

Rural women and access to justice

FAO's contribution to a Committee on the Elimination of Discrimination against Women (CEDAW) half-day general discussion on access to justice (Geneva, 18 February 2013)

Introduction

Rural women constitute one-fourth of the world's population¹. They account for a great proportion of the agricultural labour force, produce the majority of food grown, especially in subsistence farming, and perform most of the unpaid care work in rural areas². Their contributions are essential to the development of local and national economies and to the well-being of their households and communities.

While there are examples of countries making progress in promoting gender equality, in many others, women's situation is significantly below men's, particularly in rural and farming areas. Rural women still face difficulties when trying to access productive and economic resources, such as land. In North Africa and West Asia they represent fewer than 5 percent of all agricultural land holders, while across Sub-Saharan Africa women average 15 percent of agricultural land holders³. They are still less likely than men to access rural wage employment; e.g. their participation in rural wage employment in Malawi, Guatemala and Bangladesh is equivalent respectively to less than 15, 10 and 5 percent compared to men, who represent respectively more than 25, 30 and 20 percent⁴. Rural women often have limited or no access to education, public services as well as decision-making and protection from violence. For example, globally only 39 percent of rural girls attend secondary school compared to 45 percent of rural boys, 59 percent of urban girls, and 60 percent of urban boys⁵.

Yet, the past century has seen a transformation in women's legal rights. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified by 187 countries, was adopted to combat continuing discrimination against women. It requires State Parties to recognize the important economic and social contribution of women to the family and to society as a whole. More specifically, CEDAW Article 14 addresses rural women, guaranteeing them the protection of their human rights under the entirety of the Convention's provisions. State parties are called upon to ensure that rural women have equal access to agricultural credit and loans, marketing facilities and appropriate technology. State Parties are also required to take all appropriate measures so as to ensure rural women equal treatment in land and land resettlement schemes, access to adequate health-care facilities and to social security programs, as well as to training and education.

Article 11 recognizes the right to work as a right of all men and women, and requires States Parties to eliminate discrimination against women in the field of employment. Its provisions are crucial for rural women of all ages, who are often concentrated in part-time, seasonal and underpaid, or unpaid jobs, outside the purview of labour legislation⁶, and who face additional constraints related to their reproductive (unpaid) responsibilities.

CEDAW's Articles 2 and 15 require State Parties to take positive action in order to guarantee availability of remedies for women subject to gender-related discrimination, as well as ensuring that women have equal rights to conclude contracts and to administer property. Broadly interpreted, they confer to women equality with men before the law - in terms of accessing tribunals, systems of administration of justice, and arguably "decision making bodies" and in terms of women standing before them as claimants, witnesses or defendants.

¹ Economic and Social Council , 24th February 2012, Press release. Commission on the Status of Women to focus on rural women , their contributions - Challenges during fifty-sixth session at Headquarters, 27 February – 9 March 2012 - Economic and Social Council , 24th February 2012, Press release

² FAO The State of Food and Agriculture, 2010-11. *Women in agriculture: closing the gender gap for development*

³ FAO, 2011 *Rural Women and the Millennium Development Goals*.

⁴ *Ibid*, FAO elaboration.

⁵ *Ibid*

⁶ UN WOMEN, 2011-12. *Progress of the World's Women: In Pursuit of Justice*

At the national level, constitutions of 139 countries guarantee equality between women and man⁷. Countries in every region are expanding the scope of women's legal entitlements in various fields. Despite this, in practice in many countries inequality persists in rural areas. The reasons are varied and many, and include discriminatory and inadequate laws, and lack of knowledge about rights and the ways to protect them. Another important reason are implementation gaps, linked to inadequacy of institutions to implement changes at the local level, antagonism to women's equal rights, and lack of will and resources to address gender bias⁸.

Access to justice and effective legal remedy and reparation in case of a violation of a given right are crucial for rural women to be able to achieve true equality in access to resources and services, to decent employment and work conditions, to social protection, in civil and family matters and in decision-making processes at all levels. All these are necessary preconditions for women and their dependents to live their lives in dignity, realize their human right to food, and be active members of society.

