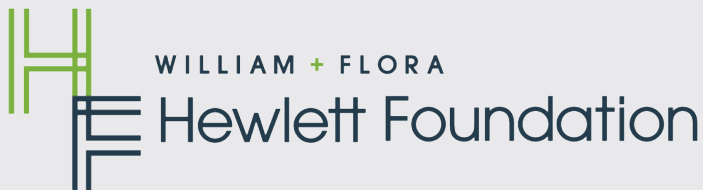




UNLOCKING THE  
**power in  
gender data**

**An Afro-Feminist Approach to Data Governance**



# POLLICY

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# Acronyms

- AI** - Artificial Intelligence
- APGS** - African Program on Gender Statistics
- AU** - African Union
- CBDT** - Cross Border Data Transfers
- CSO** - Civil Society Organisations
- DPA** - Data Protection Act
- ECOWAS** - Economic Community of West African States
- GDPR** - General Data Protection Regulation
- GEM** - Gender Equality Mechanism
- ILO** - International Labour Organization
- KPI** - Key Performance Indicators
- NSO** - National Statistics Offices
- SDG** - Sustainable Development Goals
- SOP** - Standard Operating Procedure
- VAWG** - Violence against Women and Girls

# Definitions

**Afro-feminism** - Refers to an Afro-centric approach to feminism. Understanding the diversity of the realities of African women and creating frameworks that draw from various theories but nuanced in context.<sup>1</sup>

**Feminism** - Encompasses dynamic ideas, reflections and theories not contained in a single definition. Generally, it can be understood as a political ideology embracing radical strategies for the transformation of women's oppressed position in society through innovative paths<sup>2</sup> involving ongoing dynamics of resistance and struggle.<sup>3</sup> It centrally contends with the question of who has power and who does not.

**Gender** - While the term gender is often used synonymously with sex, it refers to the characteristics of women, men, girls and boys that are socially constructed.<sup>4</sup> For purposes of this paper, though, the binary approach to gender shall be put to use.

**Intersectionality** - Refers to the idea by Kimberlé Crenshaw,<sup>5</sup> Patricia Hill Collins<sup>6</sup> and Sylvia Tamale<sup>7</sup> pertaining to the understanding of social interactions that consider multiple inequalities. For this study, intersectionality is used to locate technology in the context of systematic oppression, including racism, sexism, colonialism, classism, and patriarchy.

**Neoliberalism** - Refers to the ideology which encourages the reduction of state interventions in economic and social activities and the deregulation of labour and financial markets, as well as of commerce and investments.<sup>8</sup>

**Patriarchy** - Refers to a system of male authority which legitimises the oppression of women through political, social, economic, legal, cultural, religious, and military institutions.<sup>9</sup> Patriarchy is a central point of analysis for feminism because it provides a framework to express the totality of oppressive and exploitative relations between men and women, which disproportionately affect women.

**Positivism** - Commonly associated with experiments and quantitative research, positivism is considered a form of or a progression of empiricism. Positivists believe that there are facts that can be proven and that reality is the same for each person.<sup>10</sup>

**Social dialogue** - is defined by the International Labour Organisation (ILO) to include all types of negotiation, consultation or simply exchange of information between or among representatives of governments, employers and workers on issues of common interest relating to economic and social policy.<sup>11</sup>

**Wananchi** - A Swahili word that refers to the ordinary public or the people in East Africa.

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<sup>1</sup> (n.d.). Decolonization and Afro-Feminism - Aliadas em movimento. Retrieved January 21, 2024, from <https://aliadasemmovimento.org/site/wp-content/uploads/2021/02/Sylvia-Tamale-Decolonization-and-Afro-Feminism-1.pdf>

<sup>2</sup> Tamale, S. (2006). African Feminism: How should we change?. *Development*, 49(1), 38-41.

<sup>3</sup> Mama, Amina. "African feminist thought." In *Oxford Research Encyclopedia of African History*. 2019.

<sup>4</sup> "Gender and Health," World Health Organization, accessed January 20, 2024, [https://www.who.int/health-topics/gender#tab=tab\\_1](https://www.who.int/health-topics/gender#tab=tab_1).

<sup>5</sup> Crenshaw, K. (2013). Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. In *Feminist legal theories* (pp. 23-51). Routledge

<sup>6</sup> Collins, P. H. (2006). *Patricia hill collins: Intersecting oppressions*. Political Science.

<sup>7</sup> Tamale, S. (2020). Decolonization and Afro-feminism. *Journal of Contemporary African Studies*.

<sup>8</sup> Navarro, V. (2007). Neoliberalism as a class ideology; or, the political causes of the growth of inequalities. *International Journal of Health Services*, 37(1), 47-62.

<sup>9</sup> African Feminist Forum. (2006). Charter of feminist principles for African feminists. In African Feminist Forum Working Group. [https://awdf.org/wp-content/uploads/2016/12/AFF-Feminist-Charter-Digital-AcA\\_A\\_-English.pdf](https://awdf.org/wp-content/uploads/2016/12/AFF-Feminist-Charter-Digital-AcA_A_-English.pdf)

<sup>10</sup> Ryan, Gemma. "Introduction to positivism, interpretivism and critical theory." *Nurse researcher* 25, no. 4 (2018): 41-49.

