



## **What has gender got to do with media freedom and access to information?**

### **Thematic seminar report**



**04 May – 16 August 2011**

## Executive summary

### Quick facts

- GL convened seminars in Democratic Republic of Congo (DRC), South Africa, Mauritius, Tanzania and Namibia
- A total of 126 participants, 51 males and 75 females took part in all the seminars
- 49% of GL proposed amendments were incorporated in the draft declaration presented to African Union (AU) by advocate Pansy Faith Tlakula, the AU Special Rapporteur for Freedom of Expression and Access to Information
- 2011 marked 20 years of Windhoek Declaration
- Windhoek Declaration is silent on gender media freedom and access to information (at the time of compiling this report)

The Gender and Media Diversity Centre (GMDC) of Gender Links (GL) with its partners convened a series of seminars on *Gender, media freedom and access to information* in DRC, Mauritius, Namibia, South Africa and Tanzania. The seminars were hosted against the backdrop that 3 May 2011 marked 20 years of the Windhoek Declaration on Promoting Independent and Pluralistic Media. For Gender Links (GL), an organisation that has undertaken extensive and ground-breaking gender and media, a pertinent question asked was "*What has gender got to do with access to information?*" GL noted that the Windhoek Declaration is silent about the different impact of the media and media freedom on women and men.



The seminars discussed how to mainstream gender in media

freedom laws and processes. The recommendations from the seminars were collated and submitted to experts during the *Africa Media and Information Summit* that took place in Cape Town, South Africa in September 2011.

**Blandine Lusimana contributing during the DRC seminar**  
**Photo: Loga Virahsawmy**

The seminars kicked off on 4 May 2011 with a debate at the Mauritius Broadcasting Corporation (MBC), one of the first media houses in the region to adopt a gender policy courtesy of GL. On

the same day the GL CEO made a presentation on women in politics and the media at the UN headquarters in New York. On 16 August, the GMDC sealed the seminars in South Africa, an event that coupled with launching of Issue 9 of the Gender and Media Diversity Journal *Taking Stock: Gender, Media, Diversity and Change*.

### **Objectives of the seminars**

- Creating a space for participatory discussion and debate on gender equality and media freedom;
- Propose processes for ensuring more effective integration of gender into freedom of expression instruments;
- Launch of Issue 9 of the Gender and Media Diversity Journal *Taking Stock: Gender, Media, Diversity and Change*.

### **Background**

The Windhoek Declaration on Promoting an Independent and Pluralistic Press was adopted in 1991. At the time, most African countries were still far from attaining press freedom as sole media ownership and heavy state control characterised the media landscape. However, at the adoption of the Windhoek Declaration, many countries mainstreamed this aspect into their constitutions. UNESCO and the United Nations General Assembly endorsed the Declaration thereby institutionalising 3 May on the global calendar as "World Press Freedom Day".

During the first decade of the Declaration, many African countries integrated freedom of the media into their constitutions. However, the media landscape envisaged in the Declaration of 1991 is still far from being realised. This is due to new laws and bills created in various countries which ultimately threaten freedom of the media. For instance, in February 2011 the Malawi government enacted the Newspaper Ban Law which allows the information minister to ban publications deemed contrary to the public interest. In South Africa, the Media Appeals Tribunal was tabled in 2010 and, if approved, will oversee complaints brought against the press, which until now has been self-regulatory. These laws infringe on freedom of the media in any democracy.

Democracy encourages citizen participation and both women and men have a role to play. Yet, the Windhoek Declaration is silent about the different impact of the media and media freedom on women and men.

Whereas freedom of expression has been understood to mean the absence of political censorship, there are many other ways in which citizens may be denied the right to be heard. As noted by the 2006 Gender Review of Media Development Organisations, women's voices may be excluded from the media. It is thus important to look at media freedom in a way that takes into consideration "gender-based censorship" which ultimately disempowers silences and

makes invisible certain people in society. This study further notes that some of the examples of gender issues in freedom of expression debates include the plight of widows; whether or not pornography fuels gender violence; rape as a weapon of war; and whether the internet has had positive or negative effects in the struggle for women's rights.

