

ARTICLE 19

Tackling gender inequality through access to information

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Introduction

Access to information is fundamental for women's empowerment. States and other stakeholders should ensure women have full rights and facilities to access information as a mechanism to overcome gender inequality.

An access to information approach to gender equality and women's empowerment means ensuring women are able to access information to make informed choices on elements of their lives, push their governments and other power holders to guarantee their rights, have greater agency and control over their lives, and more meaningfully engage in public life.

While the right to information is instrumental in ensuring physical, economic and political empowerment, women face structural obstacles and barriers that undermine their ability to fully exercise this fundamental right. Under international human rights law, States have an obligation to promote and protect both gender equality and access to information. States must ensure that all barriers for women in accessing information are eliminated.

Access to information and gender equality are part of States' commitments under the Sustainable Development Goals (SDGs), and are included under Goals 16 and 5, respectively. These goals are closely linked and are instrumental for the full enjoyment and exercise of a range of human rights – such as freedom of expression - and for the achievement of the SDGs as a whole. The ability of governments to promote access to information and the ability of women to access this information are critical for the development and fulfilment of open government principles of transparency, accountability and participation.

The Open Government Partnership set out a series of commitments for States to take action on access to information and gender equality, to tackle poverty, inequality, environmental degradation, and other issues. To live up to these commitments and tackle gender inequality, States must take action to enable women's full enjoyment of the right to information.

Access to information and women's empowerment

What is access to information?

Access to information is a fundamental right that allows the general public to access information held by governments, and often, by private entities that perform public duties or receive public funds. It is critical to the exercise of other rights, the reduction of poverty, tackling corruption, enabling meaningful participation and giving individuals a voice. Access to information helps citizens to better understand government policies and decisions taken in their name, engage in setting government priorities, and serves to increase trust and confidence between government and its citizens.

What are the barriers for women in accessing information?

Around the world, women continue to face discrimination, including the denial of educational and economic opportunities, gender-based violence, and exclusion from meaningful participation in decision-making processes. Normative structures that confine women to specific gender roles in society also make them more susceptible to experiencing poverty. All of this means women face significant barriers in challenging the very structures and norms which discriminate against them.

Globally, there are significant gender disparities in the exercise of the right to information, particularly for women, due to systemic barriers, such as:

- **Education:** Educational opportunities being afforded primarily to men and boys, leading to:
 - Reduced awareness for women of their right to access information and where to seek information;
 - Greater prevalence of illiteracy among women.

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- **Language:** Information is only written in the country's official language or using complex jargon, which places a gendered educational bias on accessing understandable and usable information.
 - **Norms:** Social and legal norms that deem it inappropriate for women to approach authorities or access public systems on their own; traditional and conservative norms that keep women confined to the home and the private sphere, and excluded from public life.
 - **Work and employment:** Wage-gap between women and men for the same work or as a result of barriers to women's access to certain forms of work; limited time because women often have the burden of sole responsibility of childcare and unpaid domestic work; women are more likely to be trapped in poverty and therefore struggle to have the resources necessary to access information.
 - **Technology:** Power and economic disparities leading to a gender digital divide, impeding women's ability to access technology and the Internet compared to men.

What is women's empowerment?

Empowerment is a process by which women gain power and control over their own lives, and are able to use their agency to challenge the structures they live within. Through greater awareness, empowered women have greater access to opportunities, more control over resources and actions, and are better able to shape their own lives and the structures of their community and society.

Empowerment and agency can be gained through a variety of actions and processes. Importantly, governments must take action to counter discriminatory attitudes and norms and create an enabling environment where women can fully participate in society on an equal basis as men. The free flow of information should be ensured not just between the most privileged, and not just between men, but across all of society, particularly including women and other marginalized groups. The free flow of information for women is essential to achieving gender equality and the SDGs at large, therefore as a matter of priority States must ensure that all barriers for women in exercising their right to information are eliminated.

Different forms of women's empowerment



Social: Increased standing in society based upon shifts in social and cultural norms and traditions.



Economic: Increased economic power and rights, including the right to control and benefit from resources, assets, income and a person's own time, as well as the ability to manage risk and improve economic status and wellbeing, such as through land, business, and agriculture.



Political: Increased participation and leadership in public spheres including the right to vote, voice opinions, make decisions, and the ability to run for office with a fair chance of being elected.

How does access to information help achieve gender equality and women's empowerment?

Access to information is a right that is a core "ingredient" for achieving gender equality through women's empowerment. It enables women to:

- ➔ Understand and exercise their rights;
- ➔ Make informed decisions, for example, with regard to their own health and bodies;
- ➔ Hold governments to account and challenge injustice, discrimination and oppression;
- ➔ Participate in decision-making that affects their lives.