Drawing on literature and FAO field experience, the sections below seek to highlight the major common obstacles that impede rural women's access to justice in rural areas, whatever the specific right violation or lack of it they face, and how they are interconnected (I). Further, a number of measures and good practices to enhance women's access to justice are identified (II).

I SPECIFIC OBSTACLES FOR RURAL WOMEN'S ACCESS TO JUSTICE

Generally speaking, and in rural areas more particularly, access to justice shouldn't be conceived as limited to only access to lawyers and courts. It includes the insurance that rights, and their correlative protections, are recognized through law – formal and informal. It also includes access to institutions, including customary/traditional ones, and to clear, simple and affordable procedures, as well as to an effective and accessible remedy for the violation or abuse of rights. Access to justice also means that relevant authorities respect laws and regulations, and that everyone has an understanding of their rights, together with the ability and the power to claim those rights and to seek remedy when such rights are infringed. In other words, it means making law and justice mechanisms less complex and accessible to all women and men, including the most vulnerable amongst them.

The content of law and the legal system operates on the presumption that every person is equal and that equality of opportunity exists for all persons to seek protection of the law. Yet in practice, this is not the case as frequently both the content of law and administration of justice are obstructed for the less powerful and privileged, very often rural women. While capacity gaps in justice service affect all of its users, gender-based ones translate into women typically having less time, money and lower levels of education, exacerbating the already existing ones. In many countries, the major obstacles to women's access to justice and equitable enjoyment of their rights and entitlements remain inadequate or discriminatory legal frameworks, complexity of legal systems, and lack of information and knowledge, and socio-cultural obstacles.

1. Discriminatory and inadequate legal frameworks

The ability to claim one's rights and seek a remedy is influenced first and foremost by the contents of the laws that establish these rights and regulate the processes for claiming their protection. While in numerous countries progress has been achieved in the formulation and adoption of more gender equitable legislative and regulatory frameworks during the last two decades, in others, explicit discrimination against women continues to be perpetuated. As a result, widespread inequalities still

⁷ *Ibid*

⁸ See World Bank/FAO/IFAD, 2010. *Gender in Agriculture Sourcebook*.

exist, *inter alia*, in the areas of land and other natural resources; in access to employment; in access to services and social protection; in opportunities to participate in the public and economic life of the community/country; and in rights and responsibilities in marriage and family matters.

For instance, in the field of land rights, discriminatory legal provisions remain with respect to access, ownership, and control of land, houses, and business premises. Women represent less than 20% of landholders, and in Western and Central Africa as well as the Near East and North Africa generally even less than 10% of landholders are women. Numbers are only slightly higher in Asia. In some cases, women are also restricted to so-called secondary land rights, which imply holding land-related rights through male family members⁹. Limited and insecure rights over land and property make women vulnerable to losing their land – the main source of their livelihoods and welfare – as well as their house, and other belongings when they become widows or separate from their husbands. Without clear and strong legal provisions protecting women’s land rights, the goods taken cannot be recovered.

Even gender-neutral laws often impact disproportionately on women as they do not take into account existing inequalities. For example, a labour legislation that does not include incentives and specific measures that address rural women’s needs and daily challenges -which would facilitate women’s access to employment - often negatively affect women, both in terms of accessing employment opportunities and of quality of jobs due to their current disadvantaged position in the labour markets, compared to their male counterparts¹⁰. In addition, in many countries labour law does not apply to agricultural workers and to the informal work force. This is particularly true for rural employment, where the majority of working age population works in the informal economy. Women tend to be more frequently employed under informal, low-productivity and casual contracts than men in most developing regions¹¹, and often concentrated in the most exploitative segments of informal work.

Rural employment refers to any activity, occupation, work, business or service performed by rural people for remuneration, profit, social or family gain, or by force, in cash or kind, including under a contract of hire, written or oral, expressed or implied, and regardless if the activity is performed on a self-directed, part-time, full-time or casual basis. It is comprised of agricultural employment, which includes both *on-farm* self-employment and wage employment in the agricultural sector, as well as non-agricultural employment, which includes *non-farm* self-employment and wage employment.