The International Federation of Journalists (IFJ) also monitors press freedom violations and campaigns. The IFJ works for press freedom by trade union development, working for journalists' rights and social conditions among other things. Gender equality in and through the media is also a central concern to this group including women in the union, portrayal of women in the media and access to training. The Windhoek Declaration does not outline some of these concerns but there is no mention of gender.

Interestingly, the 20<sup>th</sup> anniversary of the Windhoek Declaration took place when the 2008 SADC Protocol on Gender and Development is closer than ever to coming into force. The Protocol brings together and enhances international and African commitments to gender equality by setting 28 targets to be achieved by 2015. Specific provisions on the media include achieving parity in decision-making (rapid strides have already been made in the political realm); giving equal voice to women and men; challenging gender stereotypes; sensitive coverage of HIV and AIDS and gender violence. The Protocol also calls on the media to mainstream gender in all laws, training and policy.

The regional Protocol thus provides fertile ground for debating issues of gender equality. It is important to discuss how media laws can integrate gender issues so that true democracy is realised. The Windhoek Declaration has not integrated gender often leaving media practitioners at a loss when it comes to incorporating gender into news and newsrooms. This is a matter of concern considering that the Declaration encourages member states to enact laws to promote media freedom, yet the gender dimensions of those freedoms are not well articulated within the document.

GL's gender and media research reveals that the media has a strong role to play to promote gender equality through content and general practice within the profession. For instance, the *Gender and Media Progress Study* (Gender Links, 2010) found that there has been a marginal increase in the proportion of women sources from 17% in the 2003 *Gender and Media Baseline Study* to 19% in the GMPS. This finding is slightly lower than the Global Media Monitoring Project 2010 average of 24%.

However, it is important to note that there can be no press freedom until the media gives equal voice to women. The Southern African proportions of women sources vary from more than 30% in Lesotho and Seychelles to 14% in Mozambique. While some countries, such as Malawi and Tanzania, have made significant progress, the proportion of women sources in Mauritius, South Africa and Namibia - three countries that take pride in their purportedly free and progressive media - has remained virtually stagnant at 20%.

"These findings beg the question of what we really understand by freedom of expression, democracy and citizen participation," noted delegates at the Fourth Gender and Media Summit last year in Johannesburg. "While more blatant forms of censorship may be subsiding, our media daily silences large segments of the population, notably women." They added that gender disparities in the news occur because of a lack of diversity in media ownership and "armchair" journalism, which results in the media seeking out a few voices of authority: often men.

Thus after 20 years of the Windhoek Declaration GL deemed it again necessary expose these silent forms of censorship that daily occur in the media. GL Proposed that debates on mainstreaming gender in the declaration should be taken forward so that the next decade can see a region that truly exemplifies the freedoms espoused in the original document.

## Key issues: Integrating gender in the Windhoek Declaration

- Freedom of expression: Gender equality is entirely consistent with freedom of expression. Nothing could be more central to this ideal than giving voice to all segments of the population. When women comprise about 52% of the population, but only constitute 24% of news sources (GMMP, 2010), censorship of a very real kind exists.
- There are often double standards applied to men and women by the media: The way in which women are objectified and their physical attributes highlighted in the media has become accepted in ways that do not apply to men.
- Gender equality is **implicit** in the notions of a “pluralistic press”; “reflecting the widest possible range of opinion within the community”; “the fulfilment of human aspirations”; “freedom of the press” and “freedom of association” as espoused in the Windhoek Declaration on Promoting an Independent and Pluralistic Press (1991). But the failure to state this **explicitly** has led to the gross gender disparities in the media not receiving adequate attention. For instance, research done in Southern Africa (Glass Ceilings, 2009) shows that women constitute 41% of employees in media houses; 28% on boards of directors, 23% of the top managers in media houses.
- Funding for alternative media, as espoused in paragraph ten of the Windhoek Declaration, should include publications and programmes that specifically aim to give voice and opportunities to women and to publicise gender disparities in the media.
- Representative associations that safeguard the different freedoms: The establishment of professional associations to help preserve pluralism, diversity and independence in the media should include media women’s associations and other civil society organisations that promote gender balance in the media.
- Media development organisations have the opportunity, through the kind of work they do and topics they cover, to lead by example in showing that gender is intrinsic to free speech, citizen participation, and progressive media practice and content.
- Ensure that effective ethical and self-regulatory codes of conduct are in place, which includes a gender-sensitive approach to media work, and prohibits the use of prejudicial or derogatory stereotypes of women.
- Encourage a more inclusive understanding of the notion of public interest – one that recognises that half of the world population is women, and therefore that issues of public interest must include those that are of specific concern to women.