<sup>11</sup> (n.d.). Social dialogue (GOVERNANCE) - ILO. Retrieved December 16, 2023, from <https://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm%20%20a>

## Summary

As the role of data becomes widely understood, the value of gender data remains underappreciated globally. This is also the case on the African continent. Gender data, which is a step further from sex-disaggregated data, can be understood mainly as data seeking to uncover and untangle the power imbalances within data ecosystems. This research therefore seeks to elucidate this gap and provide a path around it. Specifically, an approach analysing data governance through the Afro-feminist lens has been adopted particularly with the aim to make a case for and put into view gender data, while working towards more equitable data ecosystems. Qualitative research methodologies scoping this study's countries, which are Côte d'Ivoire, Ghana, Kenya and Zambia, were used to apply contextual understanding of data ecosystems on the continent's realities. From this study's findings, which indicated a gaping gap in gender data as well as minimal implementation of the existing data governance regulations, approaches towards the centering of gender data are proposed together with six pillars of Afro-feminist data governance oriented toward the creation of data ecosystems that are free from bias.

## Methodology

This research study combines both primary and secondary data to develop the conceptual frameworks it puts across. The primary data is derived from two qualitative methods: Focus group discussions (FGDs) and key informant interviews (KIIs). Secondary data is derived from desk research. In total, four FGDs and twelve KIIs were conducted. The study's respondents were from four African countries, including Ghana, Kenya, Côte d'Ivoire and Zambia. The in-country study respondents included a multidisciplinary range of actors, including policymakers, lawyers, journalists, human rights defenders and private sector actors such as data analysts, tech policy analysts, thought partners and regulators. Interviews and the focus group discussion in Cote d'Ivoire, a Francophone-speaking country, were conducted in French and then translated to English; all other countries used English as the primary language of communication. Data analysis was conducted through thematic analysis. Key themes were then identified, analysed and sorted according to sub-themes that constitute this report. Crucially, Pollicy, My Data Rights and other stakeholders utilised an overall collaborative knowledge-making approach based on feminist practice. Various stakeholders also helped facilitate the spaces that enabled this research.

### Limitations

This research is not free of study limitations. Primarily, this study was constrained by the majority of its research respondents having a low awareness and limited knowledge of the topics that were being investigated namely gender data and data governance. We recognise that this constraint mirrors the African continent's development in those thematic areas and as such we believe that the secondary data which complemented the limited primary data collected will be pivotal in guiding further studies making inquiries into the topics of gender data and data governance across the African continent. Additionally, it is important to note that the primary data findings in this report cannot be generalised in respect to the realities on the African continent given their qualitative nature.

# Background

## The current state of gender data

To understand what gender data is, we must first cultivate a broader understanding of the value of data in today's world. Data is valuable and value-creating, especially with how it increasingly has influence over different parts of our lives. As one of the respondents who is a journalist remarked,



*I think with the age we are in, data is everything. Data is empowering as it gives more insights into any information given and so I think an empowered community is a data driven community. - (Kil\_3\_Zambia)*

With narratives that continuously assert that everything is data, Boyd and Crawford argue that these do not merely reflect the world but they also order and construct it.<sup>12</sup>

Data and the methods of arranging it through data collection and circulation in almost all sectors of today's world is what has led to the creation of the data economy and ecosystem as we know it. The data ecosystem can best be understood as an aggregation of actors and networks that interact to exchange, produce and consume data. Primarily, this ecosystem comprises data sources, software, statistical methods and visualisation tools as well as storage apparatus geared towards the extraction of the value of data.<sup>13</sup>

Within the African context and consequently the four countries included in this study, an African data revolution has been posited over the last few years, highlighting developments within its own unique data ecosystem.<sup>14</sup> This ecosystem is primarily based on all four governments' ambitions to achieve the United Nation (UN) Sustainable Development Goals (SGDs) within their local contexts. These goals, slated to be reached by 2030, have necessitated the mass production of quality and timely data. Small-scale and medium-scale data communities also exist within these countries piloting varying ad hoc data-driven initiatives for example within the fintech industry in addition to the increasingly growing data driven consumer products, especially piloted by Big Tech corporations such as with the ever growing use of social media platforms by Big tech across Africa.

Under this data revolution, gender data appears to be situated and operationalised largely through traditional methods such as national census data and other large-scale surveys conducted by national statistics offices (NSOs) and other entities. In accordance with these sources, gender data is viewed primarily through the lens of sex-disaggregated data, especially in the form of statistics meant to guide decision making for either men or women. Such efforts by NSOs have been guided by initiatives such as the Africa Program on Gender Statistics<sup>15</sup> which details the imperative of gender statistics. The aim of this program is to provide an accurate description of the differing socio-economic situation of women and men meant to guide more rational decision-making.

This study, however, found that even the occurrence of sex-disaggregated data within conventional data sources remains minimal coupled with the fact that barely any policies exist towards ensuring the generation and use of sex-disaggregated data as one civil society respondent noted that

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<sup>12</sup> Boyd, Danah, and Kate Crawford. "Critical questions for big data: Provocations for a cultural, technological, and scholarly phenomenon." *Information, communication & society* 15, no. 5 (2012): 662-679.

<sup>13</sup> Stobierski, Tim. "5 Key Elements of a Data Ecosystem." *Business Insights Blog*, March 2, 2021. <https://online.hbs.edu/blog/post/data-ecosystem>.

<sup>14</sup> van Belle, Jean-Paul, Canisius Nzayisenga, Olusegun Akanbi, Solomon Selassie, and Kenneth Mdadila. "Africa data revolution report 2016: highlighting developments in African data ecosystems." (2016).

