

Leaving no One Behind: A Case for the Ending of Digital Exclusion of Women for Sustainable Development in Kenya

Abstract

Women play a critical role in the social, economic and political development of any nation. Thus, the voice and active involvement of women in all development discourses and possible panaceas to issues that bedevil the human race is paramount if their benefits are to be felt by all members of the society. Currently, social norms as well as gender inequity have led to a phenomenon where women have been excluded from the economic progress that the digital age in which we live in has yielded. This is a result of the exclusion of women from access to training on digital skills and from influencing the policies and legislations that guide Science Technology and Innovation. The policies in place do not respond to the specific needs of women that would enable them to capitalize on the infinite opportunities the digital age holds for their development activities. The result is a population that is digitally excluded.

Given that women constitute 50.3 percent of Kenyan population, according to the Kenyan Population and Housing Census Report 2019, they form the majority of the population; this work will argue that the country will only realize meaningful development that is sustainable in technology and innovation if it successfully ends the digital exclusion of women. As such, tapping the skills of women in the digital space will have a big impact in the development discourse of the nation making it more competitive in the trade dynamics of the world through its diverse and skilled human capital and resulting in more egalitarian societies within its borders and where communities enjoy a prosperous and high quality life.

The opportunities the country can unlock for itself if it allows women into the mainstream digital discourses include; a) It leverages on the digital skills that women possess opening room for their innovation which may be groundbreaking, b) It addresses digital inequity allowing women to increase the role they play in the society through higher incomes and more productivity at the workplaces since most job opportunities currently have a digital component c) It offers women an opportunity to lead change on

issues that affect them. All this can only be if the digital divide between women and the rest of the population is bridged.

It also contends that a human rights perspective view of the digital exclusion of women puts it in the same category as the now frowned upon concepts of racial segregation and other discriminatory practices. Additionally, studies have shown that women and men possess the same intellectual and innovative capacities and hence the current digital exclusion that is witnessed is not a natural one but an artificial one created by gender inequalities in the human society.

Against this backdrop, the work will strongly advocate for the bridging of the gender digital divide; the need to ensure active and meaningful participation of women in digital arena as well as the need to craft policies and legislations on the digital field that meet the specific needs of women and girls.

Key words; *Gender Digital Divide, Sustainable Development, Information Communication Technologies, Kenya.*

1. Introduction

The digital revolution is currently underway and with it will come opportunities for low and middle-income countries to diversify their economies, create new jobs, transform agriculture, and improve health and education.¹ However, a significant part of the population risks being left behind and may wake to a completely changed world where they will not be in a position to effectively access employment opportunities and other benefits the digital spaces may hold.² This is the danger women across the world face because of the gender digital divide.

¹ Pathways for Prosperity Commission. (2019). The Digital Roadmap: how developing countries can get ahead. Final report of the Pathways for Prosperity Commission. Oxford, UK. Available at https://pathwayscommission.bsg.ox.ac.uk/sites/default/files/2019-11/the_digital_roadmap.pdf Accessed on 13/06/2021

² Ibid

Women have less income, education, time, mobility, and face religious and cultural constraints that restrict their access to, and use of, technology.³ This results in inequitable access to digital resources, a phenomenon that has been christened the ‘digital divide’.⁴ The digital divide has been defined as the disparity between individuals and/or communities who can use electronic information and communication tools, such as the internet, to better the quality of their lives and those who cannot.⁵

This gender digital divide has been defined as the inequalities between men and women in the intensity of use of computer and internet connection as well as in the participation in the basic uses of the internet.⁶ The United Nations has opined that women are not spectators in development but actors just like men and therefore women’s participation in the digital spaces is not merely a question of justice and human rights but also a question of economic calculation, because ignoring half of humanity would not make it possible to achieve the desired sustainable development.⁷ As thus, bridging the digital gender divide is critical if sustainable development is to be achieved.