## Partners

GL partnered with Union Congolaise des Femmes des Medias (UCOFEM) in DRC, Mauritius Broadcasting Corporation in Mauritius; Polytechnic of Namibia and MISA regional in Namibia and Pan African Conference on Access to Information (PACAI) Working Group in South Africa. GL convened the seminar in Tanzania without any partnership.

## Events

In light of the above, GL partnered with these media oriented institutions to convene the seminars in aforementioned countries to discuss the question “What has gender got to do with access to information?”

In his contribution during the DRC seminar, Tiefolo Banza of High Authority of Media (HAM) highlighted what HAM is doing to ensure that the media is working in line with protocol provisions on the media. Banza said the media must educate their audiences to change “bad mind sets” and help their society at large to understand social issues. He argued that there is a direct link between gender equality and freedom of expression - saying that women cannot be silenced in the media. He further argued that there can never be freedom of expression if

women and men are not given equal chances in the media.



**Professor Guy Berger presenting during SA seminar in Johannesburg**  
*Photo: Thato Phakela*

The seminar in South Africa coincided with a meeting of the PACAI working group - media experts who were crafting the Declaration on Access to Information. Professor Guy Berger and Karen Mohan who were part of the group attended the seminar which afforded some time to discuss draft declaration.

GL team of media experts, invited participants and the PACAI working group raised a number of issues regarding the declaration in relation to gender. These included: The importance of problematising access to information in relation to women and men; Sourcing and providing sex-disaggregated data and Repackaging information in a language that both women and men can understand.

## Informing regional process

Soon after hosting the four seminars, the GMDC collated all the recommendations made in all the four countries. In September 2011, Colleen Lowe Morna, GL Chief Executive Officer and Saeanna Chingamuka, GMDC Manager submitted the proposed gender entry points to technocrats as a contribution to the process that developed the African Platform on Access to

Information (APAI) during the *Africa Media and Information Summit* that took place in Cape Town, South Africa.

During the summit, over 200 delegates signed the APAI, which states that "access to information is a fundamental human right" and that "the right of access to information shall be established by law in each African country." Among other things, the conference has called on UNESCO to endorse the African Platform on Access to Information and that 28 September be declared as International Right to Information Day.

Some of the GL proposals were taken on board, some were diluted and some were completely not taken into consideration. In the table below, GL traces what made it and did not make it to the final declaration.

Item	Original document (22 July 2011 draft)	Proposed amendments	Final	Gain or loss	Score out of 5
Preamble	Stating that access to information (ATI) is the right of all natural and legal persons to seek, access and obtain information from public bodies and private bodies acting in a public nature;	<b>Stating</b> that access to information (ATI) is the right of all natural and legal persons, <b>women and men</b> , which implies the right to seek, access and obtain information from public bodies and private bodies acting in a public domain;	Stating that access to information (ATI) is the right of all natural and legal persons, which consists of the right to seek, access and receive information from public bodies and private bodies performing a public function and the duty of the state to prove such information	Loss: From the outset, access to information should be problematised and the differential impact between women and men underscored.	0
	Emphasising that access to information is a fundamental human right essential for the recognition and achievement of every person's human rights and socio-economic rights, and as a mechanism to promote democratic accountability, good	Emphasising that access to information is an integral part of the fundamental human right of freedom of expression, essential for the recognition and achievement of every person's civil, political and socio-economic rights, and	Emphasising that access to information is an integral part of the fundamental human right of freedom of expression, essential for the recognition and achievement of every person's civil, political and socio-economic rights, and	Loss: The declaration does not emphasise that access to information in an integral part to attaining equality.	0

