



# General Assembly

Distr.: General  
2 July 2012

Original: English

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## Human Rights Council

Advisory Committee

Ninth session

6–10 August 2012

Item 2 (a) (i) of the provisional agenda

**Requests addressed to the Advisory Committee stemming from  
Human Rights Council resolutions:**

**Requests currently under consideration: Right to food**

## **Preliminary study on rural women and the right to food**

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Right to Food of the Human Rights Council Advisory Committee**

### *Summary*

The present study examines the right to food of rural women by underlining the international legal framework applicable to rural women, analysing the patterns of discrimination harming them, proposing strategies and policies for their legal protection and exposing best practices, with a special focus on female-headed households and temporary or seasonal workers.

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## I. Introduction

1. The study on discrimination in the context of the right to food (A/HRC/16/40) identified rural women as a group suffering from discrimination. This study found (para. 29) that:

The intersection between women's rights and the right to food provides a rich overview of a number of interrelated dimensions of discrimination against women related to access to land, property and markets, which are inextricably linked to access to education, employment, health care and political participation. On a global scale, although women cultivate more than 50 per cent of all food grown, they account for 70 per cent of the world's hungry and are disproportionately affected by malnutrition, poverty and food insecurity. Governments are not living up to their international commitments to protect women from discrimination, as the gap between de jure equality and de facto discrimination continues to persist and resist change.

2. The Human Rights Council in its resolution 16/27 of 25 March 2011 requested the Advisory Committee to undertake a comprehensive study on the right to food of rural women, including patterns of discrimination, strategies and policies for their legal protection and best practices, with a special focus on female-headed households and temporary and seasonal workers.

3. In recommendation 7/4 of 12 August 2011, the Advisory Committee assigned the preparation of this study to the drafting group on the right to food, to be presented to the Advisory Committee in its ninth session. At its nineteenth session the Human Rights Council took note, in its resolution 19/7, of the concept note and requested the Office of the United Nations High Commissioner on Human Rights (OHCHR) to collect the views and comments of all Member States, all relevant United Nations agencies and programmes, in particular Food and Agriculture Organization of the United Nations (FAO), and all other relevant stakeholders, so that the Advisory Committee could take them into account in the preparation of the preliminary study.

4. A note verbale was circulated by OHCHR on 2 April 2012 to all stakeholders. Views and comments on the concept note were received from the following States: Belgium, Colombia, Cuba, Greece, Indonesia, Namibia, Qatar, Paraguay and the Philippines. Among national human rights institutions, the National Human Rights Commission of India submitted its comments in relation to the concept note. NGOs such as International Federation for Human Rights, Caritas Internationalis, Mouvement Mondial des Mères and the National Centre for Human Rights Jordan contributed their comments to the topic of the preliminary study. Submissions by the World Food Programme (WFP), FAO, the International Organization for Migration (IOM) and the World Trade Organization (WTO) have also informed the preliminary study.

5. The preliminary study was prepared by the drafting group on the right to food, established by the Advisory Committee at its first session and comprising José Bengoa Cabello, Chinsung Chung, Latif Hüseyinov, Jean Ziegler and Mona Zulficar. The study examines the international legal framework protecting the right to food of rural women, followed by the identification of patterns of discrimination that impede rural women's full enjoyment of this right. Strategies and policies to address the identified forms of discrimination are discussed, and several best practices are highlighted. The study provides a special focus on female-headed households and temporary and seasonal workers.

## II. The international legal framework applicable to rural women

6. Any analysis on the enjoyment of the right to food of rural women must start with the acknowledgement of the principle of universality and interdependence of human rights. In addition to this legal imperative, empirical evidence shows that the realization of the right to food of rural women is intrinsically linked to a number of other human rights, among which are the rights to education, including vocational training, to health care, to water and sanitation, to decent work, to credit, livelihood, capital, technology, financial services, and other economic and social benefits and protection, to property, to equality before the law, to political representation and participation and the general prohibition on non-discrimination.

7. These rights also include the right to protection from disasters, right to resources for food production, right to housing and right to information.<sup>1</sup>

8. Rural women are women residing and/or directly working in the predominantly agricultural and coastal communities and forest areas; whether engaged in paid or unpaid, regular or seasonal, on-farm or off-farm activities, food preparation, managing the household, caring for the children and other similar activities, home-based and other environmental management and natural resources-based industries.<sup>2</sup>

9. The two key instruments in the analysis of the right to food of rural women are the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

10. First, article 11 of the Covenant provides explicit recognition of the right to food under its two dimensions, namely the right to adequate food as a component of the right to an adequate standard of living (art.11, para.1), and the right to be free from hunger (art.11, para. 2). Additionally, in the framework of international cooperation to achieve freedom from hunger, States need to adopt measures to improve not only the methods of production, conservation, distribution of food and reforming the agrarian systems, but also to ensure an equitable distribution of world food supplies in relation to need.

11. The protection of the right to food under article 11 of the Covenant is reinforced by its articles 2, paragraph 2, and 3 which provide for the prohibition of discrimination, including on the ground of sex, and for the equal enjoyment of the rights enshrined in the Covenant by women and men. The Committee on Economic, Social and Cultural Rights (CESCR) articulated in its general comment No. 12 on the right to adequate food that the measures adopted by Governments have to reflect a particular attention to the need to prevent discrimination in access to food or resources for food.<sup>3</sup>

12. In the words of this Committee, States need to ensure “guarantees of full and equal access to economic resources, particularly for women, including the right to inheritance and the ownership of the land and other property, credit, natural resources and appropriate technology; measures to respect and protect self-employment and work which provides a remuneration ensuring a decent living for wage earners and their families [...]; maintaining registries on rights in land (including forests)”<sup>4</sup>.

13. The Committee defines the right to food in the following terms: “the right to food is realized when every man, woman and child, alone or in community with others, has

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<sup>1</sup> Submission by the Philippines.

<sup>2</sup> Ibid.

<sup>3</sup> Committee on Economic, Social and Cultural Rights, general comment No. 12; see E/C.12/1999/5 of 12 May 1999

<sup>4</sup> Ibid., para 26.

physical and economic access at all times to adequate food or means for its procurement. The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients. The right to adequate food will have to be realized progressively. However, States have a core obligation to take the necessary action to mitigate and alleviate hunger... even in times of natural or other disasters”.<sup>5</sup>

14. This definition of the right to food is relevant for rural women in the following ways. Access to food ensures rural women’s physical and mental growth and development with a direct impact on their health condition. All resources to ensure food, including water, firewood, or livestock, need to be physically accessible for rural women. They also need to dispose of economic accessibility, individually and at household level. This means that rural women need to have the means for the acquisition of food through purchase, inheritance, production or work. Thus, they should be able to have access to income-generating sources, such as employment that ensure decent wages for decent living, credit or loans, property and inheritance rights; access to production services, such as land, tools, technology, seeds, education, or production certificates; and access to produced goods and their markets.

