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PROTECT
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#BREAKTHEBIAS;

**COUNTERING NEGATIVE PERCEPTIONS
AGAINST WOMEN HUMAN RIGHTS
DEFENDERS AND WOMEN JOURNALISTS**



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KENYA: State must take steps to protect women journalists and human rights defenders to ensure gender equality



In Kenya, women human rights defenders report being beaten, attacked and hospitalised for their work on gender violence. In one instance, a woman's home was burned down.

Today on International Women's Day, ARTICLE 19 Eastern Africa recognises the work of women journalists and women human rights defenders (WHRDs) in Kenya. In line with the theme of International Women's Day this year, the organisation highlights the importance of their work in ensuring gender equality. Without the work of women journalists and WHRDs, concerns related to gender equality in the country would most likely be neglected. Unfortunately they face stigma and negative perceptions which impact on their ability to effectively carry out their work and, in some cases, has led to their rights being violated. In order to ensure 'gender equality today for a

sustainable tomorrow', Kenya must take steps to protect women journalists and WHRDs.

In 2020, concerned with the shrinking civic space in Kenya, ARTICLE 19 Eastern Africa Internews, HIVOS and Intentional Centre for Not-For-Profit Law (ICNL) joined forces to establish the PROTECT project which aims to address the multiple root causes of closing societies..

As part of this project, ARTICLE 19 carried out interviews with women human rights defenders (WHRDs) and women journalists which revealed that, like in many other parts of the world, groups and individuals target WHRDs and women journalists with gendered forms of violence and harassment fuelled by negative stereotypes.. ARTICLE 19 Eastern Africa carried out a perception survey in Kenya which confirmed the existence of generally negative attitudes towards the work that women journalists and WHRDs do.

This brief explains who WHRDs and women journalists are and the importance of their work. It sets out the findings of the perception survey and - through the stories of WHRDs and women journalists - seeks to demonstrate the negative impact of these attitudes.

It further sets out the relevant international human rights laws and standards for the protection of WHRDs and women journalists thus showing how the government of Kenya has failed to meet its human rights obligations in this regard. Finally, it ends with recommendations to the government to ensure the protection of these groups and a conducive working environment for them.

Who are WHRDs and women journalists?

The UN Declaration on Human rights defenders defines human rights defenders (HRDs) as, 'individuals or groups who act to promote, protect or strive for the protection and realisation of human rights and fundamental freedoms through peaceful means.' They may be full time or part-time, professional or voluntary. Anyone can be a HRD regardless of age, race, gender, education, profession, social status or other status. 'Women and girls who act to promote or protect human rights and people of all genders who defend the human rights of women or work to advance rights related to gender equality' are known as women **human rights defenders** (WHRDs).¹

Journalists can also be HRDs, especially where they strive for the protection of human rights. In terms of international human rights standards, journalists are individuals dedicated to investigating, analysing, and disseminating information, in a regular and

specialised manner, through any type of written media, broadcast media (television or radio), or electronic media. With the advent of new forms of communication, journalism has extended into new areas, including citizen journalism. In this brief, 'women journalists' refers to women who are active in journalism in this manner.

What is the importance of their work?

A free and active civil society is essential to ensure the public's right to know and to hold governments and public institutions accountable. HRDs and journalists play an important role in raising awareness of human rights and the duty of the State in relation to such rights. They serve as watchdogs where the State fails to adequately protect rights. Without HRDs and journalists, citizens may be kept in the dark about state actions which impact on their rights. They therefore act as agents contributing to the full civic participation of citizens.

WHRDs and women journalists further play an important role in highlighting concerns related to gender equality. They provide a gendered lens for analysis of the work and policies of public institutions and provide information on where more needs to be done to ensure equality in areas where this may otherwise go unnoticed.

For example, the *Mulika Wabakaji* Campaign, led by WHRDs, has exposed the low conviction rate for perpetrators of rape



¹ A/HRC/16/44 Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya 20 December 2010, para 30.

and defilement in the country and aims to ensure authorities provide access to justice in relation to these.

WHRDs, as part of the Mathare Social Justice Centre have also *highlighted* structural violence, including against women, during protests in Kenya.

In addition, women journalists, such as Beatrice Waithera Maina, Sarah Kimani and Patricia Ndango, have shone a spotlight on sexual gender-based violence, corruption, environmental concerns, maternal mortality and the gendered nature of the news in Kenya, among other issues.

Their work has shown how women are disproportionately affected by public concerns at times. Other topics that have been highlighted by women journalists and WHRDs in the country have included female genital mutilation and lack of sanitary products for women in the country.

How does the general public view women journalists and WHRDs in Kenya?

