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## OPENING GOVERNANCE

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# The Right of Access to Information: Exploring Gender Inequities

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**Abstract** The right of access to information is a fundamental and universal right, necessary for economic empowerment and the fulfilment of other rights. However, the recent study discussed in this article demonstrates that women are not able to exercise this right with the same frequency, ease and rate of success as men. The article examines the issue of gender inequity in the exercise of the right of access to information by exploring the legislative framework underpinning the right for women, detailing the value of information for women, describing the principal obstacles that propagate information asymmetries, and exploring potential responses to advance a more universal right to information.

## 1 Introduction

In a society where the rights and potential of women are constrained, no man can be truly free. He may have power, but he will not have freedom.

*Mary Robinson, Former President of the Republic of Ireland and United Nations High Commissioner for Human Rights (Salokar and Volcansek 1996)*

Access to information is a fundamental right enshrined in the Universal Declaration of Human Rights, and critical for the exercise of other basic socioeconomic and political rights. Yet in many countries, full enjoyment of the right of access to information – and its myriad potential benefits – is limited in half the population. This situation becomes even bleaker when considering poor or indigenous women, or those living in rural areas. Failure to engage in gender-sensitive policymaking, entrenched traditional cultural mores, and long-standing obstacles – such as illiteracy, household responsibilities, immobility, and lack of awareness and capacity – have all played a role in creating gender asymmetries in the exercise of the right to information. Paradoxically, while women may be least likely to demand and receive access to information, they are perhaps the most in need of it. Information is a potent ingredient in assuring that the benefits of open government are felt by all.

This article seeks to explore the legislative framework underpinning the right of access to information for women, detail the value of information for women, describe the principal obstacles that propagate gender inequities, and explore potential responses to advance a more universal right to information.

It is striking how little attention has been paid to the gendered dimensions of the right of access to information. Therefore, as the title suggests, this article and the studies recently conducted by the Carter Center and its partners are designed to be the beginning of a discussion, creating the start of a mosaic to which it is hoped that many others will contribute additional texture and details.

## **2 A web of adversity**

Although some progress has been made since the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted 35 years ago, women around the world continue to lag behind men in terms of power, wealth, education and opportunities. As we enter the second century of celebrating International Women's Day, gender equality remains a distant goal.

In many countries, especially in the global South, women continue to face the double burden of income generation and caring for the family. The number of female-headed households is increasing,<sup>1</sup> partly as a result of male out-migration from rural areas, and the effects of civil conflicts. In almost all countries, female-headed households are concentrated in the poorer social strata and often have a lower income than male-headed households (Chant 2003).

Half the world's working women – 600 million workers – are subject to vulnerable employment, trapped in insecure jobs, often outside the purview of labour legislation (UNDP 2014). When women have paid employment, they earn on average between 10 and 30 per cent less than men for work of equal value (Staszewska 2015). Economic opportunities for women remain limited. In Africa, 70 per cent of agricultural workers are women, and they produce 60–80 per cent of food for domestic consumption, while men grow more lucrative cash crops (Wakhungu 2010). Nevertheless, studies indicate that women invest up to 90 per cent of their income into their families and communities; while for men the figure is 30–40 per cent (UNF 2012).

Girls are still less likely than boys to attend primary school, and for those that do attend, the dropout rate is higher (World Bank 2009) and this trend continues in secondary education. Globally, this has led to high female illiteracy rates – approximately two thirds of illiterate people are women (FAO, IFAD and ILO 2010). In the area of health, the situation is even more alarming. In developing regions, women's risk of dying from maternal causes is 14 times higher than in developed countries (WHO 2014), and women remain the fastest growing group of adults infected with HIV through sexual intercourse (UNAIDS 2014). Lack of

access to basic care and medications, abhorrent gender-based violence and human trafficking complete this distressing picture.

Finally, in the areas of participation and voice, women remain in the minority. There are only 18 female world leaders and only 22.5 per cent of parliamentarians are women (Kent 2015). Quotas and political party systems remain at odds as women strive to find a place in electoral democracies but, as Goetz (1998: 247) observes, ‘mechanics of participation – essentially a series of highly technical and legalistic negotiations, and conversations between men... exclude the majority of women’.

Women in many parts of the world are faced with a web of adversity. Although various tools are applied to addressing these myriad challenges, insufficient focus has been given to the powerful part that information can play. Genuine access to information can help women make more effective decisions about education, health care and agricultural production, participate more fully in public life, confront corrupt practices, and help bridge gender gaps.