<sup>15</sup> Africa Programme on Gender Statistics. *Africa Programme on Gender Statistics 2022-2026 Strategic Plan*, 2022.



*And from the few policies that we laid hands on, we realised that there was little or nothing about disaggregation of data by sex. And that makes it difficult, because if you, for instance, have a policy that doesn't have that, when you are monitoring or you are measuring access, how do you do that? How well can you tell that you have been able to empower as many males as you have done females? There's no data to help in doing that assessment. So, if we are all treated the same, then in terms of implementing and in terms of lessons and future planning, it becomes difficult. - (KII\_1\_Ghana).*

However, while sex-disaggregated statistics are a step forward, gender data goes further by considering the norms and sociocultural factors that introduce gender bias into data. Sex-disaggregated data often hides the effects of intersectional identities that change how different people experience the world. Essentially, gender data, with a feminist lens, demands that researchers and other persons working with data firmly comprehend how bias and power dynamics are embedded in the study design, sampling methodologies, data collection and raw data itself,<sup>16</sup> hence disposing of the myth of data lacking prejudices. To better elucidate this notion of gender bias in data, the examples below are meant to help paint a picture.

Firstly, the shift to digital data has ushered in an era where emphasis on computational analysis and machine learning gained authority as core and superior ways of understanding the social world. This ultimately moulded the way people relate to information and knowledge even when it comes to data for decision making. The result of this has been the assigning of alternative sources of data collected or used, especially at the communal or grassroots level, such as personal accounts and indigenous knowledge systems, as inferior forms of data.

This unquestioning positivism also shows up in universalist ideas about women's human rights, particularly in the expression of powerful governance and human rights instruments. These frameworks unwittingly produce an oppressive stance since they often negate the intersection of inequalities including gender, race, class, education, religion, physical abilities and their consequences on women. This stance spills over to what is considered worthwhile gender data for collection or use in policy making and what is side-lined. For example, physical effects of gender-based violence have garnered support within policy making while online or technology facilitated gender-based violence (TfGBV) which disproportionately affects women living on the fringes of society is still considered an insignificant issue.

Language used to frame questions is also critical here as it is usually bent towards a certain narrative. Binyavanga Wainaina's satirical 2005 essay "How to write about Africa" elucidates this idea. His commentary in the essay stating that "Africans are to be pitied, worshipped or dominated," as seen in the way the majority of Westerners write about Africans offers perspective on how language moulds reality.<sup>17</sup> Similarly, this essay offers a comparative tool of analysis to how women are also documented often as powerless which inevitably shapes their realities from how society positions them.

Furthermore is the issue of neoliberal feminism. Several gender equality projects under the influence of neoliberalism take a turn away from the conception of the state as a vehicle for social justice towards marketised models of the state which require feminists to increasingly emphasise the business case for gender equality.<sup>18</sup> Studies indicating the "cost" of violence against women is an example of this, which also points to the issue with the majority of this work being donor funded.<sup>19</sup> Institutional donors are primarily from the global North, which comes with its own set of biases and prejudices. This also goes hand in hand with the financial deprioritisation of gender equality mechanisms and consequently gender data. Governments will slash gender budgets and eradicate ministries as "low hanging targets for demolition in cost saving drives." The commodification of gender equality disguises progress in the form of capitalism rather than embedding it in a human rights framework.

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<sup>16</sup> (2021, September 14). Afro Feminist Data Futures - Pollicy. Retrieved December 15, 2023, from <https://pollicy.org/projects/afro-feminist-data-futures/>

<sup>17</sup> Wainaina, Binyavanga. "How to write about Africa." (2005): 4.

<sup>18</sup> Sawyer, Marian, Lee Ann Banaszak, T. R. U. E. Jacqui, and Johanna Kantola. "Introduction to the Handbook of Feminist Governance." In Handbook of Feminist Governance, pp. 1-13. Edward Elgar Publishing, 2023.

<sup>19</sup> African Centre for Gender and Social Development (ACGSD). Recent trends in national mechanisms for gender equality in Africa, 2012. <https://repository.uneca.org/bitstream/handle/10855/23268/Bib-35528.pdf?sequence=1>.



Gender bias in data also springs from gender equality increasingly becoming a political battlefield in the era of political polarity.<sup>20</sup> The global political landscape demonstrates growing opposition to human rights, including the rights of women and girls. Rooted in patriarchal attitudes, this opposition takes on notions such as viewing gender as a social construct to undermine family values or the perceived natural complementarity of men and women. Other attitudes include seeing feminists as achieving undue influence, especially in spheres of governance.

Nonetheless, concerted efforts to produce and use high quality gender data exist spearheaded by entities such as Data2x and UN Women.<sup>21</sup> These provide a stronger platform for normative development and advocacy as well as being radical in their engagement with not only governments but also feminist civil society organisations (CSOs). They have also been successful in monitoring gender equality data, policies and processes. Still, such efforts to produce and use gender data remain plagued by minimal financial and regulatory support globally.

Finally, while global progress on gender equality has been slow over the past five years,<sup>22</sup> it is also clear that the COVID-19 pandemic hampered a lot of hard-won progress as efforts receded due to the global pandemic's pressure. The global gender equality ecosystem has a demonstrated lack of resilience,<sup>23</sup> with this study establishing the same on the African continent.