E-inclusion is a term that has gained prominence in the recent past when calls for bridging the digital divide gained prominence. It denotes the expanding

³ Ponge, Awuor. (2016). ‘Bridging the Gender Digital Divide: Challenges in Access and Utilisation of ICTs for Development at the Devolved Level.’ *International Journal of Innovative Research and Development (IJIRD)*. 5(7):328–339 Available at

https://www.researchgate.net/publication/305703050_Ponge_Awuor_2016_'Bridging_the_Gender_Digital_Divide_Challenges_in_Access_and_Utilisation_of_ICTs_for_Development_at_the_Devolved_Level'_International_Journal_of_Innovative_Research_and_Development_IJ_Accessed_on_14/06/2021

⁴ Wambugu N. M, A Framework Towards Digital Inclusion: A case Study of Kiambu County, Kenya; A research Project submitted to the School of Computing and Informatics in partial fulfillment of the requirement for the award of Masters of Science in Information Systems of the University of Nairobi. June, 2016

⁵ Salinas, R. *Addressing the digital divide through collective development*, 2003

⁶ Castaño, C.; Martín, J.; Martínez, J.L. La brecha digital de género en España y Europa: Medición con indicadores compuestos. *Reis* 2011, 136, 127–140

⁷ Report of the United Nations High Commissioner for Human Rights, Promotion, protection and enjoyment of human rights on the Internet: ways to bridge the gender digital divide from a human rights perspective, Available at <https://undocs.org/A/HRC/35/9> Accessed on 13/06/2021

the benefits of Information Communication and Technology to the overall population. Its endgame is to set policies and activities leading to “e-inclusive society” where every person has equal opportunities to participate, including those people who are physically, mentally, socially or economically disadvantaged and women.⁸ E-inclusion is the concept this paper seeks to build on.

In an attempt to critically analyze the legal approaches taken to bridge the digital divide in Kenya, this paper conducted a desktop review of the National Information Communication Technology Policy of 2019, The National Policy on Gender and Development of 2019 and The Kenya Vision 2030 which are the policies that are in place to guide the bridging the digital divide. It also took an in depth research in the Laws of Kenya Database (As availed by the National Council for Law Reporting – known by its brand name Kenya Law) to find any statute that addresses itself to the gender digital divide.

The evaluation also took into consideration a variety of scholarly articles. Peer reviewed articles from reputable journals were considered. Theses and dissertations on the digital divide were also considered. These papers were analyzed for recurring themes and patterns which form the substance of this work.

This work begins by discussing the causes and effects of the gender digital divide. It then gives the opportunities that have presented themselves and indicate that the time is nigh for the bridging of the gap that the gender digital divide has created. It then proceeds to give the way in which this research was conducted. It goes ahead to show how the Kenyan legal framework addresses itself to this discriminatory phenomenon. Subsequently, it enumerates the immense benefits that bridging the digital divide would yield. The gaps in the legal framework are subsequently highlighted and the nexus between bridging the digital divide and sustainable development developed.

⁸ Lech W. Zacher (Kozminski University, Poland), [Handbook of Research on E-Government Readiness for Information and Service Exchange: Utilizing Progressive Information Communication Technologies](https://www.igi-global.com/chapter/sociocultural-context-government-readiness/36472), 2010 Available at <https://www.igi-global.com/chapter/sociocultural-context-government-readiness/36472> Accessed on 14/06/2021

Eventually, possible legal, policy and statutory reforms that would aid in bridging the gender digital divide are put forward. It then concludes.

2. The Gender Digital Divide Overview: Causes, Effects and Opportunities

Poverty and digital illiteracy are leaving women behind as the global workforce increasingly adopts digital tools and other technologies in the core aspects of the working environment.⁹ The United Nations has raised concerns that the digital divide risks becoming the new face of inequality in the world.¹⁰ This is because the gender digital divide has resulted in a phenomenon whereby in 2017, the proportion of women who had access to the internet was lower by 12 percent compared to men.¹¹ This makes the digital space a “man’s world”.¹²

The G20 has identified poverty and sociocultural norms that affect the access of girls and women as the main cause of the gender digital divide in the world.¹³ According to them, “Socio-cultural norms fuel gender stereotypes concerning the use of technologies, and these stereotypes are often reinforced in girls’ closest environment, their families”.¹⁴ This makes it hard for women and girls to cogitate on prospects of gaining digital literacy and immense opportunities such would yield to them.