Though recent years have witnessed a plethora of research and programming related to voice, participation and empowerment of women, access to information has been an implied rather than explicitly identified core ingredient for success despite the inequities in women’s exercise of the right. While a number of the obstacles to the enjoyment of the right to information detailed in this article are not unique to women, they affect them more, particularly if they are in developing countries. Unfurling and examining gendered asymmetries will inform critical discussion of the impediments facing women in their exercise of the right to information, and encourage effective solutions to be applied.

### **3 Legislative framework**

Access to information is well-established as a fundamental human right under Article 19 of the Declaration of Human rights, which states that ‘Everyone has the right to... seek, receive and impart information’. This same language is repeated in Article 19 of the International Covenant on Civil and Political Rights, and the regional Human Rights Conventions also echo the right to information. In 2006, in the case of *Claude Reyes vs Chile*, the Inter-American Court of Human Rights found that Article 13 of the American Convention on Human Rights recognises a general right of access to information, and that states must provide a system for exercising that right. The case was instrumental in cementing the notion that access to information is a fundamental human right.

The Council of Europe, the Organization of American States, and the African Commission on Human and People’s Rights have adopted clear statements and declarations on the right of access to information. The more recent Open Government Declaration, part of the Open Government Partnership, pledges to increase the availability of public information, ‘promoting increased access to information and disclosure about governmental activities at every level of government’

(OGP 2011). Finally, there are now over 100 countries around the world with a statutory right to information, and additional states with constitutional mandates or administrative provisions.

Complementing the body of conventions, statutes and jurisprudence on the general right of access to information are a number of covenants and declarations that provide the beginnings of a gender-sensitive mandate for the free flow of public information. CEDAW was adopted in 1979, and has been ratified by 187 countries.<sup>2</sup> CEDAW affirms principles of fundamental human rights and equality for women, prohibiting discrimination and establishing an agenda for action. While CEDAW does not articulate a general right of access to information for women, it does make specific mention of women's right to educational information on health, wellbeing and family planning (UN Women 1979). Moreover, one could conjecture that the basic principles of CEDAW are themselves premised on the free flow of information.

At the Third World Conference on Women, held in Nairobi in 1985, the delegates focused on equality, development and peace. The Nairobi Report (UN 1986) calls on states to establish governmental machinery for disseminating information to women on their rights and entitlements concerning health, education, markets and conflict, and ensuring that it reaches them.

The Platform for Action that emerged from the Fourth World Conference on Women, held in Beijing in 1995, aspires to advance key strategies to empower women and calls on states to remove continuing barriers. 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 (UN Women 1996). Notably, in Article 35, representative governments stated their determination to 'ensure women's equal access to... information', and the Platform for Action is peppered with references to women's needs for information, to increase productive capacity, access health and education rights, to engage in technological advances, and to effectively defend against human rights abuses.

Unfortunately, while the legal right of access to information and the prohibition of gender-related discriminatory policies and impacts may be well-established, claiming women's right to information is another story.

#### **4 Access to information and women's economic empowerment and rights**

A 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 (such as the right of access to information) must also be present. Thus, whether as a means of inducing democratic or social accountability or as the fulfilment of a fundamental human right, access to information is essential.

If information is a cornerstone of accountability, participation and citizen voice, then women are in great need of it, not only as a theoretical right, but also as one that can be practically exercised and that leads to real transformation. With access to information, women would be afforded a new instrument to contribute to overcoming the gender disparities and traditional constraints that have historically kept them disempowered and disenfranchised.

Empowerment of women can take many forms, and it is often described as social, economic or political. Social empowerment focuses on one's place in society, and one's power to change it, while political empowerment relates to equity of representation in political institutions (Eyben, Kabeer and Cornwall 2008). Economic empowerment, on the other hand, largely concerns the issue of resource and asset ownership and management. While access to information is relevant for all three forms of empowerment, this article will focus on information for economic empowerment and the protection and promotion of human rights.

There is growing consensus on the need to empower women economically in order to improve their local and global status. Through greater economic empowerment, women's rights can be realised and broader development goals achieved (Government of Canada 2014). According to the International Center for Research on Women (ICRW), 'economic empowerment is one of the most powerful routes for women to achieve their potential and advance their rights... Discrimination against women is economically inefficient. National economies lose out when a substantial part of the population cannot compete equitably or realise its full potential.' Moreover, 'women who are economically empowered contribute more to their families, societies and national economies. It has been shown that women invest extra income in their children, providing a route to sustainable development' (Golla *et al.* 2011: 3).