Decent work refers to opportunities for work that is productive and delivers a fair income; security in the workplace and social protection for families; better prospects for personal development and social integration; freedom for people to express their concerns, organize and participate in the decisions that affect their lives; and equality of opportunity and treatment for all women and men.¹²

Discriminatory provisions and loopholes in legal frameworks also negatively impact other aspects of women’s life in rural areas: for example, women face more difficulties to join and become active members of rural institutions and producer’s organizations¹³, and to access markets and credits. They are also more likely to be excluded from formal social protection programmes than men.

In some cases, even where gender-equitable legislation is in place, it remains unapplied because of the lack of secondary legislation and regulations, and procedures for their implementation and

⁹ FAO, 2010. *Gender and Land Rights Understanding complexities; adjusting policies* http://www.fao.org/economic/es-policybriefs/briefs-detail/en/?no_cache=1&uid=40497

¹⁰ FAO, 2010. *Gender dimensions of agricultural and rural employment: Differentiated pathways out of poverty*. <http://www.fao.org/docrep/013/i1638e/i1638e.pdf>

¹¹ UNRISD. 2010. *Gender Inequalities at Home and in the Market*

¹² More information on decent rural employment is available on the joint FAO-ILO website: <http://www.fao-ilo.org/>

¹³ This is because ownership over land or different assets (i.e. livestock) is a frequent criterion for membership; other barriers include increased work burden due to women’s both productive and reproductive role and responsibilities, illiteracy etc.

enforcement or because of insufficient budgetary resources allocated by government.

Another important obstacle in rural women's access to justice is the lack of coherence between various laws. This may be notably the case when civil and family legislation envisage limits on the capacity of women to perform acts with legal effect, including signing contracts and filing legal cases. Thus in some countries, women need a male guardian's consent to open a bank account or start a business¹⁴. This inter-connectedness and coherence between laws acquires particular importance in countries with several legal systems.

2. Complexity of legal systems

One of the key challenges in the administration of justice in countries where it exists is "legal pluralism", that is the existence of several types of legal systems (statutory, customary, religious or a combination) that apply to the same territory. In some cases they exist independently from, and unrelated to, each other; in others, relations among different legal systems are ordered and managed through specific rules¹⁵. Existing legal pluralism creates complex legal frameworks characterized by overlapping rights, multiple and competing levels of authority (including state, non-state/customary and hybrid institutions) and often contradictory rules¹⁶. For women, navigating the different systems can be particularly difficult.

Legal pluralism and women's land rights In Latin America, for example, inheritance is the most frequent source of transfer of ownership of land, but daughters are much less likely than sons to inherit land. Many countries in the region have instituted legal reforms that have strengthened married women's land rights, but land-titling efforts have not always facilitated the practice of including both husbands' and wives' names. In Asia, women typically have legal rights to land ownership, but often struggle to assert them. In the parts of sub-Saharan Africa where customary property regimes prevail, community leaders tend to favour males over females in the allocation of land, both in terms of quantity and quality.¹⁷

Frequently, when a dispute arises, women choose to seek protection of their rights through customary justice systems. Customary justice mechanisms are often more affordable than the formal ones¹⁸, and may be easier for women to access than formal justice systems. Moreover they are more likely to provide women with more space for dispute resolution that is acceptable to the men and the broader community. However, the rules applied by customary institutions do not necessarily comply with the standards of equality and non-discrimination. This is particularly important in rural areas, where customary legal systems have a more prominent value.

On the other hand, formal courts or other, alternative formal dispute resolution bodies (human rights commissions, ombudsperson or other) are often distant from rural areas, and women's lack of childcare support facilities or the prevailing social practices in use may limit their ability to travel in order to reach these institutions. Also, the court process can be long and costly, and, besides their disadvantaged time and financial constraints, rural women often face difficulties in getting legal advice and sustaining their claims. Furthermore, judges may not always be willing to apply statutory norms that contradict traditions and customs in a country.

¹⁴ For example, in Swaziland or Democratic Republic of Congo.