⁹ Taylor L, As technology advances, women are left behind in gender digital divide, Reuters 2018, Retrieved from <https://www.reuters.com/article/us-britain-women-digital-idUSKBN1K02NT> Accessed on 11/06/2021

¹⁰ United Nations, Digital Divide ‘a Matter of Life and Death’ amid COVID-19 Crisis, Secretary-General Warns Virtual Meeting, Stressing Universal Connectivity Key for Health, Development, <https://www.un.org/press/en/2020/sgsm20118.doc.htm> Accessed on 13/06/2021

¹¹ Bridging the Gender Gap: Mobile Access and Usage in Low and Middle Income Countries. GSMA, 2015, <https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2016/02/Connected-Women-Gender-Gap> Accessed on 11/06/2021

¹² Robin J., John V., and Darrell M., The 2017 Brookings Financial and Digital Inclusion Project Report, Building a secure and inclusive global financial ecosystem Available at <https://www.brookings.edu/research/the-2017-brookings-financial-and-digital-inclusion-project-report/> Accessed on 11/06/2021

¹³ [Sorgner A.](#), Judith M. & Urvashi A. ([Tandem Research](#)) Bridging the Gender Digital Gap July 17, 2018 | Last updated: December 10, 2020 Available at <https://www.g20-insights.org/policy-briefs/bridging-the-gender-digital-gap/> Accessed on 11/06/2021

¹⁴ Ibid

Such cultural stereotypes that contribute to the gender digital divide arise where from a very young age in schools, men are described as “heads of the family” and “breadwinners” to imply those who provide while women described as “housewives” who support the home.¹⁵ The effect is a gender stratified work space with a reduced number of women in science and digital studies oriented fields.¹⁶

Research by the World Wide Web Foundation suggests that women are nearly 50% less likely to access the Internet in poor, urban communities in low and middle-income countries.¹⁷ This presents that geographical factors such as urbanization affect the ability of individuals to access technological resources. Though in such a setting, this would affect both men and women, women are at a more disadvantaged position particularly in instances where power inequalities exist between women and men.¹⁸

Even in instances where access has been achieved, the gender digital divide rears its head in instances where hostile online environments exist in which conservative gender roles and negative gender stereotypes are perpetuated.¹⁹ In these settings, women are “othered” and made to feel that their input in online discourses is unwelcome given their traditional roles as home makers. This is particularly prevalent in political discussions.²⁰ This inhibits the effective use of internet resources by women. This meets the test of the signs

¹⁵ Dehghan, H. and Rahiminezhad, V., 2010. ICT and gender digital divide in IRAN. *INTED2010*

Proceedings, pp.2820-2824. Accessed on 11/06/2021

¹⁶ Ibid

¹⁷ World Wide Web Foundation, ‘Women’s Rights Online: Translating Access Into Empowerment’ (2015), available at <https://webfoundation.org/research/womens-rights-online-2015/> Accessed on 11/06/2021

¹⁸ M. Zarrehparvar, ‘Women’s human rights in the information society’, in R. F. Jorgensen (ed.), *Human Rights in the Global Information Society* (MIT Press, Cambridge, 2006)

¹⁹ N. Shephard, ‘Big Data and Sexual Surveillance’, Association for Progressive Communications (2016), available at https://www.apc.org/sites/default/files/BigDataSexualSurveillance_0.pdf Accessed on 11/06/2021

²⁰ E. Hunt, ‘Julia Gillard Says Online Abuse Deters Women from Political Careers’, *The Guardian* (12 October 2016), Available at <https://www.theguardian.com/world/2016/oct/12/julia-gillard-says-online-abuse-deters-women-from-political-careers> Accessed on 11/06/2021

of the gender digital divide which has been defined to mean “the gap between individuals, households, businesses and geographic areas at different socio-economic levels with regard both to their opportunities to access information and communication technologies and to their use of the Internet for a wide variety of activities”.²¹

Women are also confronted with a significant obstacle in their use of technological resources and particularly the internet when content relevant to them is restricted or the same is not available.²² This is best seen in instances where sites that offer sexual and reproductive content are restricted.²³ This makes women less likely to invest their money and time in the internet since it does not contain the kind of information they want to access.²⁴ This exacerbates the gender digital divide by increasing the gap between men and women in the use of internet resources.