Additionally, economic empowerment helps women to participate more fully in public life. As income and agency increases, women's beliefs and understanding related to issues such as education, health, marriage, family, politics and the economy can deepen, enabling them to take more control of their lives and make more informed decisions. Furthermore, economic empowerment helps to bridge gender gaps and shift power more closely toward equilibrium. And a meaningful right to 'actionable' information is critical for women's economic empowerment.

With information, women can more effectively: engage educational opportunities for themselves and their children; understand and invoke their rights to land; and access capital and make informed decisions related to starting a business and farming. As Hillary Clinton, former US Secretary of State, noted at the 2011 Asian-Pacific Economic Cooperation Summit, 'we need to correct the problem of information asymmetry – making sure women are informed about opportunities for trade and orienting technical assistance programs so they serve women as well as men' (Lemmon 2011).

**Table 1 Examples: economic empowerment themes**

|                    |   |
|--------------------|---|
|                    | Are women able to access information on education policies and school budgets?                        |
| <b>Education</b>   | Are women able to access information on curriculum, staffing, materials and nutritional programmes?   |
|                    | Are women able to access information about scholarship and educational opportunities?                 |
|                    | Are there vocational training programmes available to women?  |
|                    | Are women able to access information on land policy?  |
| <b>Land</b>        | Are women able to access information on their rights to own/inherit land?                             |
|                    | Are women able to access land titles?   |
|                    | Are women able to access information on government procedures for starting a small business?          |
| <b>Business</b>    | Are women able to access policies and procedures for licensing?                                       |
|                    | Are women able to access policies and procedures for government-sponsored loans?                      |
|                    | Are women able to access information relevant to their trade or market of interest?                   |
|                    | Are women able to access information about prices?  |
| <b>Agriculture</b> | Are women able to access information about government-sponsored programmes for seeds and fertilizers? |
|                    | Are women able to access information about water for irrigation and related water policies?           |

Source Carter Center (2014).

With more equitable access to information, a greater number of women would be aware of and be able to protect their other fundamental rights – to live free from violence, to make informed health decisions, and to advocate for the protection of their labour rights (Carter Center 2015). Greater information can also help both to reduce violence and to empower women to act when violated or abused. For example, in 2013 the non-governmental organisation (NGO) Article XIX began a project to collect data on sexual violence against women in the metro system of São Paulo, Brazil through access to information requests. When it published articles in major newspapers to bring attention to this violation of women's physical integrity, there was a spike of almost 200 per cent in the rates of women who reported having experienced this type of violence (Article XIX n.d.). While decisive actions are now required by authorities to remedy these violations, access to information played a crucial role in enabling women to come forward.

Sexual and reproductive health depends, at least in part, on behaviours that are affected by access to information. For instance, an in-depth study of four countries in sub-Saharan Africa found that more than 60 per cent of adolescents did not have adequate information about how to prevent pregnancy and more than one third did not know where to get effective contraceptives. Young women are at a disproportionately higher risk for some sexually transmitted infections and globally there are almost twice as many young women than men living with HIV (Amnesty International 2014). Better access to information for women could have a positive impact on reducing transmission of sexually transmitted infections (STIs) and increased agency around childbirth.

Finally, access to information can allow women to combat corrupt practices, thus supporting and benefiting from the principles of open governance. Research has demonstrated that women are more vulnerable to, and impacted by, corrupt acts than men. From sexual exploitation in the form of a bribe, to reduced access to decision-makers, to resources intended for poor women being skimmed away because of lack of awareness, women are particularly impacted by corruption (Goetz 2008). Yet accountability systems also often replicate gender biases; ‘for women’, argue Goetz and Jenkins, ‘being at the margins of political life has translated into being, in many contexts, invisible to accountability institutions’ (2004: 158). Without information, women are less effective in serving as watchdogs, holding government to account and influencing priorities and decision-making. In the cycle of political accountability, there must be access to full and accurate information at each step of the decision-making process or efforts to engage and influence will fail.

Despite the clear benefits of access to information for women, the next section reports on a recent Carter Center study that demonstrated the significant legal, cultural and structural barriers that continue to exist to inhibit women’s exercise of the right to information in Liberia and Guatemala.

### **5 Obstacles to women’s exercise of the right to information**

In 2014 and 2015, the Carter Center and local partners conducted an innovative research study in Liberia and Guatemala<sup>3</sup> to demonstrate the information asymmetry between men and women, identify obstacles that women face which may impede access to critical information, and determine women’s particular information needs for greater economic empowerment and protection of rights. The study was designed to test the hypothesis that women are unable to exercise the fundamental right of access to information with the same frequency, ease and rate of success as men, and to ascertain the primary obstacles women face in accessing information.