¹⁵ For example, some statutory land laws recognize the existing customary land rights (e.g. Mozambique, South Africa, Uganda and Tanzania). In some countries, statutory laws have recognized the geographic domain and policy scope of the customary judiciary system and customary dispute resolution bodies are embedded in the formal body (See: World Bank/FAO/IFAD, 2010. *Cit.*, Module 4)

¹⁶ FAO, 2005. *Gender and land compendium of country studies*.

¹⁷ FAO The State of Food and Agriculture, 2010-11. *Women in agriculture: closing the gender gap for development*

¹⁸ A World Bank study found that in Kenya, a land claim in an inheritance case through formal legal systems can cost up to \$780.

3. Lack of information and knowledge, and socio-cultural constraints

Amongst the most challenging obstacles for women's access to justice are those linked to very basic forms of societal organizations; issues that are inherently linked to administration of justice¹⁹. These obstacles derive from the vulnerability of the rural poor in general, and women in particular, their sub-ordinate position in a society, and the lack of information and knowledge about their rights and the ways to claim their protection.

Indeed, women in rural areas often are not aware of their legal rights, they may not know that they have a right to claim their protection or how to do it. In rural areas, most women do not think about their every-day conflicts from a rights-based point of view. They also often have less confidence in themselves as claimants of rights and resources. Therefore, most often they do not even consider the possibility of filing a complaint before a tribunal. Practices like female seclusion also hinder the possibilities for rural women to claim their rights. In many rural areas, socio-cultural norms dictate *de facto* a subordinate position for women, both in public and private spheres. These norms apply to all dimensions of women's life, including their work life and employment and affect them to a great extent. For example, where a dispute involves legal action vis-à-vis male members of her same community, rural women seeking to assert their rights may be subject to pressure from their families and communities, which in turn may lead to domestic violence or social exclusion²⁰. Such socio-cultural norms make women fearful of retribution or ostracism if they pursue land claims or seek for protection from violence. As a result, women tend to be denied access to justice more often than men, and are also more likely to be denied justice altogether.

II STRATEGIES FOR ENHANCING ACCESS TO JUSTICE FOR RURAL WOMEN

Securing access to justice for rural women calls for a comprehensive action that also addresses the structural obstacles mentioned above. This means that strategies for change must relate to different dimensions and different society actors. They include: improving legal frameworks and enforcement; raising legal literacy and empowerment; and strengthening awareness-raising, information and communication.

1. Improving legal frameworks and enforcement, including through incentives for change

Revising discriminatory or inappropriate sectoral legislation in line with the relevant international standards and instruments is the first necessary step towards better access of justice for rural women. A general guarantee of equality is not sufficient; there is a need for specific legal provisions that take into account women's disadvantaged position and provide a clear legal basis to rely on for claiming their rights. Thus for example, in addition to extending labour legislation²¹ to agricultural workers and the informal sector, it is equally necessary to specifically prohibit direct and indirect discrimination in employment on grounds of gender, sex, pregnancy, marital status and family responsibility; to include measures stimulating rural women's access to formal labour markets; and formalize informal labour markets through stronger employment regulation and improvement of legal and social protection mechanisms for those employed in the informal economy (including the formalization of farm and off-farm agricultural jobs). Incentives for addressing discriminatory behavior in practice like special funds, outreach programs, targeted recruitment of women of justice

¹⁹ Abregu, M. 2001. *Barricades or Obstacles. The Challenges of Access to Justice*

²⁰ Chiongson, R.A. and al., 2011. *Rule of Law and Justice in Achieving Gender Equality*. World Development Report 2012. Background paper.

²¹ Such legislation should also be in line with the ILO Declaration and the Fundamental Principles and Rights at Work, and put the concept of ILO's Decent Work Agenda into practice.

institutions, may also be necessary. Finally, responsibilities for enforcement and accountability for non-compliance or violation should be clearly established.