Women form a huge proportion of the workforce in rural economies globally.²⁵ These rural economies, which as we have seen employ predominantly women, record a lower awareness and utilization of internet resources.²⁶ A study by the International Labor Organization found out that rural economies derive their labor from predominantly women making the

²¹ OECD. (2001). Understanding the gender digital divide. Paris: OECD, Available at

<http://www.oecd.org/dataoecd/38/57/1888451.pdf> Accessed on 10/06/2021

²² European Parliament, ‘Information and Communication Technologies and Human Rights’ (2010), available at

www.europarl.europa.eu/RegData/etudes/etudes/join/2010/410207/EXPO-DROI_ET%282010%29410207_EN.pdf Accessed on 10/06/2021

²³ D. B. Holt, 'LGBTIQ Teens-Plugged in and Unfiltered: How Internet Filtering Impairs Construction of Online Communities, Identity Formation, and Access to Health Information', in: Greenblatt (ed.), *Serving LGBTIQ library and archives users: essays on outreach, service, collections and access*, (McFarland Publishers, 2010)

²⁴ Supra note 17

²⁵ Report of the United Nations High Commissioner for Human Rights, Promotion, protection and enjoyment of human rights on the Internet: ways to bridge the gender digital divide from a human rights perspective, Available at <https://undocs.org/A/HRC/35/9> Accessed on 13/06/2021

²⁶ Smallbone, D., & North, D. (1999). Innovation and new technology in rural small and medium sized enterprises: some policy issues. *Environment and Planning C: Government and Policy*, 17(5), 549-566

women in rural areas more likely to be employed than their urban counterparts.²⁷ Therefore, when rural economies leverage on and exploit digital resources the benefits to women will be immense.

It has been argued that bridging the gender digital divide through ensuring access to all strata of the society is key in eliminating all existing inequalities that may exist in a given society given that in that most dominant functions in the society depend on digital avenues to function.²⁸ As thus, the bridging of the gender digital divide will place women at a position where they can play a more centralized role in many spheres of the human society.

The gender digital divide has a multifaceted effect on the rights of women. It has a profound impact on the rights of women to amongst others; Education, job opportunities, communication, politics, consumer satisfaction, health Information, community Involvement, government, and emergency information.²⁹ The digital space contains numerous online resources which can have a big impact in the dissemination of knowledge that can improve the quality of life of women across the globe.³⁰ The inequitable access to this reservoir of knowledge disadvantages women in access to employment opportunities.³¹ This directly puts into jeopardy the right of women to access goods and services because they cannot access employment in the modern world where digital skills are prerequisites for most employment opportunities.³²

²⁷ International Labour Organization, Department of Statistics, February 2011, Rural Analysis visuals available on http://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/projectdocumentation/wcms_153116.pdf Accessed on 10/06/2021

²⁸ Castells, M. (1996). *The rise of the network society*. Malden, Mass: Blackwell Publishers

²⁹ Carmen Steele, The Impacts of Gender digital divide, Available at <http://www.digitaldividecouncil.com/the-impacts-of-digital-divide/> Accessed on 10/06/2021

³⁰ Supra note 25

³¹ Ibid

³² Women and the Web Bridging the Internet gap and creating new global opportunities in low and middle-income countries, Intel Corporation, 2012, Available at <https://www.intel.com/content/dam/www/public/us/en/documents/pdf/women-and-the-web.pdf> Accessed on 10/06/2021

The existence of the gender digital divide has also impacted on the possibility of women engaging in: governance through involvement in policy-making where views are sought from the people virtually; promotion of sanitation standards and increase health care provisions whereby a lot of information on health are currently found online; promotion of E-farming where farmers access support and training on current and diverse farming trends using ICT and mobile platforms; helping of establishment of a global community where people can share ideas and opinions and the promotion of local talents and job creation.³³