The multi-method research study reviewed secondary data, and collected primary data through interviews with community leaders, experts, public servants and ‘customers’ at public offices; and through non-participant observation of access-to-information practices in relevant

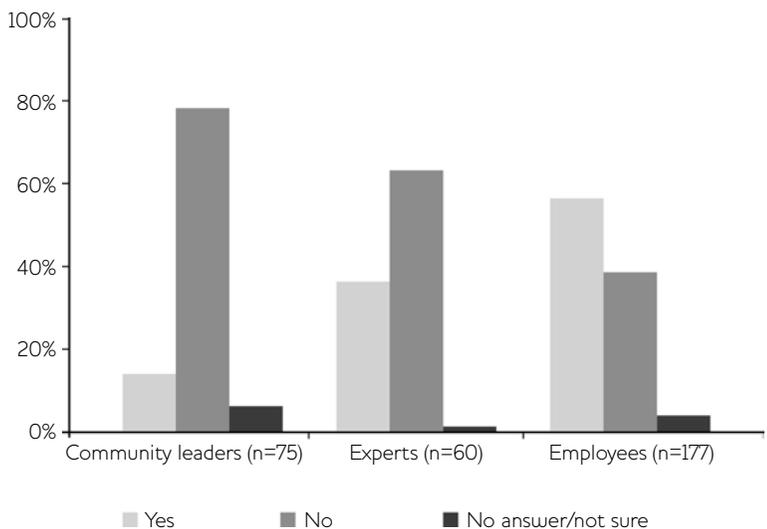
government ministries and agencies. Local researchers collected data from pre-defined locations, assuring a mix of rural and urban and different tribes/indigenous peoples. The data sets were triangulated to develop preliminary findings, which were shared in the study locations for validation. This process allowed participants to discuss limitations and to consider follow-up questions based on the initial analysis of the data, thereby contextualising the findings. All data sets were reviewed through a quality assurance process to ensure the validity and reliability of the data for final analysis, and then analysed for existing and reoccurring patterns. The findings reflected the perceptions of those interviewed and illustrated trends, but without statistical sampling may not be fully representative.

In advance of the study, the lead researcher (Neuman) suggested that 'the seven Cs' (capacity, cash, childcare, confidence, control, consciousness and culture) are the most frequent challenges to women's exercise of the right to information (Carter Center 2012). Findings from Liberia and Guatemala confirmed this assertion, but with the important addition of one 'F': fear.

### 5.1 Liberia

In Liberia, local researchers interviewed 541 men and women from four counties, and from the City of Monrovia (Carter Center 2014). Those interviewed were asked whether women are able to exercise the right to information with the same facility (frequency, ease and rate of success) as men. As depicted in Figure 1, 78 per cent of male and female community leaders perceived that women do not access information at the same rate as men, 62 per cent of the experts agreed, but 58 per cent of the civil servants felt that there was no differential access.

**Figure 1 Are women able to access information with the same frequency, ease and rate of success as men in Liberia?**



Source Author's own.

In Bomi and Nimba counties, 100 and 93 per cent respectively of the community leaders felt that women are not able to access information with the same facility as men. Only Lofa county had less than 50 per cent of community leaders indicating a perceived inequity. However, during the validation exercise in Lofa, the 42 participants noted that these findings did not reflect the realities on the ground.

During the interviews, community leaders also were asked to think of a time when they personally tried to access information at a government agency or authority's office, and to reflect on the result. Many community leaders – 47 per cent – indicated that they encountered difficulties or did not receive the information they needed; 7 per cent received the information but encountered some difficulty or delay; and only 20 per cent were able to access the requested information.

With relation to the obstacles, community leaders were provided with a list of 18 potential barriers to consider and offered the opportunity to identify any additional barriers to women exercising their right to information. Participants were requested to consider each barrier individually and assess whether that barrier was a small one, that some women may be able to overcome, a large barrier that was nearly impossible to overcome, or not a barrier at all. Once the magnitude of each barrier had been assessed, the community leaders were asked to select the three greatest barriers facing women in accessing information in their region.

When potential obstacles were mentioned, 87 per cent of the community leaders indicated that confidence to make a request was a large barrier that is nearly impossible to overcome. Community leaders also felt that illiteracy (85 per cent) and that 'not knowing where to go/how to ask' (77 per cent) were large barriers that are nearly impossible to overcome. On aggregate, the most frequently identified barriers facing women in the exercise of their right to information across all five regions were illiteracy, fear of asking, not knowing where to go, issues of time and responsibilities and lack of mobility.

