



My Tech, My Choice: Technology as a Conduit to Justice

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“Every fact of science was once damned. Every invention was considered impossible. Every discovery was a nervous shock to some orthodoxy.”

-Robert Anton Wilson

Introduction

Digital communications have become part of everyday life for most communities. Innovations springing from such technological backgrounds have set the basis of a multitude of solutions once thought impossible. This paper analyzes a case where technology penetration in Kenya served as a conduit to justice when one woman was publicly stripped off her clothes for provocative dressing. As will be discussed, technology proved as an instrumental tool to voice human rights through enabling exposing of perpetrators to relevant justice systems. This mapped a new front for facilitating justice to those who could barely access it. Most importantly, a new emergence of accountable leadership harnessed by the latest technological advancements emanated.

Brief Background

On 7th November 2014 a business woman in Nairobi, Kenya was selling goods to a customer at the local market. As she requested that the customer pay her, he violently attacked her and began to strip off her clothes. Rather than helping the lady, several men in the area joined in the act and assaulted her so brutally that she blacked out and only came to at the hospital several hours later. A video of the woman being publicly stripped by the mob went viral and sparked a series of protests, rallies, and discussions on social media platforms. The justification for such a cruel act was that the woman's outfit was indecent and “tempted” the men who were around her. Consequently, a Facebook group called the ‘Kilimani Mums’, together with the help of Africa UNiTE - Kenyan Chapter and other concerned citizens organized a public rally in solidarity with the survivors to take a stand against gender violence. These collaborations began unruffled on social media but later gained momentum and evolved to become one of the most historical mobilizations against gender violence that Kenya had seen.



The Rise of Empowerment through Technology in Kenya

In order to compete successfully in the global marketplace, it is crucial for a country to generate, acquire and implement new forms of technologies. In the past decade, Nairobi – Kenya's capital city - has experienced rapid advancement in technology. It is currently considered one of the leading hubs for ICT innovation in Africa. The capital city is currently undergoing a technological revolution. Various startups – invented mostly by university graduates – have led to substantial growth in the ICT sector. Currently, Kenya is Africa's ninth largest economy with a respectable growth rate. As a result of the new and progressive Constitution, Kenya has positioned itself as the cornerstone of East Africa.

Across Africa, different opportunities, conditions and privileges are experienced based on one's gender. Men and women earn different wages, may not always have the same access to education and are sometimes not always equal before the law. Women in Africa are regarded as more active economic agents than anywhere else in the world. They are not only fundamental to the household economy but also play an important role in harnessing the welfare of their families. One of the many barriers women face is that of restrictive African cultural practices. Some of the cultures such as chauvinism and male self-entitlement arise out of the notion that African culture promotes the subjection of women.

Kenya is a party to the African Union Protocol on the Rights of Women in Africa. As a state party, it is obligatory that it prevents all forms of violence against women. It is to not only ensure that adequate resources are allocated towards this obligation but also include precautionary and regulatory measures.

The Constitution of Kenya stipulates that every person has the right to freedom and security and must not be subjected to any form of violence from either public or private sources. Further, no one is to be treated in manner that disrespects their human dignity. Although the Constitution of Kenya stands to eliminate gender discrimination and inequality it is yet to achieve its goal. Through technology, Kenya stands a greater chance of implementing the Constitution's agenda on gender equality by empowering women.

When women have access to educational resources – as many studies have shown- their families and community's benefit. As technology advances, women need to be fully included on training regarding computers, the internet and safe use otherwise they face the risk of being excluded from numerous opportunities. These opportunities are not only those of economic and social leadership but include a realization and the protection of their rights. It was with this technological penetration –more specifically social media- that the women in Kenya embraced their right enshrined in the Constitution and formed the movement “My Dress, My Choice “which shook up the law enforcement of Kenya by demanding justice on behalf of a woman gravely denied her right to be secure feel safe.