Box. 1. FAO's support to engendering rural employment policies in Malawi and Tanzania

FAO is supporting the Governments of Malawi and Tanzania in strengthening their capacities on gender-equitable decent rural employment (DRE) promotion. To date, FAO provided technical support to the development or revision of over 30 national agriculture- and employment-related policies, strategies and programmes, and carried out about 10 capacity development activities (workshops and trainings). Through this work, FAO is assisting the governments in building the enabling environment that provides rural women with access to more and better employment under an enhanced, gender-sensitive policy and legal frame. In its first two years, FAO saw many of its policy suggestions taken into account. Malawi, for instance, designed a new National Fisheries Policy that recognizes FAO's proposal for social development and decent work as essential to ensuring sustainable livelihoods in the fisheries sector, with particular emphasis on disadvantaged groups such as rural women, which resulted in policy putting strong emphasis on gender equality and promotion of women's decent employment in small-scale fisheries and aquaculture²².

Particular attention is required when undertaking legal reform in countries with plural legal systems. The statutory recognition of rights and justice systems deriving from customary or traditional regimes must both allow a space for custom to be free to continue to successfully address the changing needs of community members, and yet also include protections against those practices that perpetuate discrimination and inequity²³. The recognition of women's rights (in land and natural resources, rural employment and in family law matters) introduces modifications in existing power relations, leading to changes in the ways in which decisions are made and undermining stereotypes in gender-based division of labour²⁴. Therefore, along with recognizing equal men and women's rights, the relevant legislation should also provide for enforcement mechanisms and conflict management systems, where the roles of the formal courts and customary dispute resolution systems are clearly defined, and where appropriate mechanisms are provided to facilitate their access and use by all²⁵.

More detailed regulations, protocols or guidelines will assist implementers in carrying out their responsibilities in practice. Thematic legal drafting guidelines might be particularly useful²⁶. Specific guidelines to ensure coherence between various sectoral laws and regulations affecting rural women's rights and their access to justice (i.e. in the field of land and other natural resources, family and civil matters, legal aid, health, education and social protection services, including child care facilities, women's collective action, and employment) would contribute to their effectiveness.

²² FAO Integrated Country Approach to the promotion of DRE in Malawi and Tanzania: <http://www.fao-ilo.org/ilo-dec-employ/ica/malawi-and-tanzania/en/>

²³ R. Knight, 2010. *Statutory recognition of customary land rights in Africa. An investigation into best practices for lawmaking and implementation*. FAO Legislative Study 105, p. 7.

²⁴ FAO, 2005. *Gender and land compendium of country studies*.

²⁵ For example, the Tanzanian Village Land Act (1999) states that "Any rule of customary law or any such decision in respect of land held under customary tenure shall be void and inoperative and shall not be given effect to by any village council or village assembly or any person or body of persons exercising any authority over village land or in respect of any court or other body, to the extent to which it denies women, children or persons with disability lawful access to ownership, occupation or use of any such land" (section 20.2). Also, the Village Land Council, competent for dispute settlement, shall consist of seven people, three of whom must be women (section 60). Some states which formally recognize legal pluralism in their constitutions, such as Mozambique, condition the recognition of customary law by phrases such as, "provided that these (various normative systems) do not contradict the values and fundamental principles of the Constitution" (Article 4 of the 2004 Constitution of the Republic of Mozambique).

²⁶ In the field of land, FAO Technical Guide on *Governing Land for Women and Men* is a useful instrument that can be used by national policy makers when revising land policy and legislation, and drafting regulations and guidelines (available at: <http://www.fao.org/docrep/017/i3114e/i3114e.pdf>).

Box 2. FAO support to gender-equitable and participatory law-making in Mozambique

FAO has been actively supporting the Government of Mozambique in the development and implementation of its progressive legislation on land and natural resources. It helped to ensure national and local ownership of the Land Policy and Law by assisting the country to set its national priorities and define jointly with all relevant stakeholders and actors the type of support required to ensure its implementation. The focus was on developing national capacities to draft, implement and oversee implementation of the Land Policy and related laws. This experience confirmed the importance of gender-equitable land policy and law-making, i.e. involving both women and men, and all concerned stakeholders in the process to understand their needs and interests. Most interestingly, while a core element of the resulting policy and land law is the recognition of the role of customary norms and practices in land and natural resources management, the involvement of women's groups in the process resulted in important legal provisions being included to condition the potentially negative impact of these practices where they conflict with fundamental constitutional principles, such as the equality between women and men²⁷.