Expert respondents confirmed that lack of education and the prevalence of illiteracy are major barriers to women in exercising the right to information. In addition, they felt that cultural and traditional practices, as well as lack of awareness, were among the largest obstacles. Notably, 27 per cent of the expert respondents felt that women were largely disinterested or had an 'inferiority complex'. This contradicted the responses from female community leaders and accounts from the validation exercises.

Perhaps the most striking evidence and narrative came from the non-participant observation, a source of primary data, which included the in-country research team developing a list of public agencies related to economic empowerment and rights. All site visits to the selected agencies took place within a four-week period, with multiple visits (three per agency) at various times of the day and week. In-country researchers noted whether men or women were obtaining information,

and what barriers to access were observed. They witnessed women who were seeking information and services being derided, questioned, embarrassed and often just ignored.

## 5.2 Guatemala

In many respects, the Guatemala findings are similar to those in Liberia. Five *departamentos* and Guatemala City served as the research sites, with a total of 614 interviews conducted and 47 agencies observed. In Guatemala, the majority of community leaders and experts perceived that women are not able to access information with the same frequency, ease or rate of success as men. Paradoxically, the civil servants indicated that there was no differential access.

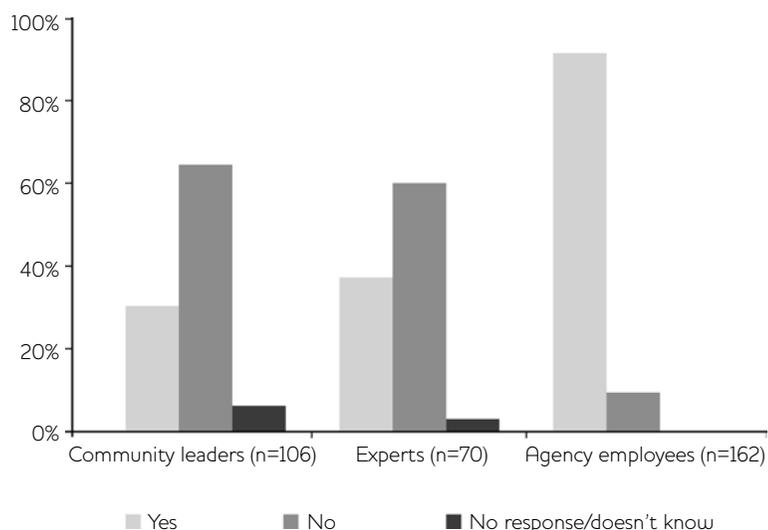
The study found overwhelmingly that women face great challenges and myriad barriers in accessing government-held information critical for economic empowerment and the protection and fulfilment of fundamental rights. Although, perhaps predictably, public employees were more hesitant to conclude that inequities or asymmetries exist in accessing publicly held information.

When community leaders were disaggregated by gender, more women than men indicated an asymmetry of information flow. When Guatemala City and Chiquimula are removed from the aggregate – thus leaving the regions that are predominantly indigenous – the perception of inequities is even more dramatic with more than 73 per cent of the respondents feeling that women are not able to access information with the same facility as men. In the *departamento* of Quiché, a highly indigenous area in the Western Highlands, almost 90 per cent of the community leaders identified gender inequity. They noted that 'because of a lack of empowerment and because of fear, women do not ask' and 'the culture of *machismo* of the husband and the [public] office run by men, if a man comes in he is treated better'. These observations support the perception that women are not able to access information with the same facility as men.

Contrary to the findings in Liberia, when women in Guatemala are able to enter the public agency, they often experience success in getting information. However, the non-participant observation and validation exercises highlighted that those women who successfully solicit information in public agencies are generally either very well-connected politically, or accompanied by a man. Participants in the validation exercises emphasised that challenges to access may not lie primarily at the agency level. Indeed, interview responses suggest that many women face familial obstacles to leaving the home to seek information. This is not surprising in a country where 80 per cent of the men feel that women should ask their permission to leave the house (Terán 2015).

When the 18 potential barriers were listed, 58 per cent of the community leaders indicated that illiteracy is a large barrier which is nearly impossible to overcome. The community leaders also felt that

**Figure 2 Are women able to access information with the same frequency, ease and rate of success as men in Guatemala?**



Source Author's own.