15. Specific State obligations in relation to the right to food exist at three levels, namely the obligation to respect, protect and fulfil the right to food. The obligation to *respect* the right to food requires States not to take actions that would impair the access to food of women, either by “arbitrarily taking away people’s right to food or by making it difficult for them to gain access to food”.<sup>6</sup> The obligation to *protect* requires State actions that prevent private actors from depriving women of their access to food.<sup>7</sup> The obligation to fulfil has two dimensions. The obligation to *fulfil (facilitate)* means that States have to take positive actions to strengthen women’s access and utilization of resources, and other means to ensure their livelihood, including food security.<sup>8</sup> In situations where women or groups are unable to provide by themselves for their right to food for reasons beyond their control, then the States are under the obligation to *fulfil (provide)* the right to food directly to those women or groups.<sup>9</sup>

16. All exclusions or restrictions suffered by rural women in their access to resources for ensuring their right to food constitute violations of the obligation to respect the right to food. By allowing practices within families that prevent rural women from accessing resources, States are failing to protect the right to food of this category of women. The absence of services permitting rural women to have access to and use resources to ensure their right to food, such as property and inheritance rights, employment or credit, underlines States’ failure to comply with their obligation to fulfil (facilitate) the right to food.

17. These concrete elements that are necessary to ensure the right to food of rural women are explicitly provided for in article 14 of the Convention on the Elimination of All Forms of Discrimination against Women Article 14, paragraph 1, reiterates that the scope of the rights prescribed by Convention is fully applicable to rural women, while article 14, paragraph 2, emphasizes the prohibition of discrimination against women in rural areas and the equal enjoyment by women and men alike of the right to participate and benefit from rural development. This article contains a list of particular rights that have to be ensured to rural women.

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<sup>5</sup> Ibid., para 7.

<sup>6</sup> J. Ziegler, C. Mahon, S.A. Way, *The Fight for the Right to Food. Lessons Learned*, Palgrave Macmillan, 2011, p. 19

<sup>7</sup> CESCR, general comment No. 12, para 15.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

18. Moreover, article 2(f) of the Convention is relevant for the condition of rural women as it requires States “to take all appropriate measures, including legislation, to modify or abolish existing laws, customs and practices which constitute discrimination against women”. Article 5(b) reinforces this obligation by providing that States must take “all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”.

19. The change of gender relations in the public sphere needs to be complemented by efforts in the private sphere. Article 15 of the Convention stresses that the legal capacity of women is identical to that of men and prescribes the right of women to conclude contracts and administer property. Article 16 (c) ensures the same right during marriage. Article 16 (h) expands on the ownership, acquisition, management, administration, enjoyment and disposition of property. Article 23(4) of the International Covenant on Civil and Political Rights (ICCPR) provides for States’ obligation to take steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution, and article 5(e) (vi) of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) provides for women’s right to inherit. Moreover, States undertook to “remove and prohibit all forms of discrimination related to tenure rights, including those resulting from change of marital status, lack of legal capacity, and lack of access to economic resources.”<sup>10</sup>

20. Further, the rights to health, education, water and sanitation, employment rights and social security benefits are all key to overcome exclusion of and discrimination against rural women. In light of Committee on Economic, Social and Cultural Rights general comment No. 15, water needs to be affordable for all. The Committee also emphasizes that poorer households should not be disproportionately burdened with water costs.<sup>11</sup> Article 28 (2)(a) of the Convention on the Rights of Persons with Disabilities provides for the equal access of persons with disabilities, in particular women and children with disabilities and older persons with disabilities, to social protection programs and poverty reduction programs. Article 25(c) of this Convention states that health-care services need to be located as close as possible to people’s own communities, including in rural areas.

21. Regarding children, under article 24 (2)(c) of the Convention on the Rights of the Child(CRC), States are bound to take measures to combat disease and malnutrition, including in the framework of primary healthcare, through the application of readily available technology, and the provision of adequate nutritious food and clean drinking water. Article 27, paragraph 3, of the Convention provides for States’ obligation to assist parents and others responsible for the care of the child, and in the case of need, to provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing. The right to education is devoted particular provisions in article 28 of the Convention.

22. Lastly, the Convention on the Rights of Migrant Workers and Members of Their Families provides entitlements for rural women to access education and vocation training as well as protection against the use of misleading information related to migration, trafficking, or unfavourable conditions of employment and remuneration.

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<sup>10</sup> Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, 11 May 2012, para 4.6.

<sup>11</sup> CESCR, general comment No. 15 on the right to water, para 27.

23. The integration of these elements into comprehensive legislative and policy instruments is necessary in order to achieve the full realization of the right to food of rural women. States may find guidance in the updated version of the United Nations Comprehensive Framework for Action to draw up food and nutrition security policies. States should be mindful that following such initiatives does not relieve them from the obligations undertaken under the human rights treaties and specifically those in relation to the right to food of rural women.

### III. Patterns of discrimination against rural women

24. A human rights approach requires the identification of vulnerable groups. The same human rights approach, however, recognizes that vulnerability is not a given attribute explainable by the sex of a person, but that vulnerability is a social construct.<sup>12</sup> More often than not, patterns of discrimination, de jure and de facto, stemming either from the action or inaction of the State or the family, are responsible for this vulnerability. The established fact that women across the world, and especially in Africa, Asia and South America, are more likely to go hungry than men finds its roots in patterns of discrimination.<sup>13</sup>

25. A number of treaty bodies and United Nations initiatives have joined the pioneer academics who have long advocated the need to take an intersectional approach to discrimination.<sup>14</sup> Kimberle Crenshaw's work has exposed the "single-axis framework" that has been dominant in anti-discrimination law, which in her example, blinded the analysis, since it excluded black women's experiences not as women, or as black, but as black women.<sup>15</sup> There is an increasing recognition today of the importance of addressing discrimination based on gender, race, socio-economic position, disability, age, not separately, but as a compound of any such two or more characteristics.<sup>16</sup>

26. The topic of the report compels the adoption of an intersectional approach since it involves two categories (rural–urban) and gender; combined these categories reveal experiences that are not necessarily shared by urban women, or by men in rural areas, but are discriminatory experiences specific to rural women. Moreover, the discrimination against the two particular groups on which the report focuses, i.e. female-headed households and temporary seasonal workers, can be fully grasped only in an intersectional framework.

<sup>12</sup> M. B. Anderson, "Understanding the disaster-development continuum", 2 Focus on Gender 1 (1994) 7-10; A.R. Quisumbing, "Male-female differences in agricultural productivity: Methodological issues and empirical evidence", 24 World Development 10, 1996.

<sup>13</sup> FAO, *The State of Food and Agriculture 2010-2011: Women in Agriculture. Closing the gender gap for development*, Rome, 2011; K. Hansen-Kuhn, *Women and Food Crises: How US Food Aid Policies Can Better Support their Struggles*, Discussion Paper, ActionAid USA.

<sup>14</sup> See for example CERD general recommendation No. 25 on gender-related dimensions of racial discrimination; see A/55/18, annex V; see also CEDAW Committee general recommendation No. 18 on disabled women; Beijing Declaration and Platform for Action, 1995, available at <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf> and in the Outcome document from the Special Session of the twenty-third special session of the General Assembly "Women 2000: gender, equality, development and peace for the twenty-first century".

<sup>15</sup> K. Crenshaw (1989) "Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics", University of Chicago Legal Forum, pp. 139-167, at 139 -140 and 149 ff.

<sup>16</sup> In its resolution 2002/50 of 23 April 2002 on the integration of the human rights of women throughout the United Nations system, the Commission on Human Rights states "the importance of examining the intersection of multiple forms of discrimination".