Item	Original document (22 July 2011 draft)	Proposed amendments	Final	Gain or loss	Score out of 5
	governance, access to health care, a clean environment, sustainable development and fight corruption;	as a mechanism to promote democratic accountability, good governance and equality.	as a mechanism to promote democratic accountability, good governance		
	No mention of the SADC Protocol on Gender and Development	Acknowledging the SADC Protocol on Gender and Development that cites gender equality in and through the media and ICT's as central to development	No mention of the SADC Protocol on Gender and Development	Loss: The regional instrument is quite progressive on attaining gender equality in and through the media. This remarkable regional instrument should be acknowledged.	0
	<b>Cognisant</b> that questions around "whose information" and "who has access to information" highlight (problems in society that need to be addressed in terms of equality of	<b>Cognisant</b> that questions around "whose information" and "who has access to information" highlight (problems in society that need to be addressed in terms of equality of	<b>Cognisant</b> of the African Union Convention on Preventing and Combating Corruption, the African Charter on Values and Principles of Public Service and	Loss: The phrasing is a bit imprecise as the inequalities in society need to be addressed by levelling the playing field on many fronts, the most cross cutting of	0

Item	Original document (22 July 2011 draft)	Proposed amendments	Final	Gain or loss	Score out of 5
	access	access –)	Administration, the African Charter on Democracy, Elections and Governance, the African Youth Charter and the African Statistics Charter, all of which promote transparency in public life.	which is gender equality.	
<b>Key principles</b>					
Fundamental right	Access to information is a fundamental human right, in accordance with Article 9 of the African Charter on Human and Peoples' Rights. It is open to everyone, and no one should be privileged or prejudiced in the exercise of this right on account of belonging to a class	<b>Fundamental Right Accessible to (Everyone) all women and men:</b> Access to information is a fundamental human right, in accordance with Article 9 of the African Charter on Human and Peoples' Rights.	<b>Fundamental Right Accessible to Everyone.</b> Access to information is a fundamental human right, in accordance with Article 9 of the African Charter on Human and Peoples' Rights. It is open to everyone, and no one should be privileged or prejudiced in the	Loss: "Everyone" casts a shadow on who currently has access and who does not. Placing women and men in the same bracket implies that the current gaps affect them equally.  Gain: It mentions that "no one should be prejudiced in	5

Item	Original document (22 July 2011 draft)	Proposed amendments	Final	Gain or loss	Score out of 5
	<p>or group howsoever defined. It should expressly not be required that anyone has to demonstrate a specific legal or personal interest in the information requested or sought or otherwise required to provide justification for seeking access to the information.</p>		<p>exercise of this right on account of belonging to a class or group howsoever defined, and whether in terms of gender, class, race, political association, occupation, sexual orientation, age, nationality, HIV status, and other bases as cited in many African constitutions. It is not required that anyone must demonstrate a specific legal or personal interest in the information requested or sought or otherwise required to provide justification for seeking access to the</p>	<p>the exercise of this right on account of belonging to a class, group, howsoever defined..."</p>	

Item	Original document (22 July 2011 draft)	Proposed amendments	Final	Gain or loss	Score out of 5
			information.		
Language and Accessibility	To the greatest extent possible, information should be available in the language of the person seeking it, and in a format that is as accessible as possible.	To the greatest extent possible, information should be available in the language of the person seeking it, and in a format that is as accessible as possible, especially radio, which remains the most accessible format in Africa.	To the greatest extent possible, information should be available in the language of the person seeking it, in an accessible location, in a format that is as accessible as possible, and, in particular, ensures that it is accessible to those who may be particularly affected by the subject matter of the information.	Loss: Gender is implicitly referred to.	3
Right to personal data	All persons have a right to access and correct their personal data held by third parties.	All persons have a right to access and correct their personal data held by third parties. Women shall have a right to be	All persons have a right to access and correct their personal data held by third parties.	Loss: This provision is subject to interpretation by parties involved. It can be problematic to those who are	2