Despite the important contribution of women journalists and WHRDs, they often face risks and challenges which men doing the same work do not face.² The former UN Special Rapporteur on Human Rights

Defenders, Michele Forst - the expert responsible for the defence of HRDs - pointed out that these challenges and risks tend to be 'shaped by entrenched gender stereotypes and deeply held ideas and norms about who women are and how women should be'.³ Bearing this in mind, the survey carried out by ARTICLE 19 Eastern Africa between April and May 2021 sought to understand whether WHRDs and women journalists in the country also suffered from the concerns identified by the UN Special Rapporteur. Underlying this survey was the belief that the working environment of WHRDs and women journalists is impacted by the perception of the community.

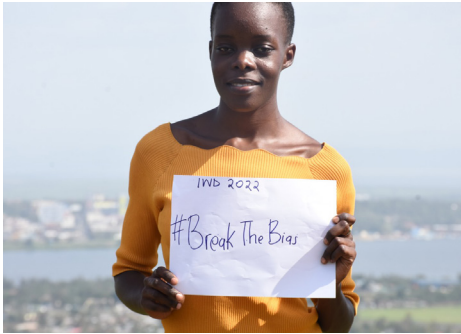
It would have been impossible to cover the whole country in the survey, therefore ARTICLE 19 Eastern Africa selected two counties likely to be indicative of the attitudes throughout the country. Mombasa and Kisumu, being metropolitan regions reflecting various diversities in terms of socioeconomic, religious and ethnic characteristics, were selected for this purpose.⁴

The survey findings indicate that there is a lack of knowledge of the contribution WHRDs and women journalists make in advancing human rights in Kenya. Despite there being a number of women journalists

2 A/HRC/40/60 Report of the Special Rapporteur on the situation of human rights defenders, Michel Forst, 10 December 2019, para 6.

3 Supra

4 The sample size of the overall population who participated in this survey was 455 individuals with a margin error of +/-4%. The margin of error is a statistical measurement that accounts for the difference between actual and projected results in a random survey sample. Thus, with a margin of error, it means the actual results from the target population could be 4.5% more or less than the estimated value.



and WHRDs in the country, only the well-known TV anchors, journalists and political figures previously associated with human rights are familiar to the public.

Society also appears to view women as only contributing to gender and children's issues, which are the areas that most women focus on, but not the only ones. Furthermore, women's work is not as visible as they do not often organise or lead public protest and men continue to be more visible as compared to women.

In relation to societal attitudes towards women journalists and WHRDs, it appears that Kenya is not immune from the general negative perception. Women journalists and WHRDs are seen as not 'bold/courageous' and 'informed/educative' enough to do journalistic work or carry out human rights defence. They are also seen as going against cultural norms, religion, family and community values.

Many in Kenya appear to believe that women should be focused on marriage and the family. WHRDs, in particular, face attitudinal barriers because the work of human rights defence is viewed as work for men. Attitudes of groups and individuals based on religious beliefs also discourage

women journalists and WHRDs driven by attitudes of religious leaders. These negative perceptions and attitudinal barriers create an uncondusive working environment for women journalists and WHRDs.

How do negative perceptions and attitudinal barriers impact on the work of women journalists and WHRDs in Kenya?

In Kenya, WHRDs and women journalists have faced various challenges in the dispensation of their duties. In the protection and promotion of human rights and civic space, the aspect of gender is reflected in distinct disadvantageous situations.

For women journalists, the working environment within media houses puts them at a disadvantage. Women journalists are restricted by content that they are able to cover. In a [study conducted by Media Council of Kenya \(2015\)](#) entitled, 'The Gender Agenda: Assessing Gender Issues in The Kenyan Media', a content analysis of four newspapers (Daily Nation, The Standard, The People Daily and The Star) and four radio stations (Ghetto radio, Radio Taifa, citizen radio and Classic 105) revealed that men's views and opinions are sourced for 72% of print and 46% of radio and TV stories.

This imbalance is indicative of the way men and women are viewed in society. Women journalists have described challenges they face at work such as being overlooked in their career, having to fight for their space in media houses, as well as being verbally and [sexually](#)

abused both in and outside the workplace. In a workshop for members of local journalists associations held in Kisumu in 2012, women journalists cited intimidation by colleagues, stereotypes, and rape as among the challenges facing them in their line of duty. Many of these cases are not reported apparently because the victims are intimidated and sometimes fear losing their jobs. Kenya being a patriarchal and misogynistic society makes it even harder for women journalists to come forward with these cases.

In the protection and promotion of human rights and civic space, women journalists and WHRDs face harassment intended to destroy their reputation. A study undertaken by CIVICUS to understand the major challenges faced by women in civil society in Africa, found that threats and intimidation directed against WHRDs focus on their chastity, ostensibly to shame and defame them. Typically, defamation often hinges on sexuality baiting and spreading rumours intended to destroy their credibility in society. For example, a woman activist in Kenya, responding to a questionnaire reported that “women and girls as well as organizations who defend fellow women are disparagingly labelled ‘lesbians’, or ‘divorcees’. These labels are meant as slurs. WHRDs, particularly those taking part in protests, have reported being criminalised and insulted for their participation in protests. Some have experienced physical violence. For example, the WHRD, Topister, in an interview with ARTICLE 19 talked about being beaten, attacked and hospitalised due to her work on gender-based violence and child rape. On another occasion, her

home was burnt in response to her work and she was hospitalised. She has also mentioned receiving numerous death threats and being told that her place was at home.

