, what are you saying here?

⁴⁵ Swahili for: You've lost like a woman

where more men than women have access to the Internet. Further, this is reflected in ordinary stories where there are more men than women voices. He avers that smart phones are costly and if more women owned them, we would probably have more women engage in online platforms making logical solution-offering statements.

He goes on to say that as a son of a woman, a husband to one and a father of two daughters, he has a grave concern about digital marginalization and calls for digital inclusivity, which has not been addressed at policy level.

5.2 Digital Security concerns for women journalists working in digital departments

The women who work at the digital section of the Standard Group are young and only a few are mothers. Interestingly, the male journalists consider this to be a 'weak' department since women dominate it.

Some of the security concerns that they have expressed include being stalked on Twitter and Facebook. Men sometimes approach them using these social networks and if they decline they end up being accused of being braggarts and that they will never get men to marry them.

It is worse for news anchors who usually get comments such as they have nice legs and sexual overtures. The end result of this is that many a woman in media has had to change

her phone number or close her Facebook and Twitter accounts.

At NMG, it was reported that the existing social media policies have been outpaced by the fast developments of the Internet use. The policies are now being revised to effectively protect both the journalists and media organizations.

5.3 Patterns on blog comments on stories by women journalists and women columnists

Some women journalists write on what is considered neutral topics. A good example is those who write on sports. Sometimes they get comments, which are sexist, biased and opinionated towards women. A male journalist can do the same, but will hardly get sexist comments.⁴⁶

Women journalists have also attracted hatred based on their ethnicity and their stories have been criticized as supporting their fellow tribesmen or political parties perceived to belong to the tribes associated with their second names.

Where women columnists are concerned, Ohito notes that the Standard Group has not drawn patterns on how women columnists are treated by the readers of their online versions. However, he gives the example of when SG enlisted Kethi Kilonzo⁴⁷ to be a columnist. Kethi became popular when she

⁴⁶ Interview with David Ohito, Digital Editor, Standard Group December 9, 2015

⁴⁷ https://en.wikipedia.org/wiki/Kethi_Kilonzo

represented one petitioner in the petition against President Uhuru's election in 2013. From the comments made on the blog, it was clear that some of those readers had not read the column but went on to make comments saying how they liked her for supporting the opposition, while many others were pure harassment.

At NMG, the digital department provides guidelines on how to steer the social media space and how it interacts with journalism, how journalists' conduct themselves online can be construed since they are journalists, and the dos and don'ts of online spaces. They have however observed that many a time, when a woman authors a column, some reactions go personal as opposed to focusing on the story.

5.4 Mechanisms deployed by different media houses to deal with digital safety concerns

In the survey administered for this report, 70.2 per cent of the respondents pointed out that there are no adequate measures to protect female journalists in their organizations against online harassment. Respondents who said their organizations are doing enough to support and protect them from online attacks mentioned they have a means where they can report these attacks within the organizations where someone listens to them and takes up the issues with the relevant authorities. Some suggested that there should be better digital security policies to protect them from harms such as hacking

into their accounts. A fact acknowledged by the SG.

According to the Standard Group Digital Editor⁴⁸ managing these digital spaces has been challenging. "It is very difficult to manage our online platforms while at the same time we want to be democratic and allow for interaction. Our platforms are abused by the same audiences who in fact even give SG a tag such as it supports the opposition." This continues to be a challenge for this news organisation that receives between 12,000 and 13,000 comments on every single day. The number of comments makes it difficult to draw in professional comments or those that have grounding in ethics. For SG to process all these comments, it would need a bigger workforce, which currently is not possible. So the practice is that the team under the guidance of the editor selects what is considered of value to include in the topics under discussion. At NMG, the Managing Editor notes that no cases of online abuse of their women journalists have come to his attention. As such there is no disaggregated data on the matter.

⁴⁸ UNSC Interview with David Ohito, Digital Editor, Standard Group December 9, 2015

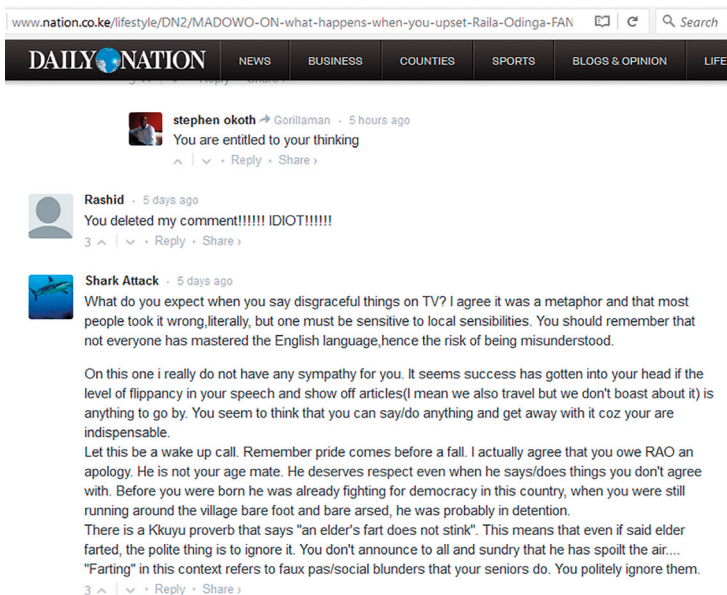


Image 2: from Nation Media's website

Notably, media organizations do not know how to act when their journalists are facing these attacks online. They have not been seen to come out publicly to support their employees. Women journalists are seen to fight back the abusive criticisms and hate campaigns alone thus taking up most of their day and eventually affecting their productivity.