Item	Original document (22 July 2011 draft)	Proposed amendments	Final	Gain or loss	Score out of 5
		identified according to the surname of their choice and not necessarily their surname by marriage.		supposed to be served by it.	
Duty to collect and manage information	Public and private bodies have a duty to collect and manage information on their operations and activities on behalf of their citizens. This includes procedures for ensuring that the information is easily accessible.	Public and relevant private bodies have a duty to collect and manage information on their operations and activities on behalf of their citizens.	Public and relevant private bodies have a duty to collect information on their operations and activities on behalf of their citizens. They also have a duty to respect minimum standards in relation to the management of this information to ensure that it may easily be made accessible to citizens.	Loss: Sex disaggregated data is often missing in Africa. The fact that this is not clearly defined means that development interventions will be gender blind.	2
Duty to fully implement	Public and private bodies have an obligation to ensure	Public and relevant private bodies have an obligation to	Public and relevant private bodies have an obligation to	Loss: It does not point to some of the indicators for	0

Item	Original document (22 July 2011 draft)	Proposed amendments	Final	Gain or loss	Score out of 5
	<p>the law is fully implemented. This includes internal procedures and processes and the designation of responsible officials. An independent body such as an ombudsman or commissioner should be established to monitor and ensure implementation.</p>	<p>ensure the law is fully implemented. This includes internal procedures and processes and the designation of responsible officials. An independent body such as an ombudsman (man – person) or commissioner should be established to monitor and ensure implementation.</p>	<p>ensure the law is fully implemented. This includes internal procedures and processes and the designation of responsible officials.</p>	<p>implementation</p>	
		<p>Application of principles These principles are essential to development, democracy, equality and the provision of public service, and are applicable to, amongst others, the following:</p>	<p>Removed completely</p>	<p>Loss: The proposed principle included equality.</p>	<p>0</p>

Item	Original document (22 July 2011 draft)	Proposed amendments	Final	Gain or loss	Score out of 5
Disadvantaged communities	Governments have a further obligation to ensure that information is provided to disadvantaged communities including minority groups and minority language speakers, women, rural people, the poor and disabled. They have an obligation to ensure equitable and affordable access to ICTs for the disabled and for other disadvantaged persons.	Governments have a (further- particular?) obligation to (provide- patronising? Maybe facilitate access to) information to disadvantaged minority groups and minority language speakers, as well as marginalised people (groups?) – order, this should come first such as women, children, rural people, the poor and persons with disabilities. This especially applies to information that contributes to the long-term empowerment of people (???) Governments also	Governments have a particular obligation to facilitate access to information by disadvantaged minority groups and minority language speakers, as well as marginalised groups including women, children, rural people, the poor and persons with disabilities. This especially applies to information that contributes to the long-term empowerment of the groups. Governments also have an obligation to ensure equitable and affordable access to ICTs for those with special needs and for	Gain: The application of this principle recognises women as one of the disadvantaged groups. It further acknowledges the goal for long-term empowerment and the need to ensure equitable and affordable access to ICTs.	5

Item	Original document (22 July 2011 draft)	Proposed amendments	Final	Gain or loss	Score out of 5
		have an obligation to ensure equitable and affordable access to ICTs for (those with special needs and for other disadvantaged persons)	other disadvantaged persons and groups.		
Women	Governments, civil society and media should facilitate women's access to information, thereby contributing to promoting and defending their rights in public life. Civil society organisations should make use of access to information mechanisms to monitor governments' fulfillment of commitments to further gender equality, to demand the enhanced delivery	Governments, civil society and the media (should- have an obligation to) facilitate women's equal access to information, (thereby contributing to promoting and defending – so that they can defend) their rights and participate in public life. Civil society organisations should make (the best?) use of access to information mechanisms to	Governments, civil society and the media have an obligation to facilitate women's equal access to information, so that they can defend) their rights and participate in public life. Civil society organisations should be encouraged to make the best use of access to information mechanisms to monitor governments' fulfilment of	Gains: This principle is detailed and acknowledges that the collection and management of information should be gender disaggregated. This is progressive and can inform gender aware interventions.	5