Women journalists and WHRDs also face an increasing number of attacks online. They have been exposed to online gendered attacks, including cyber stalking, sexual harassment, surveillance and unauthorized use and manipulation of personal information, including images and videos.



What do human rights laws say about this?

Kenya has signed on to several international treaties which recognise the rights of women and require the State to ensure that women have the same rights as men. The non-discrimination clauses of the treaties, including Article 2 of the International Covenant on Civil and Political Rights (ICCPR) and Article 3 of the African Charter, guarantee the enjoyment of civil and political rights of women on an equal basis with others.

These rights are also entrenched in Kenya's Constitution and include the rights to freedom of expression and access to information, as well as to freely participate in public life.

States are also required to take all necessary measures to ensure the protection of HRDs against, 'any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of [the] legitimate exercise of [their] rights.'⁵ They are further specifically required to protect WHRDs, including where they are challenging 'deep-seated patriarchal structures and societal gender norms.'⁶ According to international human rights standards, to protect WHRDs States should:

- enable the establishment and operation of women's non-governmental organisations (NGOs).⁷
- 'prevent, investigate, prosecute and punish attacks and other forms of abuse perpetrated against WHRDs as well as take effective measures to combat impunity.'⁸

- provide safe, enabling and supportive environments for their human rights work.⁹

Specifically in relation to journalists, in 2012, the UN adopted the Plan of Action on the Safety of Journalists and the Issue of Impunity, which aims to create a free and safe environment for journalists and media workers. Governments are required to work with media houses, professional associations and NGOs to conduct awareness raising campaigns on a wide range of issues such as existing international instruments and conventions, the growing dangers posed by emerging threats to media professionals, including non-state actors, as well as various existing practical guides on the safety of journalists. The UN has also expressed deep alarm at the specific risks faced by women journalists in relation to their work and highlighted the importance of taking a gender-responsive approach when considering measures to address the safety of journalists. ARTICLE 19 has also called for such an approach, including at the UN.

5 Article 12(2) of the Declaration on Human Rights Defenders

6 Joint Statement by UN human rights experts*, the Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights and the Special Rapporteurs on the Rights of Women and Human Rights Defenders of the African Commission on Human and Peoples' Rights. Available at <https://www.achpr.org/news/viewdetail?id=93>

7 Report of the Committee on the Elimination of Discrimination against Women, Thirtieth session (12-30 January 2004) and Thirty-first session (6-23 July 2004), General Assembly, Official Records Fifty-ninth Session, Supplement No. 38 (A/59/38), para. 343.

8 Committee on the Elimination of Discrimination against Women, (CEDAW/C/MEX/CO/7-8), 7 August 2012, para. 25.

9 Joint Statement by UN human rights experts*, the Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights and the Special Rapporteurs on the Rights of Women and Human Rights Defenders of the African Commission on Human and Peoples' Rights. Available at <https://www.achpr.org/news/viewdetail?id=93>



At the African level, the African Commission has called on States to, 'investigate, prosecute and punish perpetrators of attacks against journalists and other media practitioners, ensure that victims have access to effective remedies and take specific measures to ensure the safety of female journalists and media practitioners by addressing gender-specific safety concerns, including sexual and gender-based violence, intimidation and harassment.'

What needs to change?

As demonstrated, women have the same rights as men to express themselves and to freely participate in public life. This includes through journalism as women journalists, as well as through the defence of human rights as WHRDs. Both women journalists and WHRDs play an important role in advancing various rights in Kenya, however societal expectations and attitudinal barriers create an uncondusive working environment for them and

discourage women from such roles. Women journalists and WHRDs in Kenya have experienced threats and intimidation; smear campaigns, including through Facebook hate pages, Twitter hashtags, blog comments and memes with insulting messages; sexual harassment and even rape.

The government of Kenya must take immediate steps to ensure an enabling environment for women journalists and WHRDs in the country, including by:

- Carrying out research and collecting data on the specific challenges and particular forms of attacks against women journalists and WHRDs with a view to adopting appropriate measures to tackle these.
- Developing awareness-raising programmes to foster respect and understanding of the work of women journalists and WHRDs and to counter negative attitudes.
- Sending a clear message that attacks against women journalists and WHRDs will not be tolerated by ensuring access to justice for attacks which constitute crimes.
- Taking specific measures to ensure the safety of women journalists and WHRDs by addressing gender-specific safety concerns, including sexual and gender-based violence, intimidation and harassment.
- Combating all forms of discrimination against women through appropriate legislative, institutional and policy measures.
- Ensure access to appropriate psychosocial, medica, social and legal support for women journalists and WHRDs who have experienced violations of their rights.