### The state of data governance

Directly correlated with gender data, analysis shows many policies, especially gender policies, have failed to keep up with the changing times and a rapidly advancing digital ecosystem including issues such as TfGBV and disinformation, which disproportionately affect women. For example, none of the four countries in this study have explicit regulation towards TfGBV.

A broader understanding of the overall state and maturity of the data governance ecosystem in Africa and the countries studied here is then imperative especially as the line between state, citizen and multinational corporations is increasingly blurred. More aptly, data governance, as with any other realm of governance, a social contract is assumed where individuals consent to surrender some of their freedoms to the state in exchange for what they have been told to be valuable. This includes their data.

This has led to conversations around whether this social contract is feasible under the ever-evolving data ecosystem particularly in the African context where adaptation to this ecosystem is seemingly slow as one respondent remarks,

**“ I worry that technologies are ever advancing but our data governance is not. It is like we are just getting started, - (FGD\_Côte d'Ivoire)**

To understand this sentiment further, an examination can be done into how much the country's Law 2013-450 on the protection of personal data has been put to use in addressing varying data governance issues in the country since it was passed in 2013. Similarly, this would be a great yardstick for the other three countries' data governance maturity analysis.

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<sup>20</sup> Hawke, Angela. "Back to Normal' Is Not Enough: The 2022 SDG Gender Index." 2022 SDG Gender Index. Accessed January 20, 2024. [https://www.equalmeasures2030.org/wp-content/uploads/2022/03/SDG-index\\_report\\_FINAL\\_EN.pdf](https://www.equalmeasures2030.org/wp-content/uploads/2022/03/SDG-index_report_FINAL_EN.pdf).

<sup>21</sup> Data2X | Partnering for Better Gender DataData2X. Retrieved January 17, 2024, from <https://data2x.org/>

<sup>22</sup> Women, U. N. "Progress on the sustainable development goals: The gender snapshot 2022." (2022).

<sup>23</sup> Amnesty International. "International Women's Day: dramatic deterioration in respect for women's rights and gender equality must be decisively reversed." (2022).

### **Regulation and implementation**

Ghana, Zambia, Côte d'Ivoire and Kenya all have national data protection regulations. particularly Data Protection Acts, and are also signatory to continental guidelines and frameworks which guide the regulation of data across Africa. Among these are their respective regional data protection frameworks, including the ECOWAS Act on Data Protection and the SADC Model law on data protection and the African Union Data Policy Framework as well as the 1981 African Human Rights Charter, which offer guidance on varying legal and ethical considerations to Africa's data ecosystem.

With these regulations coming in place within the respective countries, they seem to be approached differently predominantly through the lens of personal data protection and data for development.

In Kenya, regulation of data has made the most progress through data protection aided by their Data Protection Act. To elaborate this, one policy maker shared,

**“** *My expertise is looking at data governance through data protection and we are finding that government institutions that have previously had data governance measures in Kenya increasingly look at it side by side with data protection and I think we are seeing more of this being considered in both public and private spaces which is commendable because it was not top of mind a few years ago. - (KII\_1\_Kenya)*

Further, while the above mentioned ethical and legal considerations exist across the four countries, the question of how robust they actually are or how they are implemented, if at all, remains. The absence of clear guidelines guiding implementation was elaborated by a technocrat remarking,

**“** *So we have the key policies in place but the implementation of it is still taking shape. For example, very recently, one of our key mobile money operators in the market had a data breach and you obviously have the Data Protection Act and the different regulators in place who ideally should be able to support incidents like that. Everybody in the room felt like we were making up things as we go or more specifically that there were not any SOPs to follow in specific instances that relate to data governance especially when you have incidents like cybersecurity or data breaches. The overarching policy is there but specific steps to follow in case of incidents that you as a service provider or user need to follow do not necessarily exist. - (KII\_1\_Zambia).*

Challenges in implementation of the data protection regulations have been largely attributed to financial constraints by the Ministries and agencies mandated to oversee the implementation, an overlap of regulatory mandate between agencies and their overseeing ministries coupled with a lack of independence as they operate as well as limited capacities in data literacy by policy makers among other factors.

Furthermore, the data ecosystem regulatory space largely leans towards personal data protections that concentrate on personal identifiable information which leaves a regulatory vacuum. Personal data with indirect identifiers or non-personal data, including pseudonymised, anonymised and aggregated data in the public domain are not addressed.<sup>24</sup> Ignoring these areas could equally pose harm if this data is not subject to data protection regulations.

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<sup>24</sup> Pollicy. “State of Data Governance in Africa.” Medium, August 9, 2023. <https://pollicy.medium.com/state-of-data-governance-in-africa-ad00c75053f6>.

### ***Data's geopolitics***

Actors within the study countries' data ecosystems have expressed concerns regarding the fact that many of these countries' standard setting of data protection acts is taken from the European Union's 2016 General Data Protection Regulation (GDPR). Particularly, this has been brought up in regard to these countries adopting values and standards that may not necessarily be representative of their contextual data needs and realities.

For example, one respondent elaborates this issue saying that,

**“** *Because the nature of tech policy is very political in as much as it is technical, when countries do not have the resources or even time or because of a conflict of interest in wanting to draw in investment, then you will have the tendency to just adopt things as they are without necessarily looking within the context of your country and what is relevant and what is not. - (KII\_3\_Kenya).*

This echoes the idea of international standards that are devoid of or undermine Indigenous values and practice.