6. Gaps

The situation in practice is not ideal. Despite this apparent framework, Kenya does not have sufficient legal remedies to deal with online violence against women. The current legal framework, including the Sexual Offences Act, only addresses mainstream offences against women in real-space, and as such is yet to be updated to cover offences such as cyber-stalking, online harassment or trolling.

There also exist challenges in the enforcement of existing policy and legal frameworks. The police do not have sufficient capacity to understand the nature of online offences, let alone the tech-savviness or requisite tools to unmask perpetrators, investigate such cases and deliver justice to victims of such offences.

Further, whereas the country is considered to be partly free according to the Freedom House, Freedom of the Net 2015 report, recent developments do indicate a decline in ranking from 2014.⁴⁹ The report cites the arrest of bloggers and social media users for their criticism of government officials, government officials compelling intermediaries to take action against defamatory content against them, and concerns over government surveillance powers in the context of the fight against terrorism. Further, there are pending legislative proposals that threaten media freedom both online and offline, reports of

government requests for user information from Google, and a rising number of ‘keyboard warriors’ operating like mercenaries with multiple accounts deployed at will to troll anyone critical of the government on social media.

In addition, most of the perpetrators of online violence go unpunished because very few victims report these incidents, the existing laws are outpaced by ICT developments and when found guilty, the penalty is not a deterrent. There is also lack of digital literacy among online platform users where the assumption is that freedom of expression is absolute and mutual respect is unnecessary.

Most media houses still use the old policies that were developed before they started having their presence online. Updates in policies are done in bits, more so in the areas where they are affected. This has caused some continuous losses on both the media houses and journalists. Journalists have been arrested and media houses sued for content on their websites that was posted by their audience as comments.

A considerable number of women journalists still lack sufficient knowledge on how to source for digital security tools and how to use them. 60 per cent of the freelance journalists surveyed had experienced online harassment. However, they are not under any umbrella body that would train them on digital security or take them through counselling sessions when they fall victims.

⁴⁹ Freedom of the Net Report, Kenya 2015, Freedom House. See: <https://freedomhouse.org/report/freedom-net/2015/kenya>

7. Recommendations

This study makes the following recommendations:

7.1 Media Organisations

- Media houses together with the Media Council of Kenya should come up with counselling programmes where both the employed and freelance journalists experiencing online abuse and are traumatized can be counselled.
- Media organizations need to invest in software/apps that can be used to block certain sites in particular those that try to portray women journalists in a negative light. This has to be done against the background of the challenge that media houses could be blocking audiences they really need.
- Media organisations should ensure that they provide a safe and enabling environment for women journalists to perform their work independently and without undue interference.
- Businesses should be encouraged to develop business models and software applications that can help in the detection, monitoring and reporting of online violence. Further, companies responsible for social networking platforms such as Facebook and Twitter should provide tools to facilitate content monitoring, reporting of offenders, and timely removal of offensive content and identification of perpetrators. They should also enforce comprehensive terms of service that disallow content

that promotes or constitutes violence.

- Media organizations should put in place policies to address sexual violence in the workplace and take appropriate action when it occurs.
- In its quarterly status reports, CA needs to disaggregate data and for example say how many women have cell phones, and how many have smartphones.

7.2 Journalists

- AMWIK should undertake personal security training for women journalists such as how to use encryption tools for secure communication on both online platforms and mobile phones. In addition, training should also focus on enabling journalists to understand the security implications of their actions and mitigate risks they may face in the course of their work.
- There is need for creation of awareness by journalists against gender violence, including highlighting the increasing incidences of abuse/violence online. Women journalists should be trained on how to defend themselves against sexual assault, including developing early warning systems and rapid response mechanisms.
- Journalists should remain conscious

of the unique societal contexts and environment in which they operate. Situational awareness is critical in risk management and as such, journalists should not only take precautions but also be able to anticipate potential dangers and understand reactions especially on social media.

- Internet users including journalists and women journalists in particular should form strong online communities that are more vigilant to identify, report and respond to online attacks when they occur.
- AMWIK and other like-minded organisations should work with law enforcement and media bodies to adopt gender-sensitive approaches when developing measures to address violence against women journalists.

7.3 Policy and Legislative

- There is need to map out initiatives and evaluate the existing mechanisms and legal frameworks on a regular basis to help in making more gaps for improvement.
- The government needs to address the issue of digital inclusivity at policy level.
- The government needs to make political commitment to protect media freedom.
- Laws should be amended to bring online

offences into their realm to ensure that victims have mechanisms for redress.

- Existing legal measures such as security legislation should not be used to limit freedom of expression including the intimidation, arrest and detention of women journalists.
- The state should commit to guarantee the right to freedom of expression online, as it is offline, subject to accepted limitations.

7.4 Law Enforcement

- There is need for stronger reporting mechanisms of incidents of online abuse, and the promotion of online reporting platforms as reliable and safe. Tied to this should be the inclusion of judicial training programmes on the subject.
- The responsible government agencies should be committed to ensure timely and effective investigation, arrest, prosecution and punishment of all persons responsible for crimes against women journalists
- Law enforcement agencies including police, prosecutors and judicial officers need to be trained to understand the work of female journalists, and the vulnerabilities they may suffer in the course of their work. In addition, computer literacy courses and the

supply of resources to the agencies is critical in fighting online violence against women.

- The government should take steps to ensure accountability for crimes against journalists, and put in place administrative, policy and legislative measures to ensure the protection of freedom of expression and media freedom and at the same time, the protection of female journalists and bloggers.
- The authorities should also liaise with the social media companies in building better reporting mechanisms that they can promptly respond to.

7.5 Others

Consider working with other organisations and social networking companies such as Facebook who are now seeking partner organizations in Kenya and across the continent to inform their work and help to implement solutions.