Establishing and maintaining a gender disaggregated database related to agriculture, natural resources and rural employment is a useful tool for a more informed and responsive policy and law making²⁸. Working with and involving all relevant stakeholders, men and women, government as well as traditional authorities and community leaders in the law reform, implementation and enforcement processes at national and local level are also critical (see Box 3).

2. Improving knowledge, legal literacy and empowerment

Although vital, the existence of adequate legal frameworks recognizing equal rights for men and women, providing legal protection and outlining effective remedies and reparation is insufficient. Their effectiveness depends, first and foremost on the knowledge and capacities of those responsible for their interpretation and implementation and their sensitivity to gender equality issues (e.g. public officials from government at national and local level, magistrates, judges, police officers, traditional authorities and leaders). In order to achieve this, it is essential to provide officials in agriculture and employment ministries, as well as other relevant agencies at national and local level, with specific tools and guidelines on gender aspects of relevant legal frameworks. Relevant training is also required for staff in the various institutions that carry out and enforce rights related to land, fisheries and forestry, employment and social protection. Second, the effectiveness of gender-equitable laws depends on the legal literacy of rural women themselves, and their capacity to assert claims and hold the competent institutions to account for the respect and protection of such rights. Inclusion of gender related issues into the national agricultural extension programmes, and development of gender-sensitive tools are instrumental in this regard (see Box 4).

Box 3. Legal and social empowerment through FFLS approach

Based on the participatory agricultural extension approach of Farmer Field School (FFS), Farmer Field and Life School (FFLS) is a learning process aiming at empowering farmers to understand the larger socio-economic and cultural context and factors which influence their lives and livelihoods. The first experience of using this approach for raising awareness of farmers on legal issues and strengthening their capacity to use law and legal services has been experimented in Kenya, in the Coastal Province. The FAO Farmer Field School-Reproductive Health (FFS-RH) project implemented in four coastal districts, in collaboration with the Association of Women's Lawyers (FIDA Kenya), successfully integrated a number of legal issues in their participatory trainings. They include reproductive rights, gender-based violence, property rights and children's rights. The paralegal trainings generated several positive effects: *inter alia*, a number of trained persons formed networks and started providing advice to neighboring communities both in the field of

²⁷ Christopher Tanner 2002: *Law Making in an African Context: the Mozambican Land Law*. FAO Legal Papers Online, No 26. www.fao.org/legal

²⁸ A FAO Agri-Gender Database includes useful tools and methodologies, which show how gender-sensitive approaches can be incorporated into standard agricultural data collection exercises (<http://www.fao.org/gender/agrigender/en/>). Another useful tool is the FAO Gender and Land Rights Database (<http://www.fao.org/gender/landrights>).

agriculture and legal issues (e.g. widows' property rights); some facilitators provide assistance to village orphans by ensuring that they attend school and by protecting their property. In a few cases, the increased awareness on legal rights and available legal services has served as a protection against dispossession of widows. The impact was also felt on the side of rural populations' food security as food production in the area has increased despite the drought²⁹.

Another useful measure are gender-sensitive paralegal courses. Living and working in or close to the communities they serve, paralegals use their knowledge of both the formal justice system and customary system, as well as alternative means of resolution such as mediation to help women resolve their disputes. In some instances, paralegals may be backed by lawyers who can engage in litigation before the courts, if necessary, and provide advice as needed. Having a deep knowledge of the communities where they serve, paralegals are very well placed to provide solutions— particularly gender-equitable ones - not just to individuals, but to whole groups and communities (see Box 5). The provision of paralegal services at little cost to a community is a means of getting to the bottom of disputes related to food security in order to co-create solutions locally whilst demanding accountability and transparency actively and with realistic expectations of what can and cannot be done. It is a collaborative method of creating recourse where litigation is either too costly, too inaccessible or simply has no place in the cultural tradition of a country that acknowledges rights but doesn't deliver them to the citizen within its legal institutions framework.