Another issue that stood out in the course of this research is the power imbalance between African governments and Western economies regarding open data. African governments are pulling away under suspicions of the West selling information back to them as one respondent shared that,

**“** *I guess the conversation could be looked at from a different perspective in terms of innovation and economic growth and whether open data benefits more developed countries or developing economies. This is a conversation that is happening. I sit on a number of tables negotiating international treaties and one of the things that has come up is who gets to benefit from the innovations that come out of open data for solutions that are then sold to governments that publish this data. - (KII\_1\_Kenya)*

Consequently, this has stalled progress towards open data. This stance ties in with the aforementioned view of these countries' tech policies, like in much of Africa, being influenced by the GDPR which leads to the prioritisation of policies which do not necessarily centre the interests and needs of citizens and their nations with the question here being, how beneficial are policies such as open data to African countries?

### ***Digital infrastructure and extractivism***

Data governance can also be understood through the lens of digital infrastructure upon which digitisation and the data ecosystem are dependent. This includes critical national infrastructure used in the creation, storage, processing, analysis and distribution of data. The hosting of data and data centres is a critical issue for African countries who have been majorly dependent on infrastructure owned by Western corporations or governments.

This dependence has been criticised in light of fears such as the protection of citizen's data by these foreign entities. As one respondent remarked,

**“** *Concentration right now is on the benefits and partially that's due to the context we are operating in right now since government is very manual and paper based so seeing what these platforms could do for them becomes the main consideration. There is not enough discussion around security, protection and safeguarding national data. - (FDG\_Zambia).*

Still, the governments under this study have been aiming to take greater ownership and control of their data infrastructures through their respective public agencies building local data storage and usage capacity such as the National Information Technology Authorities but even more so through governments seeking increased funding to support the establishment of data infrastructure, such as data centres, in their countries.

Further, regarding the current digital infrastructure, concerns have also been raised regarding the ‘ownership of data.’ This stems from the idea that data is a commodity produced by the digital labour of users while the value that accrues from it seems to benefit them minimally especially in economic terms. With entities including government or private enterprises such as Big Tech or telecommunication companies almost exclusively enjoying this value, a case has been made for this digital infrastructure being extractivist in nature.

This conundrum underlines the data and digital rights conversation regarding how this value can be more equitably enjoyed by both database owners and the persons or communities producing data. It also questions how data subjects can better negotiate their inherent rights that are lost when excluded from control of their data. The majority of this study’s respondents cited a lack in citizens’ awareness of their data rights being a significant part of this problem with one sharing that,



*I am interested in open access and data accessibility because I genuinely believe knowing your customer better enables you to serve them but that again can only work within a benevolent environment where companies are looking out for the best for customers which often competes with their key performance indicators as a service provider.*  
- (KII\_1\_Zambia).

Additionally, the above mentioned data extractivism is also explored in the context of power dynamics particularly as rooted in colonialism as seen through narratives that for example tout Africa as a treasure trove of untapped data.<sup>25</sup> This phenomenon has been termed data colonialism which refers to the combination of the predatory and extractive practices of historical colonialism with the abstract quantitative methods of computing.<sup>26</sup> This notion has thus been utilised in demonstrating the issue of data ownership as well as the harms arising from power asymmetries between data subjects and data holders.

The invisibility of labour, particularly behind smart technologies working with Big Data is another illustration of the current extractivist digital infrastructure.<sup>27</sup> Smart technologies are lauded because of the seemingly little human intervention they require. This disguises the large number of people, largely from the global South, who work in precarious conditions to uphold the system. In addition to this invisible labour are unfair platform policies which are exploitative to users, such as content creators and artists, who are also grappling with intellectual property concerns.<sup>28</sup> AI models train by pirating or extracting creative outputs on the pretext of fair use

The above issue points to regulatory challenges as governments grapple with holding these Big tech corporations accountable especially in absence of precedent doing so in addition to other regulatory challenges faced by the four countries. This study found this to be a crucial matter especially with regard to the respect of human rights as in the Sama-Meta content moderators case in Kenya.<sup>29</sup> One respondent remarked that,

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<sup>25</sup> Tamale, 2020.

<sup>26</sup> Couldry, Nick, and Ulises A. Mejias. "Data colonialism: Rethinking big data's relation to the contemporary subject." *Television & New Media* 20, no. 4 (2019): 336-349.

<sup>27</sup> Pollicy, "Principles of Afro-feminist AI Data - Pollicy," Retrieved January 19, 2024, from <https://pollicy.org/resource/principles-of-afro-feminist-ai-data/>

<sup>28</sup> Gil Appel, Juliana Neelbauer, and David A. Schweidel, "Generative AI Has an Intellectual Property Problem," *Harvard Business Review*, April 11, 2023, <https://hbr.org/2023/04/generative-ai-has-an-intellectual-property-problem>.

<sup>29</sup> Musambi, Evelyne, and Cara Anna. "Facebook Content Moderators in Kenya Call the Work 'torture.' Their Lawsuit May Ripple Worldwide." *AP News*, June 29, 2023. <https://apnews.com/article/kenya-facebook-content-moderation-lawsuit-8215445b191fce9df4ebe35183d8b322>

**“** *What I know is that there has been disquiet among certain entities on why these Big tech companies are not registered with the local regulator. So the question has been why is Twitter, Tiktok and Facebook not registered. And right now I think with the High Court of Kenya in two different instances recognizing content moderators as employees of Meta, we see a direction where gradually these entities are being forced to recognize Kenyan law. - (KII\_2\_Kenya).*

### **Algorithmic harm**

These power asymmetries arising out of the current digital infrastructure are not only discriminatory but are also disciplinary in nature. Advancements in artificial intelligence (AI) and other smart technologies dependent on data have made possible automated decision making which has been found to be both harmful and discriminatory. With issues ranging from determining eligibility for services to predictive policing to national digital identification systems that can negatively impact marginalised groups,<sup>30</sup> these systems have especially over the last two years become a thematic priority under data governance conversations. Among the four countries, these conversations are seen at national policymaking levels where ideation on AI policies is picking up aided by civil society actors already investigating the problem.