## A. Analysis of the patterns of discrimination

27. The patterns of discrimination will be analysed in relation to four dimensions as follows.

### 1. Access, control and ownership of land and water resources by rural women

28. The access, control and ownership of land and water resources by rural women are influenced by a number of factors related to the specificities of rurality.

#### (a) *Structure of communities and formal law in rural areas*

29. Rural areas are perceived as spaces with a low density of population separated by distance from urbanized areas, endowed with social traditions and cultures.<sup>17</sup> As holders and users of traditions and customs, rural residents may be more inclined to enforce these customs prior to formal law. Even in cases where domestic legislation provides for women's rights, the prevalence of certain customs may weaken the enjoyment of those rights.<sup>18</sup> For instance, a report from 2003 indicated that in Bangladesh, custom required that women and girls ate last, which also meant that they ate less than men and boys.<sup>19</sup> This situation was reflected in the higher rates of women and girls suffering of malnutrition and stunting.<sup>20</sup> In addition, children with disabilities are often exposed to similar treatment which contributes to higher child mortality rates for disabled children.<sup>21</sup>

30. The World Bank's *Gender in Agriculture Sourcebook* points out that formal law has a weaker enforcement power than customs and traditions in rural areas.<sup>22</sup> It is perceived that formal law answers predominantly to urban problems and provides for urban solutions.<sup>23</sup> The predominance of local sources of authority has consequences on the realization of women's rights in rural areas in the sense that it may deprive women of the capacity to claim their rights and to challenge those sources of authority.<sup>24</sup> As custom is a specificity of the rural environment, abolishing customs may not necessarily result in an enhanced co-habitation of gender equality with cultural traditions.<sup>25</sup> The economic empowerment of women may only happen through a change in the gender relations at all levels and institutions, including the household and with the active participation and representation of women.<sup>26</sup>

<sup>17</sup> L.R. Pruitt, (2008) "Gender, geography and rural justice", 23 *Berkeley Journal of Gender Law and Justice* 2008, pp.4-7.

<sup>18</sup> M. R. Vargas, L.R. Pruitt (2012) "CEDAW and rural development: Empowering women with law from the top down, activism from bottom up", 41 *University of Baltimore Law Review*, p. 278.

<sup>19</sup> Report of the Special Rapporteur on the right to food (A/58/330), 28 August 2003, para 20.

<sup>20</sup> Ibid.

<sup>21</sup> V.J. Bolt, K. Bird, *The Intra-household Disadvantages Framework: A Framework for the Analysis of Intra-household Difference and Inequality*, Chronic Poverty Research Centre Working Paper No. 32, 2003, p. 22.

<sup>22</sup> World Bank, *Gender in Agriculture Sourcebook*, 2009, p. 127.

<sup>23</sup> Commission on the Status of Women (CSW), report of the Secretary-General, *The empowerment of rural women and their role in poverty and hunger eradication, development and challenges* (E/CN.6/2012/3), 9 December 2011, para 30.

<sup>24</sup> World Bank, *Gender in Agriculture Sourcebook*, p. 130.

<sup>25</sup> Report of the Special Rapporteur on the right to food (A/58/330), para 23.

<sup>26</sup> UN-Women, FAO, IFAD, WFP, Expert Group Meeting, *Enabling rural women's economic empowerment: institutions, opportunities and participation*, submission by Catherine Hill, EGM/RW/2011/BP.1, September 2011, p. 11.

(b) *Patriarchy and polygamy as obstacles faced by women in accessing land*

31. The analysis of the access to resources by rural women needs to take into consideration the composition of the household, whether nuclear or joint family systems, as in the case of polygamous or extended households.

32. In polygamous households, there may be inequalities in the distribution of resources among wives. Unfavoured wives and their children may suffer severe forms of discrimination resulting in heavier domestic workloads and poorer access to education matched with poorer access to nutrition and health care.<sup>27</sup> Additionally, in the polygamous households, the succession to the male head of household fragments land parcels and titles.<sup>28</sup>

33. Single women in extended family households may also face higher degrees of poverty and lack of access to resources, including land even though the household may otherwise have a good livelihood security.<sup>29</sup> Studies in Latin America indicate that irrespective of household headship, more women are living below the poverty line, which is mainly due to the exclusion of women from lucrative work force.<sup>30</sup>

(c) *Nature of the rights recognized to women in respect of land*

34. Concern arises in cases where women have access to land and resources based not on property or ownership rights, but on user rights, while control rests with the senior men in the community. In the absence of relevant assets, women may also lack decision-making powers in the household and the community.<sup>31</sup> As a direct consequence, women also own fewer and smaller animals. Women have the care of the animals and of the trade of the resulting products, while the decisions on the income and expenses belong to the male-head of household.<sup>32</sup> The lack of land-ownership rights also impacts the possibility of women to access credit. With no stable income, women have difficulties in nourishing their children.<sup>33</sup>

35. Certain customs recognize women's ownership rights but only in community with the male head of household, with his approval, or signature. For instance, in Indonesia, although land is co-owned by spouses, it is often registered only on the name of the male head of the household. This situation is mainly due to the fact that authorities and communities do not adequately involve women in the land-registration process. Moreover, often women lack information concerning the options for land registration.<sup>34</sup>

36. Even in cases where women can register land in their name, the enjoyment of the property rights may be set back by the lack of alignment of the marriage legislation with the norms on land registration. Under certain customs, land is not transferrable from one village to another. As a consequence, women who marry men from other villages than their own

<sup>27</sup> V.J. Bolt, K. Bird, see note 21 above, p. 16.

<sup>28</sup> L. Pruitt (2009) "Migration, development, and the promises of CEDAW for rural women", 30 *Michigan Journal of International Law*, p. 739.

<sup>29</sup> R. Holmes, N. Jones, "Putting the social back into social protection. A framework for understanding the linkages between economic and social risks for poverty reduction", Background note, Overseas Development Institute, 2009, p. 6.

<sup>30</sup> Ibid.

<sup>31</sup> UN-Women, *Enabling rural women's economic empowerment*, p. 11.

<sup>32</sup> CSW, *The empowerment of rural women*, para 25.

<sup>33</sup> OECD, *Gender Inequality and the MDGs: what are the missing dimensions?*, September 2010.

<sup>34</sup> J. Brown (2003) "Rural women's land rights in Java, Indonesia: strengthened by family law, but weakened by land registration", 12 *Pacific Rim Law and Policy Journal*, pp. 643-646.

may have to relinquish their lot of land or pay a fine.<sup>35</sup> In addition to the proof of registration of the land, ownership is also tested against conclusive evidence. This test frustrates women's exercise of ownership rights because, despite the formal recognition, the decision-making and control of land usually rests with the man head of household.<sup>36</sup> Although titling individualizes the right to land, it also has the negative effect of excluding those rural residents who previously had user land rights through customary law.