In light of the above, the gender digital divide has gained international attention as an emerging issue that inhibits the protection and promotion of human rights across the world and that potential ways to end the same needs to be urgently implemented.³⁴ There is also a global awareness that the gender digital divide exists and that it affects the contribution of women in the social, political and economic aspects of life hence the need for the same to be addressed.³⁵ Extensive research has also been done to seek and find answers for bridging the gender gaps in access to technology resources and how governments should respond to the gender digital divide.³⁶ This indicates that the time to end the gender digital divide is now since there exists a global public and institutional support for the bridging of the gender digital divide.

3. The Kenyan Legal Framework Approaches to Bridging the Gender digital divide

³³ Supra note 4

³⁴United Nations News, 2021, 'Don't let the gender digital divide become 'the new face of inequality': UN deputy chief, Available at <https://news.un.org/en/story/2021/04/1090712> Accessed on 11/06/2021

³⁵ Report of the United Nations High Commissioner for Human Rights, Promotion, protection and enjoyment of human rights on the Internet: ways to bridge the gender digital divide from a human rights perspective, Available at <https://undocs.org/A/HRC/35/9> Accessed on 13/06/2021

³⁶ Pathways for Prosperity Commission. (2019). The Digital Roadmap: how developing countries can get ahead. Final report of the Pathways for Prosperity Commission. Oxford, UK. Available at https://pathwayscommission.bsg.ox.ac.uk/sites/default/files/2019-11/the_digital_roadmap.pdf Accessed on 13/06/2021

Kenya has adopted a policy based approach in its attempt to bridge the digital divide in the country. This section examines the policy documents; The National Information Communication Technology Policy of 2019, The National Policy on Gender and Development of 2019 and The Kenya Vision 2030 as the primary documents that guide the approaches on bridging the digital divide in Kenya. It also offers a constitutional basis for the bridging of the gender digital divide.

The Constitution of Kenya 2010 sets the tone for the bridging of the gender digital divide by firstly, enunciating the principles of equality, inclusiveness and equity as the principles and values of governance in Kenya in Article 10.³⁷ The effect of this provision is to place the inclusion of all persons in the Kenyan society in the spaces where social and economic aspects of life are discussed and carried out. Such a space is the digital world. The constitution goes ahead in Article 27 to provide that men and women should have an equal opportunity to access the opportunities in the social, economic and political spheres. This means that no gender should appear to have monopolized any opportunities that may exist.

The National Information Communication and Technology (ICT) policy, 2019 has its mission as to “To facilitate universal access to ICT infrastructure and services all over the country”.³⁸ The concept of universal access is to ensure that both women and men have access to the ICT technologies equally. This is the ideal that is pursued by this paper. The policy also mentions the acceleration of human development and bridging the digital divide as its guiding principles but does not go ahead to clearly outline policy measures that will effectively bridge the digital divide and bring more women to the center of the digital space.

The National Policy on Gender and Development, 2019 points put that whereas progressive provisions on bringing to end gender discrimination

³⁷ The Constitution of Kenya, 2010. Available at <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=Const2010> Accessed on 28/07/2021

³⁸ National Information Communication and Technology (ICT) policy, 2019, Available at <https://www.ict.go.ke/wp-content/uploads/2019/12/NATIONAL-ICT-POLICY-2019.pdf> Accessed on 28/07/2021

have been made, women still face a challenge to access some resources in the Kenyan society.³⁹ Such a resource is the digital resources. The policy therefore endeavors to “address the variety of manifestations of gender discrimination and inequality” in the Kenyan society by firstly, increasing the capacity in build in the society in order to transform traditional, cultural and social attitudes to enable the participation of women in science and technology to increase access to opportunities in ICT and secondly by encouraging women to participate in mathematics, science and technology as fields of study. The policy also advances that there should be identification, promotion and documentation of “good practices and lessons learned” to bridge the gender divide in the use of ICT resources.⁴⁰ However, it does not offer any tangible possible solutions to bridging the gender digital divide.