Further regarding algorithmic harm is the issue regarding the normalisation of surveillance aided by automated systems particularly facial recognition systems deployed by governments usually under the pretext of security purposes. The issue of surveillance stems from the so-called paradox of exposure, which highlights the costs and benefits of datafication to individuals and communities. Surveillance also thrives under Big Tech's pervasive reach, as explained in Shoshana Zuboff's idea of surveillance capitalism where she describes a "new economic order that claims human experience as free raw material for hidden commercial practices of extraction, prediction, and sales."<sup>31</sup> Private sector and government partnership also fit into this context, such as with Huawei's collaboration with various governments across sub-Saharan Africa.<sup>32</sup>

As surveillance becomes more pervasive in the lives of persons engaged in the data ecosystem, the surveilling powers are able to enact more control and power over the surveilled. For example, one of this study's respondents shared:

**“** *We do not know if we are being protected in cyberspace like our direct messages, emails and so on without being left to the mercies of Meta, Twitter et cetera especially in the activist space and people from marginalised groups. Human Rights Defenders are also in fear of surveillance due to speaking up on these issues which leads to many of them eventually self censoring themselves. - (FDG\_Zambia)*

### **Cross-border data transfers**

Lastly, an emerging issue that data governance is contending with is how cross-border data transfers (CBDTs) intertwine with market interoperability. CBDTs, which refer to the transfer of personal data from one jurisdiction to another, have increased with a more widespread adoption of consumer products and services by multinational corporations and large telecommunications companies across the African continent. This includes telecommunication giants MTN and Airtel, who collectively handle a large proportion of the volume of digital payments particularly through mobile money transactions.

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<sup>30</sup> Iyer, Neema. "Uganda: Are Digital IDs a Tool for Inclusion or Exclusion?" Research ICT Africa, 2021. <https://researchictafrica.net/2021/06/23/uganda-are-digital-ids-a-tool-for-inclusion-or-exclusion/>

<sup>31</sup> Zuboff, Shoshana. "Surveillance capitalism and the challenge of collective action." In New labour forum, vol. 28, no. 1, pp. 10-29. Sage CA: Los Angeles, CA: SAGE Publications, 2019.

<sup>32</sup> Calzati, Stefano. "'Data sovereignty' or 'Data colonialism'? Exploring the Chinese involvement in Africa's ICTs: a document review on Kenya." Journal of Contemporary African Studies 40, no. 2 (2022): 270-285.

As the volume of these transactions increases from one country to another, the issue of how safe customers' data is at the hands of these corporations stands. To explain how this issue is currently being addressed in Kenya, one study respondent stated that,

**“** *We have a regulation around CBDTs in the Data Protection Act that is not prohibitive so you can actually transfer information outside the country but there are safeguards you have to put in place for that. From a regulatory perspective, increasingly we are finding that its difficult to regulate CBDTs because it's almost like individuals are taking more charge being a part of an interconnected world so regulation should make that possible but also in case of breaches regulating the space with multinational corporations as if those breaches were happening locally will be difficult. But, I think with the coming of the Digital Trade Protocol which will be the first of its kind in the world, we will see a lot of collaboration between Data Protection agencies, cybersecurity agencies and generally more seamless CBDTs. - (KII\_1\_Kenya)*

# Afro-feminist alternatives to gender data

## Approaches to centering gender data

In seeking to integrate gender data across data ecosystems, the following action points are proposed towards how gender data can be either used or applied. This list is by no means exhaustive, however it does offer a foundation for the study countries to reflect upon and accordingly incorporate while taking into account their unique positionalities with gender data.

**Sustainable growth:** Gender data requires sustainable development as an imperative for its use or application. This can be accomplished through concerted efforts to develop the state's national capacities to collect, compile, and disseminate gender statistics in support of national, regional, international gender equality and women's empowerment targets and indicators. Additionally, in building this capacity, it is also critical to build trust with all relevant stakeholders within the data ecosystem for the engendering of gender data to be truly sustainable.

**Feminist governance:** Feminist governance is a key element to the realisation of the engendering of gender data. At a base level, feminist governance situates gender data across all processes of government from the formal to the informal including laws, norms and policy framing to networks and relationships through which authority is both exercised and held to account.<sup>33</sup> The idea behind this approach is to centre distributive justice as well as the widespread questioning of power across governments on the basis of acknowledging that states are not isolated bodies but rather are embedded in broader gendered social structures. This understanding aims to then address gender bias in data ecosystems at a governance level.

**Gender transformational approaches:** Feminist institution building needs to go beyond aspirations for policy outcomes to further engender policy processes and means of delivering these outcomes. This idea is primarily operationalised through gender quotas, gender policy machineries and gender mainstreaming. While these mechanisms have faced criticism either for increasing representation that is not committed to gender equality or even some of the labels used signifying minimum commitment to gender equality for example 'Ministry of women and family or children', these efforts can better realise fruition if coupled with gender transformational approaches all across the board together with the enactment of leadership that is capable of overseeing and enforcing these efforts such as cabinet ministers.