Access to information is an instrument that contributes to overcoming gender inequality and traditional constraints that have historically kept women disempowered and disenfranchised.

It is crucial for women's social, economic and political empowerment, enabling them to use this right to challenge norms that reduce their independence and participation in decision-making, access and make informed decisions about economic resources and make informed decisions about these, and access and engage in political processes.

When women can access information, they can use this to change their situation as well as the structures which surround it, and protect other fundamental rights. This, leading to societies that are more equal and better guarantee human rights, and making institutions more accountable at all levels. Then, access to information becomes a transformative right.

Where governments make available information available on educational policies, funding, programmes, and opportunities, women are both better able to access education which they are often excluded from, as well as push for changes in policies and funding, including those which create barriers for the education of women and girls.

Access to information on economic issues enables women to make informed decisions on their financial activities and better access economic resources. This includes through access to information on government loans, policies and procedures for business licensing, or information relevant for the trade or market of their business sector.

Research has also shown that when government bodies make available and accessible more information on incidences of gender-based violence against women, civil society and women are able to use this information to build movements pushing for accountability and raising awareness of this issue, as well as to broader issues of discrimination. These movements then become catalysts for change, empowering more women come forward and push for improved government responses. This can in turn empower more women to access justice for these violations.

International Human Rights Law

Access to information

The right of access to information is part of the right to freedom of expression. Article 19 of The International Covenant on Civil and Political Rights (ICCPR) States that:

Everyone shall have the right to hold opinions without interference.

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

In 2011, in General Comment No. 34 on the right to freedom of expression, the Human Rights Committee stated that the ICCPR “embraces a right of access to information held by public bodies.” (para. 18)

This same language is repeated in regional human rights conventions, most notably Article 13 of the American Convention on Human Rights, Article 9 of the African Charter on Human and People’s Rights, Article 10 of the European Convention on Human Rights and Article 23 of the ASEAN Human Rights Declaration.

Gender equality

The right of women to the enjoyment of all human rights without discrimination on the basis of gender or sex is set out in Article 2 of the ICCPR. This includes women’s equal enjoyment of the right to information.

While the CEDAW does not articulate a general right of access to information for women, it specifically recognizes the right to information around family planning and the basic principles of CEDAW are themselves premised on the free flow of information, and with gender equality and freedom of expression as mutually supportive rights.

General Recommendation 24 includes a number of obligations for States including that “States parties should ensure, without prejudice or discrimination, the right to sexual health information, education and services for all women and girls” as well as specific obligations to provide information on health care, education relating to family planning. States are called on to “ensure the removal of all barriers to women’s access to health services, education and information, including in the area of sexual and reproductive health”.

The Beijing Declaration and Platform for Action, adopted in 1995, is an agenda for action to promote and protect the full enjoyment of all human rights and fundamental freedoms by women. The Platform for Action sets out key strategies to empower women and tackle gender inequality and calls on States to remove barriers to women’s equal enjoyment of human rights.

The Beijing Declaration commits governments to design, implement and monitor policies and programmes that are gender-sensitive and to ensure that a gender perspective is reflected in all policies and programmes. In Article 35, States committed to ensure women’s equal access to information. The 2014 follow up report by the UN Secretariat General called on States to “remove legal, regulatory and social barriers to sexual and reproductive health information” and to “ensure equitable access to quality health information and services for young people”.

This has been further elaborated by the Committee on Economic, Social and Cultural Rights which in General Comment No. 22 (2016) on the Right to Sexual and Reproductive Health calls for “unhindered access to a whole range” of services and information under Article 12 of the International Covenant on Economic, Social and Cultural Rights. Access should be “without discrimination and free from barriers”.

International Commitments on Access to Information and Gender Equality

The Sustainable Development Goals

Gender equality and access to information are critical for the implementation and achievement of the 2030 Agenda on Sustainable Development and its Sustainable Development Goals (SDGs).

Taking forward the progress made by the Millennium Development Goals (MDGs) between 2000 and 2015, the 2030 Agenda envisages “a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination”. It sets out the framework through which the world will work together to combat the most pressing challenges of our time, including eradicating extreme poverty, protecting the environment and ending gender inequality. The 2030 Agenda’s commitments to addressing gender inequality were built on the commitments and norms contained in the Beijing Declaration and CEDAW. There is a strong emphasis on the empowerment of women and of specific groups such as children and young people, persons with disabilities, older persons, refugees, internally displaced persons and migrants.