'distance to the public office' and 'fear of asking/fear of reprisals' were large barriers which are nearly impossible to overcome. With regard to fear, the validation participants across the six study locations were nearly unanimous that in many cases women fear both their families and the authorities. Elements of discrimination, racism, *machismo* and trepidation born from the recent history of civil war were reflected when community leaders noted 'fear' as a nearly impossible obstacle to overcome.

On aggregate, the most frequently identified barriers facing women in the exercise of their right to information across all five regions were illiteracy, fear of asking, not knowing where to go, issues of time and responsibilities and lack of mobility.

When ranking the critical challenges facing women, community leaders identified the following: poverty, inconvenient access/lack of time, illiteracy, lack of awareness of the law, and *machismo*.

As with Liberia, the category 'inconvenient access/lack of time' includes a number of previously disaggregated but related obstacles, including too busy, lacking time to request information, lack of access to transport, inability to access an agency because of distance or because of the burdens of childcare or domestic responsibilities. The responses included in the composite category of 'poverty' were those which cited problems such as lack of money to pay for transportation, lack of money for food when travelling to make a request, lack of money for childcare, and lack of money to pay for photocopies. When reflecting further on poverty as an obstacle for women accessing information, researchers made several insightful observations based on their

interactions with study participants, including that often the lack of resources is not only monetary resources, but also the opportunity cost of attempting to access information instead of taking care of another need perceived as more crucial for basic survival. Additionally, they observed that poverty is viewed as a systemic issue working in concert with the political status quo to impede empowerment of women.

Overall, the findings from the women and access to information studies demonstrate the hypothesis that women are not able to access information with the same facility as men. Further, they confirm that the seven Cs, plus fear, do seem to be the main obstacles to women's full exercise of their right to information.

### **6 Potential solutions for advancing equity**

In light of the study's findings, and with particular emphasis on the identified obstacles, there are a number of creative responses that could effectively advance the right of access to information for women. At the international level there are clear opportunities for raising awareness of the issue, such as explicitly including women's right to information in the governance and human rights agenda, and encouraging governments to make gender-sensitive openness commitments. The Sustainable Development Goals have various targets focused on gender equity and governance, including access to information. This affords a unique opportunity to create indicators that combine these objectives and to develop relevant indicators to serve as a roadmap and evaluation tool.

Moreover, there are presently 66 country members in the Open Government Partnership (OGP), a voluntary compact to improve transparency, accountability and citizen participation. Many of these countries are in the process of either implementing their openness pledges or making new commitments. To date, less than a dozen commitments out of the thousands made have specifically focused on the benefits of improved governance and civil space for women. Through the OGP mechanism, partner countries could be supported to make gender-specific obligations, particularly related to access to information, to ensure women's participation in national committees, and to review all of their commitments through a gender-sensitive lens.

At the national level, governments should follow the spirit of the access to information law in its ideal for universality, rather than just adhere to the letter of the law. This could imply undertaking increased proactive publication, utilising mechanisms such as kiosks in the marketplaces where women gather; developing local information liaisons that disseminate information to women in their communities, and using community radio, to ensure that information reaches women without the need to invest time or travel long distances to access information. Review of access to information statutes should be undertaken to safeguard against provisions that would unwittingly have a discriminatory impact on women – removing, for example, requirements to show an identification card, which many women around the world are not issued with, or to make a request in writing.

In addition to disseminating information to women, public agencies should be encouraged to develop information that is meaningful to women, and to increase the amount of data disaggregated by gender. Finally, civil society organisations (CSOs) with female constituencies must become more active in raising awareness about the value of access to information for women, supporting solicitations, and developing protection mechanisms for requesters akin to a defence of human rights agenda.

With concerted efforts, governments and CSOs can reverse the information asymmetry and ensure that women are able to exercise their fundamental right to information with the same facility as men. When armed with the power of information, women will benefit more fully from the values of openness, accountability and meaningful participation, and will use the information for economic empowerment and the fulfilment and protection of rights. A free flow of information to women will transform lives.

### Notes

- \* The research on which this article is based was funded by the Research, Evidence and Learning Component of Making All Voices Count.
- 1 Rural households headed by women: sub-Saharan Africa, 31 per cent; Latin America and the Caribbean, 17 per cent; and Asia 14 per cent (FAO n.d.).
- 2 See [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8-b&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8-b&chapter=4&lang=en).
- 3 The Liberia and Guatemala studies were completed in 2014 and 2015 respectively. A third country study is ongoing in Bangladesh and will be completed in early 2016.

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