**Feminist research methodologies:** The engendering of gender data can also be supported by the adoption of feminist research methodologies which centre identifying, exposing and challenging the root causes of inequality and discrimination evident in power biased relations.<sup>34</sup> Central to this is the need to embrace the idea of intersectionality which illuminates the multifaceted nature of any information being collected or used. Some of these methodologies include digital ethnography, critical discourse analysis, oral histories or story telling which are a step towards filling the gender data gap.

**Local knowledge scholarship and production:** The use and application of gender data can also be fostered through what we largely term local knowledge scholarship and production. Here, the term "local" is used to indicate the situatedness of the knowledge producers whether that be at a national or communal level.<sup>35</sup> With the practice of feminist governance around the world being underpinned by normative work expressed in declarations, guidelines, codes of conduct and so on, it becomes imperative to rethink how voices of communities without access to the spaces these are made are captured. Most grassroots researchers face a number of challenges, such as constrained resources. They need to have their work supported in order to extract information from various sources. Given that this is an expensive endeavour, power and money are often skewed in favour of large corporations or government and elite universities who have the ability to collect, store, maintain, analyse and mobilise large datasets.

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<sup>33</sup> Sawyer, Marian, Lee Ann Banaszak, T. R. U. E. Jacqui, and Johanna Kantola. "Introduction to the Handbook of Feminist Governance." In *Handbook of Feminist Governance*, pp. 1-13. Edward Elgar Publishing, 2023.

<sup>34</sup> Pollicy. *Afro Feminist Data Futures - Pollicy*. 2021. From <https://pollicy.org/projects/afro-feminist-data-futures/>

<sup>35</sup> Dare Kolawole, Oluwatoyin. "Is local knowledge peripheral? The future of Indigenous knowledge in research and development." *AlterNative: An International Journal of Indigenous Peoples* 18, no. 1 (2022): 132-140.

**Gender responsive budgeting:** Gender responsive budgeting is another critical element to engendering gender data. Adequate and sustainable financing is an important element towards the active and enduring production and use of gender data across data ecosystems. A huge gap currently exists in the available information on gender equality funding for all the four countries under this study which also highlights the need for governments to be more transparent with this data as a way of aiding the monitoring and evaluation of their commitment to gender equality. When gender equality mechanisms come under attack, such as during crises (such as the COVID-19 pandemic) or austerity measures being adopted by governments, it goes to show the need to rethink these actions not as merely fiscal necessities but as political choices that violate the social justice of many women.

**Anti-oppressive design:** Beyond the adoption of feminist research methodologies, anti-oppressive design speaks to the phenomenon of who and what gets counted and excluded from gathered statistics or even the chosen metrics. This thinking is founded on the question of power. In brief, questions like what constitutes evidence or what is counted are asked to make visible the uncounted or undocumented as a way of breaking the vicious cycles of power which curtail the marginalised people's ability to have their needs be considered in public policy discourse.

### **Pillars of Afro-feminist data governance**

This study posits the intersection of gender data and data governance as one of the direct routes to creating data ecosystems that are free from gender bias. Using an Afro-feminist lens, this section aims to provoke critical thought with regard to how gender data can be governed to the aforementioned end of eradicating gender bias in data ecosystems. Six building blocks to realise this vision are proposed and are thus intended to support ideation around the fundamental practices of data governance.

These are the Afro-feminist data governance pillars:

**Data justice:** This pillar seeks to encourage rethinking of the current data ecosystem through the lens of justice. This involves moving away from ahistorical notions of justice which solely define it through the lens of fairness towards viewing justice from a decolonial and intersectional lens of equity. This lens recognises and takes account of harms of both the present and the past in pursuit of redress to the persons harmed. This is because when fairness does not acknowledge context or history, it fails to acknowledge the systematic nature of unfairness perpetrated by certain groups over others.<sup>36</sup> This is especially critical as data systems increasingly categorise and sort people, actively shaping how different groups of people experience the world.<sup>37</sup>

**Data literacy:** Citizen's knowledge and understanding of any issue either supports or limits how much they can critically engage. This is the case with the data ecosystem where a big portion of the citizenry and policymakers in the four countries in this study are not able to meaningfully engage with the space. As a result, they are also unable to shape it in a beneficial way. This thus highlights how data literacy is a foundational element to realising data ecosystems that can be free from gender bias.

**Situatedness and women's embodied knowledge:** This pillar calls for the appreciation of knowledge that reflects the particular perspectives of the owner based on their lived experiences and bodies. It therefore takes into account the circumstances that inform these perspectives moving away from positivistic approaches of knowledge production which usually are a result of notions such as logic and not based on the knower's context. Here, Afro-feminism helps us move away from a Western conceptualisation of a subject as a disembodied and decontextualized knower. Embodied knowledge reiterates that all knowledge is situated and if it is not, it becomes context free and thereby ripe for misinterpretation.

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<sup>36</sup> D'ignazio, Catherine, and Lauren F. Klein. Data feminism. MIT press, 2023.

<sup>37</sup> Birhane, Abeba. "Automating ambiguity: Challenges and pitfalls of artificial intelligence." arXiv preprint arXiv:2206.04179 (2022).