The Kenya Vision, 2030 which is Kenya’s, development blueprint aims to develop the country into middle level income country providing a high quality of life to all its citizens in a clean and secure environment by the year 2030. It identifies Information Communication and Technology as one of the enablers of the vision.⁴¹ However it does not directly offer guidance on how the gender digital divide is to be overcome by 2030 but does so tacitly by calling for the enactment of the ICT bill which is poised to repeal the Film and Stage plays Act.⁴²

Unfortunately, this ICT bill is yet to be enacted by parliament. Given that there exists no statutory framework in Kenya that lucidly provides for how the gender digital divide will be overcome, this paper envisages that this would be the most appropriate legislation that would offer a substantive guidance on the same. It would take into account the *sui generis* needs of women that would bring them on board and thus putting to an end the digital

³⁹ National Policy on Gender and Development, 2019 Available at <http://psyg.go.ke/wp-content/uploads/2019/12/NATIONAL-POLICY-ON-GENDER-AND-DEVELOPMENT.pdf> Accessed on 28/07/2021

⁴⁰ Ibid

⁴¹ The Kenya Vision, 2030. More information on the vision is available at <https://vision2030.go.ke/> Accessed on 28/07/2021

⁴² Film and Stage plays Act Cap. 222 Available at <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=CAP.%20222> Accessed on 28/07/2021

divide in Kenya. It would also bring to life the policy statements on the digital divide as discussed above.

4. Merits of Bridging the Gender digital divide in Kenya

The bridging of the digital divide will result in countless benefits. A research by the Organization for Economic Cooperation and Development found that the closing of the gender digital divide will offer a ‘leapfrog’ opportunity for women and their families since women will be in a position to earn additional income through increased employment opportunities resulting in the well-being of the society as a whole.⁴³ Given that the internet currently holds lots of information on health and sanitation, access by women is critical if they are to benefit from such knowledge resulting in a higher quality of life and a reduction of incidences of some diseases.

Women provide over 43 per cent of agricultural labor in the world.⁴⁴ This percentage rises to almost fifty percent in Africa.⁴⁵ This is a considerable percentage of the labor force that could put to use the e-farming technologies resulting in higher yields in crop and livestock production. This translates to a food secure nation. However they can only leverage on the same if they are guaranteed an equal access to internet resources like their male counterparts.

Bridging the digital divide will also result in the enactment of statutes and development of policies that are responsive to the *sui generis* needs of women. Currently, public participation on governance and insights from the public on projects are sought and ought to be delivered in a digital format. The digital divide creates an artificial wall that blocks the submission of views from a considerable number of women resulting in legislations, projects and policies that do not correspond to the wishes of women, who as

⁴³ OECD. (2001). Understanding the gender digital divide. Paris: OECD, Available at

<http://www.oecd.org/dataoecd/38/57/1888451.pdf> Accessed on 10/06/2021

⁴⁴ Food and Agriculture Organization, The role of women in agriculture, 2011 Available at <http://www.fao.org/3/am307e/am307e00.pdf> Accessed on 13/06/2021

⁴⁵ Christiaensen, Luc; Demery, Lionel. 2018. Agriculture in Africa : Telling Myths from Facts. Directions in Development—Agriculture and Rural Development;. Washington, DC: World Bank. Available at <https://openknowledge.worldbank.org/handle/10986/28543> Accessed on 13/06/2021

we have seen constitute the majority of the population. The bridging of the digital divide will remedy this unfortunate situation.

The bridging of the digital divide will also help the nation attain its obligations to end discrimination of some persons on gender under the international human rights law.⁴⁶ It will also enable young girls to access educational content available on the internet thus facilitating their right to an education.

5. The Link between Bridging the gender digital divide and Sustainable Development Goals

Sustainable development goals which are also referred to as the global goals refers to a set of goals adopted by the United Nations in 2015 as a universal call to action to end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity in the world.⁴⁷ One of the goals they seek to achieve is to end the discrimination of women and girls across the globe.⁴⁸

Goal number five of the Sustainable Development goals is gender equality.⁴⁹ The endgame of this goal is to bring onboard women and girls into the spaces that influence decision making in the social, economic and political arenas since it's proven that empowering women and girls helps economic growth and development.⁵⁰ The goal sets out targets for the achievement of this goal of which three can only be attained if the digital divide is bridged.