Item	Original document (22 July 2011 draft)	Proposed amendments	Final	Gain or loss	Score out of 5
	of services targeted at women and to ensure that the public funds they are entitled to are received. The collection, management and release of information should reflect gender distinctions where	monitor governments' fulfilment of commitments to further gender equality, to demand the enhanced delivery of services targeted at women and to ensure that the public funds they are entitled to are received. The collection, management and release of information should (reflect gender distinctions where relevant- be gender disaggregated. NB there are hardly any instances in which this is not relevant).	commitments to further gender equality, to demand the enhanced delivery of services targeted at women and to ensure that the public funds they are entitled to actually reach them. The collection, management and release of information should be gender disaggregated.		
Media and information literacy	Governments, civil society and the media	Governments, civil society and the	Governments, civil society, education	Loss: The principle does not mention	3

Item	Original document (22 July 2011 draft)	Proposed amendments	Final	Gain or loss	Score out of 5
	<p>have an obligation to promote media and information literacy, to assist individuals and communities to ensure that all members of society can understand and take advantage of new technologies, and to be able to participate intelligently and actively in public matters and enforce their right of access to information.</p>	<p>media have an obligation to promote media and information literacy, including gender and media literacy, to ensure that all members of society can understand and take advantage of new technologies, and to be able to participate intelligently and actively in public matters, and enforce their right of access to information. Citizens should be empowered to consume information critically and express their views on such information, as well as seek corrections where applicable.</p>	<p>institutions, and the media have an obligation to promote media and information literacy, to assist individuals and communities to ensure that all members of society can understand and take advantage of new technologies, and to be able to participate intelligently and actively in public matters, and enforce their right of access to information. Citizens should be empowered to be able to consume information critically and express their views on such information, as well as be enabled to</p>	<p>gender and media literacy that has become an empowering tool for citizens to understand the media and its operations better. Women are often not quoted as sources, presented as sex objects in news and adverts. Gender and media literacy enables citizens, both women and men, to create their own media.</p>	

Item	Original document (22 July 2011 draft)	Proposed amendments	Final	Gain or loss	Score out of 5
			seek corrections where applicable.		
<b>Responsibilities</b>					
National governments of AU member states	Adopt comprehensive laws on access to information in line with the principles and the AU Model Law and fully implement them; Harmonize legal frameworks to ensure access to information including repealing or reforming antiquated laws which restrict access; Engage with civil society and other stakeholders in implementation; Join multi-stakeholder efforts on transparency; Promote availability of public domain	Adopt comprehensive gender aware laws on access to information in line with the principles in this Declaration and the proposed AU Model Law, and fully implement them;  Engage with civil society and other stakeholders to ensure widespread information demand and effective implementation of laws and policies to advance access to information by all citizens, especially marginalised groups.	Engage with civil society and other stakeholders to ensure widespread information demand and effective implementation of laws and policies to advance access to information by all citizens, especially marginalised groups.	Loss: This responsibility does not call on governments to adopt gender aware laws. They can come up with laws that are gender blind and will not serve those who currently do not have access to information.	2

Item	Original document (22 July 2011 draft)	Proposed amendments	Final	Gain or loss	Score out of 5
	<p>information through ICTs and public access to ICTs; Support AU efforts to adopt instrument on access to information;</p> <p>Officially recognize 28 September as International and African "Access to Information Day";</p>				
Civil society	<p><b>Civil Society to:</b></p> <p>Engage with governments in developing, enhancing and implementing ATI laws</p> <p>Monitor progress on implementation of</p>	<p>Create awareness on ATI and provide assistance to facilitate information access by the general public as well as by specific audiences (including minority groups and minority language speakers, - order- this should come after the</p>	<p>Create awareness on ATI and provide assistance to facilitate information access by the general public as well as by specific audiences (including women, minority groups and minority language speakers, children, rural</p>	<p>Gain: Women are listed as one of the groups that need to be given assistance in accessing information.</p>	5