When the businesswoman went to work early that morning, she expected that she would go back home smoothly after making a day's worth of proceeds. She definitely did not contemplate that barely going through half the day, she would be confronted by what would turn out to be every woman's nightmare.

"My dress. My choice" was initially an online movement created by Diana Okello, one of the Business Daily Kenyan top 40 under 40 2015. The purpose of the campaign was to protest the stripping of a business woman at the bust stop next to the market. The campaign first gained momentum via social media with Kenyans on twitter expressing their fury to such inhumane acts. A peaceful protest was then organized in the city center. The crowds of protesters – on the scheduled dates of the protest - marched peacefully through the streets of Nairobi. This was to demonstrate solidarity to the woman stripped and to all women who were constant victims of gender violence.

The demonstrators walked to the place of the attack, the building of the Nairobi governor and the police chief's office. The campaigners carried signs that were labelled with the slogan "My dress. My choice."

Technology as a conduit to Justice.

During these planned protests, the Chief Justice received a petition from the women protesting that addressed the issue of gender based violence and the violation of women rights. On December 11, 2014, a few weeks after the protests, the Parliamentary Committee on National Security and Administration handed in to the parliament the Security Laws (Amendment) Bill, 2014. The Bill contained a wide array of amendments to 21 laws. One of the main amendments was to the Penal code. It inserted a new section that stated;

"251A A person who intentionally insults the modesty of any other person by forcibly stripping such person, commits an offence and is liable, upon conviction, to imprisonment for a term not less than ten years"

This was a big step towards reform. The Bill was subsequently passed and is now an Act of Parliament. Further, the perpetrators of the violence were charged and are now facing trial.

This campaign expansively addressed Kenyan Government's obligation to combat violence against women in ways no other movement had. With demands for community sensitization, the government had to implement regulatory actions to ensure accountability of bus operators who were responsible for the attack. The success story of this story would not have been actualized without the ease of technology and the accountability required of the national leadership.



The way forward

With regard to the evolution in the media and communications networks, various individuals are taking full advantage of new technologies, such as that of social media so as to augment the voices of marginalized women and other communities discriminated against. This is especially through covering issues that may not receive adequate attention by the mainstream media. The Internet has brought women's news and views into the public domain.

The availability of a virtual space provides not only positive information on violence against women but also safe place for victims and survivors of violence to discuss their experiences or to seek help. Women can only fully benefit from this opportunity if they are able to access and utilize technology in this manner.

Despite the fact that adoption of technology by Kenyan society has been quick and Nairobi is an emerging hub for technology, there is need to involve the Kenyan police to incorporate ICTs into their operations. In this particular case, had the police been technologically empowered, they could have reached the scene much faster than they did and averted the whole ordeal. The role of law enforcement authority in dealing with, for example, gender violence, against women is very fundamental.

Additionally, the technological community's role is imperative when it comes to collaborating on the development of technological tools to prevent and end violence against women. Various technological advancements that can help protect women from violence include alert applications, coding capacity to create leeway for new inventions and having girls empowered online but in a safe environment. An interesting way developed by UNiTE campaign is by having a global tweetathon where individuals on twitter around the world tweet on how technology can be used to end violence.

Having the leadership connecting with its locals on technological platforms does indeed enable them to see the importance of technology and experience the support from general public.



Conclusion

Women participating in technology development and its growth as seen above, does not only enable women to heighten their economic status but serves as a great conduit for justice. There is no development that will take place without women's full participation especially if a woman's basic right to safety is not a priority. No woman wants to go to work while they feel unsafe.

Despite the great impact the campaign had, we must ask ourselves some tough questions. Had the video not been shared, would the campaign have had the same success? Was the sharing of the video an extension to violation of women or a mere show of the public rot in society that needed to come to an end? These questions can only lead us to conclude that in the end, technology served as a conduit for justice.

Nevertheless, Due to "My dress, My choice campaign" gender violence has been revolutionized. Although still a murky road, women can now begin secure under the justice system of Kenya because of the laws that were promulgated as a result of the case. This can only be but an example to the entire world.