Goal 5 on gender equality and women empowerment

Women are not only affected by the challenges addressed by the 2030 Agenda, but are pivotal in solving them. Fulfilling the right to gender equality is necessary to meeting some of the most pressing challenges that States have committed to addressing in the 2030 Agenda.

Governments have specifically included the achievement of gender equality and empowerment of all women and girls in Goal 5. States agreed that while some forms of discrimination against women and

girls are diminishing, gender inequality continues to deny women fundamental rights. Therefore, a standalone goal focused on this was needed. They also stressed how empowering women requires addressing structural issues such as unfair social norms and attitudes as well as developing progressive legal frameworks that promote equality between women and men.

Achieving gender equality and women's empowerment is integral to each of the 17 goals. Only by ensuring the rights of women and girls across all the goals, will the world move towards more just and inclusive societies, economies that work for all, and sustaining the environment for present and future generations.

Target 16.10.2 on access to information

In the consultation process that led to the 2030 Agenda, Member States showed a clear intention to ensure that both access to information and the protection of human rights would be monitored through an individual indicator. Free flow of information has been propagated as key to transparency and greater accountability, particularly vertical accountability between citizens and government. But for accountability to flourish, adequately developed mechanisms of sanctions, access to justice, sustained media and civil society engagement and transparency measures must also be present.

Goal 16 is about promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. In light of this, target 16.10. 2 States:

16.10.2 Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.

The SDGs provide an opportunity to enable the benefits of access to information for women. If information is not accessible to and actionable by women, the goals will not be achieved.

Access to information and gender equality across the 2030 Agenda

Access to information is also instrumental for meeting other goals set out in the 2030 Agenda. For example:

- ➔ **Goal 3 (Health):** Women's sexual and reproductive health depends on women's access to accurate information on their reproductive health and choices, to enable them to make informed decisions.
- ➔ **Goal 4 (Quality Education):** With access to information, women can more effectively push for educational opportunities for themselves and their children.
- ➔ **Goal 15 (Land):** With access to information, women can understand and invoke their rights to inheritance and property in relation to the use of land, and can acquire more power and autonomy in their communities.

Open Government Partnership

Both gender equality and access to information are crucial for the development and fulfilment of the open government principles of transparency, accountability and participation. Access to information can allow women to combat corrupt practices, thus supporting and benefiting from the principles of open governance.

The Open Government Partnership (OGP) aims to secure commitments from governments around the world to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. It is a multi-stakeholder initiative that brings together governments and civil society to create action plans that make governments more inclusive, responsive and accountable.

The Open Government Declaration includes both gender equality and access to information as commitments to uphold the principles of open and transparent governments as follows:

We commit to promoting increased access to information and disclosure about governmental activities at every level of government...

Public engagement, including the full participation of women, increases the effectiveness of governments, which benefit from people's knowledge, ideas and ability to provide oversight.

The OGP has increasingly stressed that women are crucial in the creation, implementation and validation of national commitments. It is essential then that commitments on women's access to information made through OGP are implemented.

Recommendations

Governments should:

1. Fulfil international commitments on equal access to information, through the development of comprehensive legal frameworks on gender equality and the right to information, and the implementation of legal and policy measures which are equitable and remove barriers to women's access to information, including by challenging social and cultural norms that entrench discriminatory attitudes towards women.
2. Ensure legal frameworks on access to information are fully implemented in a way that genuinely guarantees this right to women, including by taking measures to ensure information reaches women, and is produced in formats and through mediums accessible to all women in society.
3. Develop and strengthen, including through increased funding, existing and new multi-stakeholder and civil society initiatives to enhance access to information as a means for advancing gender equality and empowering women.
4. Share experiences and best practices at the international and regional level on challenging structural obstacles that hinder women's exercise of the right to access to information.
5. Ensure the equal representation of women in government leadership roles and decision-making bodies.

Civil society should:

1. Advocate for women's access to information as a tool of empowerment and a key mechanism for change, and ensure gender equality is mainstreamed in their mandates.

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2. Engage in intergovernmental processes on access to information and gender equality, including through monitoring progress on SDG goals 5 and 16 and engaging in periodic reviews by compiling country and shadow reports, with a particular focus on women's right to access to information.
 3. Seek to tackle the structural obstacles that hinder women's access to information through the production of research and development of creative solutions to connect women with meaningful information.
 4. Raise awareness among the public and key decision-makers, including government bodies, on women's right to access to information and its role in advancing gender equality.



DEFENDING FREEDOM OF EXPRESSION AND INFORMATION

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