(d) *Responses to current demands*

37. The Special Rapporteur on the right to food pointed out that the privatization of local markets where women sell their produce as a modality to increase the income of their households, together with the pursuit of land by private actors and the current emphasis on biofuels, may endanger women's food security and livelihoods.<sup>37</sup> These factors may also hinder communities' access to water resources, and to land for the production of food.<sup>38</sup> For instance, the emphasis on biofuels reverses the use of agricultural land for food production with the production of maize or sugarcane as biofuels.<sup>39</sup>

38. This is particularly problematic for women belonging to indigenous communities for whom the environment and the land are not commodities, but elements with a strong cultural value. In addition, many of the traditional occupations, such as handicrafts, hunting or fishing are dependent on access to land and resources.<sup>40</sup>

## 2. Insufficient or discriminatory access to credit, to production materials, to markets and to work

39. Frequently, practical factors, such as limited financial skills, time, mobility, transport services, lack of control over collateral goods (land or livestock) that could serve as guarantees as well as institutional practices blended with socioeconomic and cultural barriers may further obstruct rural women's access to other sources of income.<sup>41</sup>

(a) *Financial services*

40. It has been observed that most rural financial programmes have been designed for male heads of households as clients, thus omitting to recognize women as productive agents having their own financial needs and constraints.<sup>42</sup> The confinement of women in the private space in certain countries limits their participation in agricultural or financial training and their ability to benefit from working with extension agents, or veterinarians.<sup>43</sup>

41. The gender gap in access to information, low levels of literacy and lack of exposure to languages other than the one used at home may add further limitations to women's understanding of financial programmes.

<sup>35</sup> M.H. Nguyen "Rural women's property rights in Vietnam: weakened by macroeconomic reforms" (2006), 13 *New England Journal of International and Comparative Law*, p. 132.

<sup>36</sup> J. Brown, see note 34 above, p. 643.

<sup>37</sup> Report of the Special Rapporteur on the right to food (A/65/281), 11 August 2010.

<sup>38</sup> Ibid..

<sup>39</sup> UN-Women, FAO, IFAD, WFP, Report of the Expert Group Meeting, *Enabling rural women's economic empowerment: institutions, opportunities and participation*, EGM/RW/2011/Report, September 2011, para 38.

<sup>40</sup> CSW, *The empowerment of rural women*, para 11.

<sup>41</sup> Ibid., para. 31.

<sup>42</sup> FAO, D. Fletschner, L. Kenney, *Rural women's access to financial services. Credit, savings and insurance*, ESA Working Paper No.11-07, March 2011, p. 2.

<sup>43</sup> Ibid., p. 4.

42. Due to the strong relationships among rural residents, studies show that each woman's economic opportunities are shaped not only by her own financial resources but also by the ability of other women to obtain the capital they need.<sup>44</sup>

43. Research indicates that women prefer programmes that help them build savings, insure against risks, and borrow without the risk of losing their assets. However, financial institutions often rely on biased practices that do not offer women tailored financial products. Institutions may not fund activities run by women, may not accept women guarantors, or may grant smaller loans to women than to men for similar activities.<sup>45</sup>

44. In addition, among financial institutions there is also the assumption that women may rely on the male-head of household to obtain the funds they need. This assumption does not take into consideration the different models for composition of families, such as the polygamous households<sup>46</sup> or family dynamics that may be harmful for women and result in domestic violence.

45. For this reason, it is not sufficient to design financial programmes addressing poor households, but it is important to make women direct beneficiaries. This would have the effect of strengthening the position of women in the household, and enhance their control over resources and decision-making capacity. Thus, financial services can improve rural women's condition if they address the constraints of rural women and if they enhance women's productive capacity<sup>47</sup> with a focus on the creation of women's cooperatives and self-help groups.

(b) *Employment*

46. In rural areas, there is a clearly gendered division of labour. Rural women are more likely to be involved in informal work, which is usually part-time, seasonal and low-paying. They also suffer de facto discrimination in comparison with their female peers from urban areas, and enjoy no rights as pregnant women or mothers. Additionally, rural women rarely have work contracts and they constantly fear dismissal. Overtime work, sexual harassment, verbal and physical abuse combined with unsafe working conditions due to exposure to hazardous pesticides and other substances characterize rural women's employment conditions.<sup>48</sup>

47. Opportunities for women's off-farm employment may be scarce. Moreover, the employment of rural women in non-farm related jobs reduces their dependency on agriculture and provides them the assets to cope with economic or environmental shocks.<sup>49</sup> Income security is internally linked with social security benefits, access to essential services, education, and labour market participation. In the absence of a stable income, rural women cannot access these social benefits schemes.

(c) *Markets*

48. The markets represent a social space that connect the rural and the urban areas. They provide income and support products for rural households, food resources needed by the

<sup>44</sup> Ibid., p. 5.

<sup>45</sup> Ibid., p. 6.

<sup>46</sup> Ibid., p. 7.

<sup>47</sup> Ibid., p. 12.

<sup>48</sup> UN Women, *Enabling rural women's economic empowerment*, p. 16.

<sup>49</sup> Id., p. 13.

urban residents and taxes for local administrations. Markets must be accessible for women both as vendors and as consumers.

49. The vast majority of market vendors are women. In countries in the Pacific region, 80-90 per cent of market vendors are women. Market spaces do not offer vendors access to sanitation services or cooking facilities despite paying market day fees. For those women who travel long distances and spend several days at the market site, most of the times they lack accommodation. These conditions increase the risk of women falling victims to harassment, extortion, sexual violence or ill-health. Pregnant and nursing women are also market vendors.<sup>50</sup>

50. Where women have limited access to travel to urban or peri-urban markets, they would commonly use the local markets to sell their produce. The privatization of such markets may, thus, restrict women's access to local markets.

51. As consumers, rural women may face higher prices for urban products because of distance, fuel costs and poor infrastructure. Therefore, rural women are more frequently faced with higher prices for consumer goods, and lower prices for produce goods.<sup>51</sup>

52. According to WTO, the openness of markets contributes to the economic empowerment of rural women.<sup>52</sup> Nevertheless, in order to ensure the presence of rural women and their products on the market, they need to have their resources protected, such as land, and producer status regulated.

### **3. Discrimination or lack of access to education, health care, sanitation, social security, and the link of the latter with political participation and fair representation of rural women**

53. The registration of girls at school is only a first step to ensuring gender equality in access to education. Several factors undermine the quality of education of girl children in rural areas. First, the classes attended by girls maintain the traditional roles assigned to girls and women.<sup>53</sup> Second, the early marriage of girls confines their perspectives to the traditional role of women and limits their access to education.<sup>54</sup> Third, the withdrawal of girls from school is an adjustment method to economic or environmental shocks in the absence of other resources to alleviate the coping process. Moreover, rural residents also lack access to and knowledge about information and computer based technologies. The United Nations report on the progress made in achieving the Millennium Development Goals points out that very slow progress has been made to overcome the challenges in the axis poverty-malnutrition-limited access to education.<sup>55</sup>

54. While accessibility to healthcare services is at risk for both women and men, rural women may face additional restrictions in terms of mobility, lack of access to or means for transport despite their increased need for family planning and childbirth assistance. Having difficulties to access health workers, rural women rely on traditional knowledge and medicinal plants together with native food varieties and practices for their sustenance and health care.<sup>56</sup>

<sup>50</sup> UN-Women, *Safer spaces and better markets in the Pacific islands*, 27 April 2012.

<sup>51</sup> UN-Women, *Enabling rural women's economic empowerment*, p. 22.

<sup>52</sup> Submission by WTO.

<sup>53</sup> CEDAW, concluding observations, Uzbekistan (CEDAW/C/UZB/CO/4), 2010, para 31.

<sup>54</sup> UN-Women, *Enabling rural women's economic empowerment*, p. 11.

<sup>55</sup> UN Millennium Development Goals Report, 2011.