Item	Original document (22 July 2011 draft)	Proposed amendments	Final	Gain or loss	Score out of 5
	<p>ATI laws;</p> <p>Create awareness on ATI and provide assistance to the public on access;</p> <p>Ensure that their activities are transparent; Promote September 28 as African and International Access to Information Day and, in particular, carry out activities on September 28 of every year aimed at advancing the recognition, awareness and enjoyment of the right of access to information by all sectors of the society;</p>	<p>groups that have larger nos- women, children, rural communities, individuals with disabilities or living in poverty);</p>	<p>communities, individuals with disabilities or living in poverty);</p>		
Media	Respect equality, and	Promote gender	Respect and promote	Gain: Equality is	5

Item	Original document (22 July 2011 draft)	Proposed amendments	Final	Gain or loss	Score out of 5
	provide equitable representation within their information output	equality within the media and in media content	equality, and provide equitable representation within their information output	explicitly mentioned in the media as well as in the manner in which it represents women and men.	
	Recognise gender differences in regard to audience and market research	Recognise and be responsive to gender differences in regard to audience and market research	Recognise and be responsive to gender differences in regard to audience and market research;	Gain: The declaration calls on the media not just to recognize but to respond to gender differences especially in audience research.	5
<b>Total</b>					<b>42/85 = 49%</b>



The APAI declaration not only sets out principles on ATI, but also sets out how these principles should be applied, taking into account the various issues that affect different sectors of society. The declaration makes special provision for children, women, disadvantaged communities, health care, and education, among other things.

Of the proposed amendments, 49% were taken into the document. While the percentage is below the 50% average, the qualitative process cannot be under rated. Gender is not often understood in freedom of expression issues. Some of the gains made include:

- Women being recognised as a disadvantaged group in ATI.
- Equality is explicitly mentioned in some of the principles around ATI.
- There is special mention that women need to be given assistance in accessing information.
- Calls on the media to respond to gender differences especially in audience research.
- Underscoring the importance of collecting and managing sex disaggregated data.

The losses include:

- ATI is not problematised in the preamble and therefore the differential impact of ATI between women and men is not acknowledged.
- The SADC Protocol on Gender and Development is not mentioned as one of the progressive regional instruments.
- It does not point to the indicators that should be put in place to monitor implementation
- Gender and Media literacy is not mentioned.
- Governments are not encouraged to adopt gender aware laws.

## **Lessons learnt**

The quest for gender equality in and through the media is far from over. There is very little understanding of gender equality in freedom of expression discourse.

- The GMDC seminars on access to information and the input made into the APAI declaration changed the discourse on access to information in Africa. If Gender Links had not convened some seminars through its project, the GMDC, most of the gains around gender equality would not have been made. There was constant engagement with the think tank that crafted the declaration.
- The think tank argued that some of the gender provisions could not be easily integrated. The question often asked was, "How about transgender people?" Somehow, it has become an excuse of not specifically mentioning how ATI affects women and men differently. This is not a problem in this instance. Transgender issues are diluting the gender equality discourse. Policy makers need to be very careful in how transgender issues are applied.

- The processes around media freedom and access to information in Africa are dominated by men. There should be a critical mass of women who understand these issues and the gender dimensions to them so that any decisions made are ultimately gender-sensitive.
- However, men should also be targeted in promoting gender equality in and through the media. They need to be sensitised so that they appreciate that women and men have different needs and unless these needs are explicitly underlined, the laws that are put in place will further marginalise women.
- Constant engagement and persuasion for the inclusion of gender in media laws can yield results. Gender Links actively participated in the discussions of the draft APAI document. Though not all contributions were accepted in the final document, we anticipate that what we managed to integrate will go a long way in enhancing access to information for women and men on the continent. In addition, this is impact that the organisation can claim.

### **Way forward and conclusion**

The APAI document will inform the drafting of access to information laws in Africa. The draft Model Law for AU Member States on Access to Information should also be scrutinised from a gender point of view so that gender is explicitly mentioned. The draft law will be used by member states to draft ATI laws. It is therefore important for gender to be explicit so that its not lost in the discourse.

Countries should be monitored to ensure that the laws on ATI that they put in place make a difference for both women and men. This will enable women and men to make informed decisions on development and participate more fully.