**Decoloniality:** Data feminism reminds us that the most complete knowledge comes from synthesising multiple perspectives with priority given to local, indigenous and experiential ways of knowing.<sup>38</sup> This pillar calls for the appreciation of different forms of data which then engenders the reclaiming of women's humanity, the rebuilding of their bodily integrity and reasserting their self-determination as well as decentering Western ways of knowing.<sup>39</sup> Further, this pillar also speaks to knowledge practices that incorporate the possibility of fallibility, self-correction and improvement.<sup>40</sup>

**Legal plurality:** This pillar advocates for the adoption, recognition and legitimisation of legal frameworks which are grounded in intersectionality and its nuanced language. Here, alternative systems of justice seeking devised by wananchi collectively referred to as "community justice," are envisioned to aid in the design of redress mechanisms when or where harm arises from data systems. This is especially important, as the data governance ecosystem is constantly evolving. There is an explicit need for all stakeholders, including government, private sector and CSOs, but especially the public who are most affected by these changes, to focus on their protection in the data ecosystem and do so quickly and efficiently. Further, women's historically poor access to legal services can be alleviated by these non-state activities since they are envisioned to be more accessible, familiar, cheap, expeditious, restorative, relevant and flexible.<sup>41</sup>

**Feminist movement building:** Gender data governance can only be as fruitful as the actors who drive the thinking and action. These actors are predominantly feminist. Movement building aims to shape policies that govern the internet and datafied societies by being connected through resistance to patriarchal norms as well as demanding accountability<sup>42</sup> across the data governance space. Feminist research is also critical to feminist movement building, as it is designed to inform and support the work of feminist movements by shedding light on the structures and dynamics that contribute to the oppression and subordination of women. This pillar highlights the need to create space for and invest in and listen to feminist organisations or movements as they have led and continue to lead the gender equality movement.<sup>43</sup> A lot of work remains to be done for feminist organisations and movements especially as they fall behind in data and tech capacity.

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<sup>38</sup> D'ignazio and Klein, 2023.

<sup>39</sup> Tamale, 2020.

<sup>40</sup> Mohanty, Manoranjan. "On the concept of 'empowerment'." *Economic and Political Weekly* (1995): 1434-1436.

<sup>41</sup> Kane, Minneh, Joseph Oloka-Onyango, and Abdul Tejan-Cole. "Reassessing customary law systems as a vehicle for providing equitable access to justice for the poor." In Arusha Conference, "New Frontiers of Social Policy"—December, pp. 12-15. 2005.

<sup>42</sup> (n.d.). Projects - My Data Rights. Retrieved January 21, 2024, from <https://mydatarights.africa/projects/>

<sup>43</sup> Mama, Amina. "What does it mean to do feminist research in African contexts?." *Feminist Review* 98, no. 1\_suppl (2011): e4-e20.

## From principle to practice

In this final section, we offer desired outcomes from the propositions made in the prior sub-sections regarding the intersection of the engendering of gender data in data governance guided by Afro-feminist principles.

Firstly, the resultant systems of data governance are envisioned to be more intersectional in nature with ideation around policy positions factoring in how gender equality is conceived, whom the policies are designed for and who is not included in the policy considerations and the like. The aim here will be to protect civil rights and liberties of all, avail equal opportunities in terms of access to critical resources or services and benefits as well as just assignment of penalties. The recognising of gender expertise, especially within the field of democratic governance but also within private spaces, is a very desirable outcome. It will ensure stronger validation of the work being done by bureaucrats and technocrats with feminist agendas as well as feminist movements and actors pushing for data ecosystems free of gender bias.

Another desired outcome is responsible business conduct steered forward by risk-based due diligence on the impact of data systems on subjects and communities by identifying and mitigating actual or potential impact as well as ensuring better protections of at-risk groups. This ensures proactive and ongoing protection of data subjects. In the same vein, another desired outcome is the demonstration of positive contribution of players in the data ecosystem who currently hold power over data subjects including governments, multinational tech corporations and telecoms operating across Africa. This input by these actors can take the form of investment that feeds into the data gaps of communities whether it be the creation of jobs, knowledge and skills development and provision of products or services that improve living standards of communities. Enterprise and lobbying activities which prioritise the social justice concerns of marginalised groups are also key.

It is also desirable to create and curate more vibrant and meaningful social dialogue, especially with the current state of the data and digital infrastructure. Often, a powerful minority has near total ownership and control over a subject's data assets. The creation of a space to have these negotiations and exchanges between data holders and data subjects would revolutionise how the data ecosystem is set up and consequently more equitably distribute the power it holds across the board for all actors.

There is also a need to reach and agree upon shared terminology whilst talking about different elements of the data ecosystem especially for African countries, which have largely adapted language from the West. The idea is that a shared language on these issues would better guide our understanding of them which would then ease the building of a collective consciousness around addressing the injustices in the data ecosystems. This may involve bringing in Indigenous terms and concepts to complement those the West imposes upon you.

Finally, designing spaces for meaningful participation is important. These spaces can either be bilateral or multi stakeholder, depending on context. This is another very desirable outcome for Afro-feminist data governance. The role all players in the data ecosystem play, whether it be the public, government, CSOs or the private sector underlines the need to converge all the viewpoints. This can remediate the existing power imbalances which alienate some and disproportionately favour others. To address these power imbalances therefore, it becomes necessary to actively work towards integrating voices to find the most equitable way forward.

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