<sup>56</sup> CSW, *The empowerment of rural women*, para. 10.

55. The other dimension of malnutrition is represented by overweight and obesity which affect populations of both developing and developed countries.<sup>57</sup> To address the problems posed by overweight, the Greek government compiled and disseminated guidelines informing the population, including in rural areas on the need to follow healthy and sustainable diets.<sup>58</sup>

56. Additionally, access to adequate nutrition is essential for pregnant and breastfeeding mothers living with HIV. These women require 20-30 per cent supplementary caloric energy compared to the dietary needs of women not living with HIV. Thus, lack of food security for persons living with HIV deteriorates their condition. The countries whose population suffers most of hunger, according to the Global Hunger Index, largely correspond to the countries with the highest rate of HIV prevalence according to the 2010 UNAIDS Report on the Global AIDS Epidemic. HIV treatment may require up to half of a household's annual income leaving numerous families living in poverty.<sup>59</sup>

57. A report of UN-Women indicates that in rural villages in Cambodia, women diagnosed with HIV know very little about the treatment and have difficulties in accessing information about their rights. Discrimination from the local communities further isolates these women. As many women are infected by their husbands, they become widows or have to care for a sick spouse while unwell themselves.<sup>60</sup>

58. Rural women's limited access to education has negatively impacted on their capacity to organize.<sup>61</sup> Moreover, although rural residents may be able to organize within a village, distances, lack of infrastructure or the costs of transport as well as the social norms informing relationships among villages contribute to difficulties in organizing across villages.<sup>62</sup> For this reason, the provision of the CEDAW Convention regarding the organization of women's self-groups and cooperatives is one of the essential factors to achieve the empowerment of rural women. In Cuba, rural women formed a national association for smallholder agriculture. Members of this association have taken training on gender equality in programming for agricultural development.<sup>63</sup>

#### 4. The gendered role of women in society and the family

59. Rural women do not form a homogenous group. Their roles and needs vary culturally and geographically. The common thread is that most rural women are unpaid family workers or self-employed in low-paying sale of products in local markets. They have limited time and opportunities to become involved in the remunerated labour market. Rural women are also viewed as "helpers" of the male-head of household in Guatemala<sup>64</sup> or "farmers' wives" in Sri Lanka.<sup>65</sup> Due to the lack of remuneration or the low pay, women's work is perceived as being less valuable.<sup>66</sup>

<sup>57</sup> Report of the Special Rapporteur on the right to food ( A/HRC/19/59), 26 December 2011, para 9.

<sup>58</sup> Submission by Greece.

<sup>59</sup> Submission by Caritas Internationalis.

<sup>60</sup> UN-Women, *Building skills, finding voices : HIV-positive women in Cambodia*, 5 April 2012.

<sup>61</sup> Submission by Colombia.

<sup>62</sup> M. R. Vargas, L.R. Pruitt, see note 18 above, p. 279.

<sup>63</sup> Submission by Cuba.

<sup>64</sup> Labour Code of Guatemala, article 139.

<sup>65</sup> FAO, *Rural women and food security in Asia and Pacific: Prospects and Paradoxes*, 2005, p. 22.

<sup>66</sup> Report of the Special Rapporteur on the right to food (A/58/330), para 21.

60. Rural women carry a heavy double burden.<sup>67</sup> In times when there is a high demand for agricultural labour, children dependent on women's and girls' care may suffer from malnutrition. Women and girls also care for the sick adults, orphans, or the elderly.<sup>68</sup> Rural women cultivate food crops, manage livestock, grow vegetables in home gardens, fish and harvest from the forest. Regarding livestock, men are largely responsible for the purchase, sale or pawning of large animals, while women control small animals.<sup>69</sup>

61. Problems with rural women's work arise from the fact that agricultural work is not placed in the framework of decent work as stated in the ICESCR Covenant and does not conform to the labour rights and standards promoted in the ILO conventions. The lack of access to decent work is a major cause of poverty, especially in the case of women in the rural areas. Being denied property and inheritance rights, with limited capacity to engage in contracts and trade, and little availability of resources to be exchanged, work and the capacity to produce goods remain the main asset rural women have to support themselves and their families and households.<sup>70</sup> Although being the main asset, the agricultural work of women is not yet conducive of economic empowerment because of its lack of recognition in institutional and legislative frameworks.

62. The agricultural roles of women have changed as a consequence of migration.<sup>71</sup> The out-migration of men may augment rural women's workload. Women who migrated and who built households in the urban areas maintain the perception that they belong to larger families in the rural areas and often send back remittances.<sup>72</sup>

63. Cultural norms, gender roles and financial restrictions are reasons why rural women tend to migrate shorter distances for informal and seasonal employment.<sup>73</sup> The types of jobs they would carry out are found in the sectors of domestic work, nursing, as sex workers, employees in export-oriented garment factories in urban areas and non-traditional export agriculture. Regarding the quality of jobs in terms of human rights protections, there is a marked absence of freedom of association and collective bargaining which are often associated with forced labour, discrimination and harassment.<sup>74</sup>

## **B. The cases of female-headed households and temporary and seasonal workers**

64. The discriminatory patterns which may affect female-headed households and temporary and seasonal workers will be examined below.

### **1. Female-headed households**

65. Female-headed households vary in structure. They can be female maintained households, female-led, mother-centred, lone-mother or male-absent households. As to composition, this type of households may include single parents living alone with children,

<sup>67</sup> CSW, *The empowerment of rural women*, para 6.

<sup>68</sup> *Ibid.*, para 8.

<sup>69</sup> World Bank, *Gender in Agriculture Sourcebook*, 2008, p. 137.

<sup>70</sup> UN-Women, *Enabling rural women's economic empowerment*, p.11.

<sup>71</sup> *Ibid.*, p. 7.

<sup>72</sup> K. Datta, C. McIlwaine (2000) "Empowered leaders? Perspectives on women heading households in Latin America and Southern Africa", 8 *Gender and Development*, p. 45.

<sup>73</sup> Submission by IOM.

<sup>74</sup> UN-Women, *Enabling rural women's economic empowerment*, p. 15.

or grandmother-headed households.<sup>75</sup> Several factors contribute to the formation of female-headed households, such as age differences between male and female at marriage, gender differentiated life-expectancy, land and property ownership, family and divorce legislation<sup>76</sup> as well as male and female infidelity, male alcohol abuse, intra-family violence, migration, armed conflicts, or rape taking place during such conflicts leaving girls and women rejected by their families.<sup>77</sup> Moreover, historical, demographic and socio-economic factors have also influenced the formation of women-headed households. For instance in Kenya, colonial powers outsourced male labourers from colonial villages for European plantations and estates. The development of infrastructure in the colonies and military conscription also demanded the migration of men out of their households.<sup>78</sup>

66. Based on women headship, two categories of households are known. De jure female-headed households establish women as the legal and customary heads and the absence of a male partner on a permanent basis. This category includes households headed by widows, unmarried, separated, or divorced women. De facto female-headed households refer to either the situation where the reported head of the household is the woman whose husband is also present, or where the reported head is the woman in the absence of the husband.

67. These definitions also suppose limitations. The definitions assume that the husband is the main breadwinner and head of household. The definitions of women-headed households are based on the absence of a male partner, either temporarily as in the case of de facto women-headed households, or on a permanent basis as in the case of de jure women-headed households. These distinctions fail to take into consideration functions such as provision and management of resources that distinguish heads of households irrespective of gender,<sup>79</sup> and the composition of households. In joint family systems where several generations live together or in households where the husband's kinship assumes the control of resources in his absence, it is more difficult to establish the actual household headship.