The targets are; Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision making in political,

⁴⁶United Nations, Digital Divide 'a Matter of Life and Death' amid COVID-19 Crisis, Secretary-General Warns Virtual Meeting, Stressing Universal Connectivity Key for Health, Development, <https://www.un.org/press/en/2020/sgsm20118.doc.htm> Accessed on 13/06/2021

⁴⁷ United Nations, Department of Social and Economic Affairs, Information Page, Available at <https://sdgs.un.org/goals> Accessed on 13/06/2021

⁴⁸ Ibid

⁴⁹ Sustainable Development Goal Number five is Gender Equality. More information on the goal is available at <https://unric.org/en/sdg-5/> Accessed on 28/07/2021

⁵⁰ Ibid

economic and public life, Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women and to Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.⁵¹

The United Nations has pointed out that the existence of the gender digital divide because of lack of access and inappropriate use of technologies slows down the attainment of sustainable development. This is brought to the fore given the central role currently played by technologies in the production, distribution and consumption of goods and services the world over. This means that access to digital technology is one of the basics that enable one to enjoy the benefits envisioned by the sustainable development goals. Therefore, access to Information Communication Technologies is critical in the achievement of the sustainable development goals.

The endgame of the sustainable development goals is to ensure that any development that occurs is; development that meets the needs of the present without compromising the ability of future generations to meet their own needs.⁵² As discussed, this can only be attained through the closing of the gap in the access of digital resources between women and men. It is noteworthy that the Kenyan constitution recognizes sustainable development as one of the values and principles of governance in Article 10 hence any actions that are taken by the government to bridge the digital divide brings to life this value that is imbued by the constitution.

6. Bridging the Gender digital divide in Kenya: Potential Reforms

Parliament should fast track the enactment of the Information Communication and Technology Bill as contemplated by the Kenya vision 2030. This work prospects that this statute will bring to life the constitutional right to freedom from discrimination based on gender in the digital divide. It will also provide for the ways in which Kenya would close the gap on the

⁵¹ Ibid

⁵² Brundtland, G.H. (1987) Our Common Future: Report of the World Commission on Environment and Development. Geneva, UN-Document A/42/427. (The Brundtland Commission Report.)

digital divide. It also offers an opportunity for e-inclusion of women as it would guide and bind government agencies to ensure women are involved in any technological access programs they are involved in.

A standalone policy on the digital divide needs to be developed so that it can offer a framework for the inclusion of women in the digital space. Perhaps this policy will demystify what the National Policy on Gender and Development, 2019 envisioned by calling for the 'Identification, promotion and documentation of good practices and lessons learned to bridge the gender divide in the use of ICT'. This new policy would underscore the importance of the same and offer concrete steps on how to bridge the gender digital divide.

This study recommends that academia and particularly in the legal field needs to research more on the gender digital divide and potential legal solutions to it in the African setting. This is because there exist very few theses and dissertations that explore the gendered digital divide from Kenyan law schools. Arguably most of those that exist are authored by non-Africans in non-African contexts and thereby apply in the western settings. This inadequacy of academic treatises hampers the steps that can be taken to address the digital divide since there is a limited scope of ideas that can help to bridge the digital divide and even where they exist, they have been curated for western scenarios.

The private sector also needs to come in and provide women particularly in rural settings with on-the-job training and apprenticeship programs that would contribute to skills upgrading across the economy. This is because the private sector is known to be an active player in the digital space and hence should play a critical role in ensuring the broadening of access to digital spaces by all in the society.

7. Conclusion

This paper has discussed the causes, effects and opportunities for action of the gender digital divide. It has broadly examined the legal framework that seeks to bridge this digital divide gap and highlighted the weaknesses in the legal framework. It has gone ahead to recommend possible reforms to the legal framework. It has also informed itself that sustainable development can

only be attained if the gender digital divide is bridged and therefore calls on all nations to consider developing methodologies of bridging the gender digital divide.

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