68. Widow heads of household are identified as particularly vulnerable to poverty.<sup>80</sup> They have fewer productive assets, less savings and they are less likely to have pension income for which reason they depend on the support of their sons.<sup>81</sup> Single mothers tend to bear the responsibility of caring for the family dependants which severely diminishes their income. Although unmarried mothers in Peru live in precarious conditions due to unequal power relations and resource allocation within the household, these women have been excluded from cash transfer programmes because the overall economic condition of the household the women belonged to exceeded the income threshold.<sup>82</sup> To tackle the question of polygamous households, in Kenya the Hunger Safety Net Program provided transfers to female-headed sub-units of male-headed polygamous households. However, the question of how the resources are managed in practice is under-researched.<sup>83</sup> Remittances sent by the

<sup>75</sup> K. Datta, C. McIlwaine, see note 73 above, p. 40.

<sup>76</sup> S. Chant, "Households, gender and rural-urban migration: reflections on linkages and considerations for policy" (1998), 10 *Environment and Urbanization*, p. 15.

<sup>77</sup> K. Datta, C. McIlwaine, see note 73 above, p. 42.

<sup>78</sup> M.H. Clark, "Woman-headed households and poverty: insights from Kenya" (1984), 10 *Chicago Journals*, pp. 341-342.

<sup>79</sup> Ibid.

<sup>80</sup> World Bank, "Engendering development: through gender equality in rights, resources and voice", 2001.

<sup>81</sup> S. Klasen, T. Lechtenfeld, F. Povel, *What About the Women? Female Headship, Poverty and Vulnerability in Thailand and Vietnam*, 2011, p. 7.

<sup>82</sup> R. Holmes, N. Jones, see note 29 above, p. 6.

<sup>83</sup> Ibid.

absent husband support female-headed households. They are used for household needs, such as food, clothing, children's needs, school attendance, medicines, construction or agricultural input.<sup>84</sup> Remittances would also need to be used for local investment schemes, training and financial literacy programs in order to increase the households' food security and contribute to rural development.<sup>85</sup>

69. This indicates that female-headed households have a higher rate of dependency than households headed by men.<sup>86</sup>

70. When determining the costs of household maintenance, the calculus should not only focus on the number of dependants, but it should also take into consideration small economies of scale as larger households may produce more goods at lower costs.<sup>87</sup> In addition, studies comparing the economic condition of female-headed households with that of male-headed households disregard the investigation of the relative welfare of women in male-headed households and conversely, of men in female-headed households.<sup>88</sup>

71. While rural women are more numerous than men among the population living in poverty, this may, in turn, not always lead to the situation that female-headed households are poorer than male-headed households. A study conducted by FAO in 20 countries indicates that the condition of poverty of rural women is passed on to the household.<sup>89</sup> Further research indicates that results depend on a number of factors, such as the domestic context, the type of female-headed household, the choice and use of equivalence scales and the consideration for the economies of scale.<sup>90</sup>

72. Nevertheless, the factors that determine women's precarious condition contribute to their vulnerability to poverty because women lack the means to cope with risks.<sup>91</sup> The poverty status of households usually varies over time. However, there are also situations where the status of poverty of certain households is permanent.<sup>92</sup>

73. The Committee on the Rights of the Child recommended that female-headed households be ensured adequate availability and accessibility to welfare programs, alternative care facilities and early child-care services.<sup>93</sup> The standard of living of female-headed households can be improved by allowing women access to employment, housing, food, potable water, sanitary services and electricity.<sup>94</sup> Zero-hunger programmes can contribute to the reduction of poverty and hunger among such households provided that human rights principles of non-discrimination, transparency, participation and

<sup>84</sup> CSW, *The empowerment of rural women*, para. 8.

<sup>85</sup> Submission by the IOM.

<sup>86</sup> S. Chant, see note 76 above, p. 14.

<sup>87</sup> S. Klasen, T. Lechtenfeld, F. Povel, see note 81 above, p. 7.

<sup>88</sup> World Bank, *Engendering Development: Through Gender Equality in Rights, Resources and Voice*, 2001.

<sup>89</sup> FAO, *The state of food insecurity in the world*, 2010, pp. 2223.

<sup>90</sup> S. Klasen, T. Lechtenfeld, F. Povel, see note 81 above, p. 6; S. Chant (2003) *Female Household Headship and the Feminization of Poverty: Facts, Fictions and Forward Strategies*, New Working Paper Series 9, London School of Economics, Gender Institute.

<sup>91</sup> *Ibid.*, p. 9.

<sup>92</sup> Chronic Poverty Research Centre, *The Chronic Poverty Report 2004/05*, Institute for Development Policy and Management, University of Manchester.

<sup>93</sup> Committee on the Rights of the Child, concluding observations, Palau (CRC/C/15/Add.149), 2001, para. 38.

<sup>94</sup> Committee on the Rights of the Child, concluding observations, Nicaragua (CRC/C/NIC/CO/4), 2010, para 69; concluding observations, Zambia (CRC/C/15/Add.206), 2003, para. 55; Trinidad and Tobago (CRC/C/TTO/CO/2), 2006, para 58; report of the Representative of the Secretary-General on the human rights of internally displaced persons, visit to Iraq (A/HRC/16/43/Add.1), 2011, para 70.

accountability are integrated.<sup>95</sup> For female-heads of households who are employed, extended maternity leaves, counselling, financial support should be provided.<sup>96</sup> In addition, stigmatization and discrimination against single mothers must be addressed.<sup>97</sup> Rural communities may view divorced or separated women as deviant and deny their rights.<sup>98</sup> This means that female-headed households lack the support of both the State and the community.

74. In respect of female-headed households which are displaced, access to public specialized facilities, such as social housing should be made available in areas from which they fled or in the areas where they currently reside<sup>99</sup> until durable solutions to the question of landlessness are implemented.<sup>100</sup>

75. The Special Rapporteur on violence against women, its causes and consequences, recommends support schemes for female-headed households through the allocation of funds for vocational training, adult literacy, credit plans, creation of incentives for their employment, and assistance with health care and subsidies for housing.<sup>101</sup>

## 2. Temporary or seasonal workers

76. Rural women may need to take up temporary work, often depending on the season, otherwise they remain unemployed or underemployed for long periods of time.<sup>102</sup> In the view of the IOM, women's decision to migrate, while based on reasons related to food security, escaping traditional gender roles, unsatisfying family relationships, gender-based violence and discrimination, covers an increasing urban demand for domestic workers, health, child and elderly care, agriculture, garment and entertainment industries.<sup>103</sup> Due to their low level of qualifications and skills, rural women can only opt for low-skilled employment in the above sectors.

77. Temporary and seasonal workers are in many countries ineligible for paid parental leave.<sup>104</sup> In New Zealand, rural women together with Maori, Pacific, and other minority women face difficulties in accessing child care and parental leave.

78. Social security systems based on individual contributions do not provide adequate social security for women involved in informal employment, or who are unable to contribute sufficiently to the system, such as seasonal or temporary workers.<sup>105</sup> Rural women employed in the garment sector in the Lao People's Democratic Republic represent

<sup>95</sup> Special Rapporteur on the right to food (A/HRC/13/33/Add.5), para 83(f).

<sup>96</sup> Committee on the Rights of the Child, concluding observations, Uruguay, (CRC/C/URY/CO/2), 2007, para 39.

<sup>97</sup> Committee on the Rights of the Child, concluding observations, Tunisia (CRC/C(TUN/CO/3), 2010, para 44.

<sup>98</sup> UN-Women, FAO, IFAD, WFP, Report of the Expert Group Meeting, *Enabling rural women's economic empowerment: institutions, opportunities and participation* (EGM/RW/2011/Report), September 2011, para 37. See also: K. Datta, C. McIlwaine, *supra* 73, p. 41.

<sup>99</sup> Report of the Representative to the Secretary-General on the human rights of internally displaced persons, mission to Croatia (E/CN.4/2006/71/Add.3), 2005, p. 2.

<sup>100</sup> Report of the Representative to the Secretary-General on the human rights of internally displaced persons, mission to Sri Lanka (A/HRC/8/6/Add.4), 2008, para 85.

<sup>101</sup> Report of the Special Rapporteur on violence against women, mission to Mexico (E/CN.4/2006/61/Add.4), 2006, para. 69(c)(v).

<sup>102</sup> FAO, IFAD, ILO, (2010) *Gender Dimensions of Agricultural and Rural Employment: Differentiated Pathways out of Poverty, Status, Trends and Gaps*, Rome.

<sup>103</sup> Submission by IOM.

<sup>104</sup> CEDAW, concluding observations, New Zealand (CEDAW/C/NZL/CO/6), 2007, para. 36.

<sup>105</sup> CESCR, concluding observations, Chile (E/C.12/1/Add.105), 2004, para. 20.

80 per cent of the workers and they face poor working conditions and discrimination. Women in Lao are more likely to be involved in temporary and seasonal employment which provides little job security.<sup>106</sup>

79. In Spain, the intensive farming of strawberries relies almost entirely on a seasonal workforce. The recruitment of workers takes place in the country of origin and it is based on criteria such as marital status, motherhood and commitment to return at the end of the contract. The Spanish legal framework offers very little protection to seasonal workers. Days not worked are not paid and union representation of these workers is almost impossible. This situation exposes women to discriminatory recruitment practices and disrespect for labour rights while maintaining them in the host country in a condition of dependency on their employers, which increases the risks of abuse.<sup>107</sup>

80. Climate change and disasters may also constitute factors inducing migration. These factors may aggravate social problems and augment the pressure on gender roles and status of women.<sup>108</sup>

#### **IV. Strategies and policies for the legal protection of rural women**

81. All strategies and policies need to recognize at the outset that:

(a) Rural women and men have specific requirements in carrying out their livelihoods, roles and responsibilities;

(b) Participatory processes involving equally rural women and men are required in the design of all projects;

(c) Rural women are productive agents and active actors in rural development, agriculture, local and national economies, and contributors to food security and social wellbeing; and

(d) Rural women are a diverse group by age, religion, ethnicity, socio-economic status, marital status, or geographic residence.

82. The primary consideration for increasing the protection of women through strategies and policies which promote de jure and de facto equality is of a legal nature, flowing from states' human rights obligations under international law. There is a legal imperative to treat rural women as equal to rural men, to women and men in general. This requires that States acknowledge the multiple patterns of discrimination faced by rural women and that targeted action be undertaken.

83. In parallel to the legal obligations, research attests that addressing inequality between men and women in access to productive resources is beneficial for economic growth and development. A 2011 study by FAO suggests that if rural women had equal access with men to productive resources, they could increase yields on their farms by 20-30 per cent, thereby reducing the toll of people going hungry by 100-150 million. Women would thus contribute to both food security and economic growth.<sup>109</sup>

<sup>106</sup> CEDAW, concluding observations, Lao People's Democratic Republic (CEDAW/C/LAO/CO/7), 2009, para 35.

<sup>107</sup> Submission by the International Federation for Human Rights.

<sup>108</sup> Submission by IOM.

<sup>109</sup> FAO, *The State of Food and Agriculture 2010-2011: Women in Agriculture. Closing the gender gap for development*, Rome, 2011. See also FAO, *Gender equality*, available at

84. Strategies and policies for the protection of rural women should be directed towards:

(a) Ratification of international-law instruments which have been referred to in part II of the Study to offer protection to the rights of women in rural areas and/or the elimination of reservations made thereon;

(b) The transposition of international law provisions addressing the rights of women in rural areas into national legislation. This may require reform of existing laws but also the passing of new legislation. Both should address traditions or social customs, the effect of which is discriminatory against rural women, including through affirmative action policies;

(c) Adequate international cooperation and foreign aid policies for rural women. Currently this is happening only marginally. For instance, OECD estimates show that in recent years only 5 per cent of aid directed to the agricultural sector specifically focused on gender equality.<sup>110</sup> Moreover, in the context of an increasingly liberalized trade in agricultural products, governmental strategies and policies should be designed to specifically protect women's access to food from adverse effects of liberalization, and to enhance their capacity and entitlement to purchase food;

(d) Economic policies that ensure decent work and employment for rural women, including temporary and seasonal workers, in both formal and informal economy. These policies should provide decent wages, food and nutrition security, improved living conditions, social protection, collective bargaining, and freedom of association. Non-agriculture employment opportunities may be developed in the rural infrastructure, health, education, and finance sectors as well as in insurance services, rural industry or shops.<sup>111</sup> In addition, the opening of such opportunities needs to be complemented by social protection mechanisms, including child-care facilities, health insurance and pensions in order to alleviate women's household work and allow them to take up employment;<sup>112</sup>

(e) Equal access to and control of land and other rural productive resources. National laws and policies have to guarantee women's right to land and property rights. Legislation needs to promote changes, including in customary law, provide for the registration of land in women's names, and the consent of spouses for the modification of the land rights. National instruments also need to recognize and support women in processes of adaptation and mitigation of climate change and disaster risk reduction by protecting resources of water, food, energy, livelihoods and health;

(f) The establishment of financial services responsive to women's needs and concerns, and which address women as direct beneficiaries. Safety-net mechanisms and the set up of emergency food reserves may constitute strategies to address the non-fulfilment of rural women's food security and nutrition needs due to high prices of commodities.<sup>113</sup> Support to smallholder farmers contributes to food security and benefits rural residents with low incomes.<sup>114</sup> Encouragement of bank loans in women's names facilitates their direct access to financial resources and enhances the visibility of their specific needs as financial

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<http://www.fao.org/docrep/014/am859e/am859e10.pdf>

<sup>110</sup> OECD, *The Development Co-operation Report*, 2011.

<sup>111</sup> UN-Women, *Enabling rural women's economic empowerment*, p. 12.

<sup>112</sup> Submission by Colombia.

<sup>113</sup> CSW, *The empowerment of rural women*, para. 18.

<sup>114</sup> *Ibid.*, para 19.

actors. Furthermore, this also contributes to the financial security of women, creates further ties within the household, and reduces the rates of divorce and abandonment of women;<sup>115</sup>

(g) Ensuring women's representation, participation in decision-making and freedom of association;

(h) The promotion of technologies designed to meet women's needs, which can increase productivity and shorten physically demanding labor, therefore helping relieve women in their heavy burdens.<sup>116</sup> Access to and information concerning fertilizers, pesticides, seeds, vaccination for the livestock, and technology which is appropriate to the needs and activities performed by women, but also to the requirements of their physical capacity and use needs to be provided to rural women.<sup>117</sup> Policy makers need to acknowledge that rural women's knowledge, needs, interests and constraints in developing crop varieties, or breeding livestock differ from those of men. Alternative sources of cooking fuels shorten preparation, increase storage time of foods and decrease the need for daily firewood collection. In addition, reducing the use of cook stoves alimeted by firewood is an important aspect for the improvement of women's health condition as cook stove smoke contributes to chronic illnesses and adverse health effects, such as early childhood pneumonia, emphysema or lung cancer;<sup>118</sup>

(i) Monitoring and evaluation. Data needs to be collected regarding the distribution of resources within the household taking into account its decision-making structure and composition.

## V. Best practices

### *Legislation*

85. Rwanda reformed its legislation concerning inheritance and land tenure with pronounced protection for gender equality. The enactment of these new legislative acts was supported by the participation of women in local government following the constitutional provision that at least 30 per cent of all decision-making representatives must be women.<sup>119</sup>

### *Political commitments*

86. At regional level, the African Union Declaration on Food Security in Africa (2003) contains the commitment of African States to allocate a minimum of 10 per cent of their national budgets to agricultural development.<sup>120</sup>

87. MenEngage Alliance is a global alliance of NGOs and United Nations agencies that encourages men's and boys' participation to achieve gender equality.

<sup>115</sup> Ibid., para 32.

<sup>116</sup> T. Paris et al, "Assessing the impact of participatory research in rice breeding on women farmers: a case study in eastern Uttar Pradesh, India", 44 *Experimental Agriculture* 1, 2008, 92-112; T. Paris and T.T. Chi, "The impact of row seeder technology on women labor: a case study in the Mekong Delta, Vietnam", 9 *Gender, Technology and Development* 2, 2005, 158-183.

<sup>117</sup> Submission by the International Organization for Migration.

<sup>118</sup> UN-Women, "Green cook stoves improving women's lives in Ghana", 25 April 2012.

<sup>119</sup> Ibid., p. 17.

<sup>120</sup> CSW, *The empowerment of rural women*, para. 20.

*Household improvements*

88. An organization of women farmers in Nepal established a local facility for the storage of approximately 80 varieties of rice. In India, the National Human Rights Commission decided to strengthen local administration in order to facilitate the availability of food grains, especially in remote and least-developed rural areas.<sup>121</sup>

89. In South Africa, the Solar Electric Light Fund was created in collaboration with rural women to establish micro-credit programmes to support the sale of solar home systems. A cooperative of rural women was organized in order to manage the loans and the maintenance of the system.<sup>122</sup>

90. In Kenya, Mali and Malawi, ceramic stoves were introduced to reduce the time women spend on collecting firewood. However, reports also show that women's lack of cash and their husbands' unwillingness to contribute to innovative systems of energy use hindered women's access to such developments.<sup>123</sup>

*Financial services*

91. In Bangladesh, Grameen Bank makes long-term loans for land and housing conditional on their registration in the women's name, while BRAC Income Generation for Vulnerable Groups Development provides women with incentives to build savings for investment and protection against crises.

92. The Al Tadamun Microfinance Foundation in Egypt provides group-guaranteed microfinance exclusively for women. In December 2010, it had in excess of 103,600 active borrowers and a portfolio of US\$ 14 million.

93. In Uzbekistan, the Women's Committee supported by UN Women developed a series of trainings through a network of self-help groups for women in rural areas to strengthen their capacity on how to access economic opportunities, develop business and money management skills and an understanding of credit systems. To complement this initiative, the Micro-Credit Bank together with the Government of Uzbekistan as a major shareholder provided micro-credits to the rural women's self-help groups at a much lower annual interest rate than the standard rates. Since 2010 when the initiative was launched, almost 200 women have started business initiatives which enhanced their livelihood, self-esteem and status as decision-makers in their villages.<sup>124</sup>

94. UN-Women runs a programme for strengthening the economic livelihood opportunities for low-income and HIV-positive women in Cambodia. It also raised a Fund for Gender Equality which has provided small grants to almost 1,300 women to help them start a small business.

<sup>121</sup> Submission by the National Human Rights Commission in India.

<sup>122</sup> UN Women, *Enabling rural women's economic empowerment*, p. 24.

<sup>123</sup> Idem.

<sup>124</sup> UN-Women, *Rural Women in Uzbekistan unite to learn business skills and generate livelihoods*, 31 May 2012.

*Communication services*

95. In India, several village councils have computerized databases to improve the access of rural women to administrative data and information about government programmes and schemes.<sup>125</sup>

96. Ekgaon Technologies created a platform of mobile banking through short text messages which enabled rural women in Tamil Nadu, India to access banking information and services from national banks.<sup>126</sup> A similar system was used in Ghana to provide access to health workers. As a result, the rate of maternal mortality decreased in the villages where the short text messaging system was implemented.<sup>127</sup>

97. A project led by an NGO in Ecuador has trained more than 300 women in rural areas on the use of computer-based technologies. This project has provided girl children with the possibility to access distance learning programmes and enhanced the capacity of women leaders to engage with public authorities by the submission of projects for sewerage, housing and drinking water.<sup>128</sup>

*Public services*

98. In Tajikistan and Moldova, the delivery of public services has been reformed. The members of local administration come together in a “service hall” where they provide services to the population on matters concerning access to education, health care, social protection, civic registration, passports, and land rights. The meetings between the population and the administration take place once a week. This system removes the bureaucratic burden frustrating the access of the population to public services.<sup>129</sup>

*Markets*

99. To improve markets in the Solomon Islands, UN-Women developed a Partnership to improve markets with Governments and organizations of market vendors in the Pacific region. The sites of markets enlarged with the construction of kitchens, toilets, showers and safe low-cost places for women and their children to sleep. The complex was complemented with a learning and handicraft centre where may learn new skills to diversify their trade and increase their income.<sup>130</sup>

## VI. Conclusions

100. **While certain advances are noticeable, the interests, concerns and needs of rural women deserve heightened attention. Patterns of discrimination persist and prevent women from realizing their rights. This study has emphasized that the legal framework to remove these precise patterns of discrimination affecting rural women exists and that States are bound to respect it. To do so, States have to actively address de facto and de jure discrimination against rural women by employing a number of comprehensive strategies and pursuing good practices. The Advisory Committee illustrated some of these in the present study. The Committee recommends that States,**

<sup>125</sup> CSW, *The empowerment of rural women*, para. 33.

<sup>126</sup> Idem.

<sup>127</sup> UN-Women, *Enabling rural women's economic empowerment*, p. 23.

<sup>128</sup> UN-Women, *ICT training Open Windows of Opportunity for Rural Women*, 26 April 2012.

<sup>129</sup> UN-Women, *One-Stop-Shop service delivery in Tajikistan*, 11 April 2012.

<sup>130</sup> UN-Women, *Safer spaces and better markets in the Pacific Islands*, 27 April 2012.

**in cooperation with international organizations and non-governmental organizations, take up a mix of such strategies and best practices. The aim should be to improve the realization of the right to food of rural women and to take measures to address discrimination both in the public and the private spheres against rural women and women in general.**

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