Box 4. FAO support to paralegals at local level in Mozambique and Sierra Leone

In **Mozambique**, FAO started a new programme in 2010 which focuses on the issue of gender and women's rights over land. Paralegal programmes specifically for women's NGOs are being run, with follow up provided for the paralegals when they go back to the communities where they work, and begin the challenging task of changing attitudes and, where possible, seeking to adjust local practices to bring them into line with over-arching constitutional principles on the equal treatment of women when it comes to land and resources access. Shortly after the programme started, a group of CFJJ/FAO trained paralegals working for the local NGO AMUDEIA, managed to have the first three land titles in favour of vulnerable women issued by relevant authorities. However, the focus of the programme is to change attitudes within communities so that women's land rights are better protected by the customary system, than the issuing of titles per se³⁰.

In **Sierra Leone**, the FAO piloted an alternative means of resolving disputes between a local citizen or community, and public officials or the public system. The pilot started with community organizing, introduction of the role of the paralegals and raising awareness of rights. It further supported a) setting up of voluntary community oversight boards with members that served as a gateway to the community and as a communication channel between the project, the law center's mobile paralegals, and the community itself; b) the availability of the paralegals to intake cases, and conduct mediation; and c) referral of complex or unresolved issues to the supervising attorney of the law center. 11 cases were reported with a food security element or issue involved after screening out violence or domestic issue related complaints. Mediation was attempted in all cases. Communities have requested further assistance as the project has created tremendous awareness of responsibilities - to gain awareness of what can be done to promote one's own right to food and food security at a practical level in a local arena – pursue a claim, report, talk to a paralegal, file a complaint. Furthermore, community members have been empowered to actually come forth on issues otherwise neglected that affect their livelihoods³¹.

An open and participatory approach to improving knowledge, legal literacy and empowerment is crucial. Bringing together NGOs, representatives of women cooperatives and associations, local government officers, and key public sector figures from both the executive and judicial branches –

²⁹ FAO, March 2009. *Tackling Legal Empowerment: the Farmer Field and Life School Approach* (http://www.fao.org/fileadmin/templates/dimitra/pdf/fls_legal_empowerment.pdf)

³⁰ M.Vidar, D. Bojic, C. Tanner, 2012. Legal Empowerment of Rural Poor: A Pathway out of Poverty in *Innovations in the Rule of Law*, The World Justice Project.

³¹ FAO, forthcoming. *Guidance Note: Integrating the right to adequate food into food and nutrition security programmes*

both men and women - during training courses stimulates sharing of views, building confidence and breaking down the barriers that can separate these different groups. Furthermore, organized training courses and seminars work to ensure that all sides receive the same information about legislation, women's rights and procedures for their implementation, ideally from an authoritative source – such as the national institution concerned with juridical and judicial training (CFJJ) in Mozambique. Effective supervision and follow-up visits after the training are equally important. Trained paralegals should receive fieldwork assistance when they go back to communities, in order to ensure the maximum practical impact at community level and to help them in the enforcement of the relevant legislation.

3. Strengthening awareness-raising, information and communication

Awareness-raising, information and communication are key cross-cutting issues for any kind of change. Support from their communities and society at large helps making the realization of women's rights and their access to justice a common concern. Accessible and appropriate information and communication are necessary to bring about changes in socio-cultural norms, beliefs, and behaviors that are often at the heart of gendered power relations in the field of agriculture and notably, land, rural employment and access to services.

Effective information and communication in support of women's access to justice has both "supply" and "demand" dimensions: on the supply side, there is a need for communication within formal and informal institutions - government officials, customary authorities and community leaders in order to build networks and alliances for improved services to women and understanding of their rights. On the demand side, there is a need to reach out to and inform civil society, local communities and rural men and women, who may have different views, perspectives and experiences. While printed materials, booklets and leaflets are crucial for training and sensitization purposes, raising awareness among communities and rural women and empowering them often needs other methods. Community radio is a medium that can reach highly dispersed rural communities and be a useful tool for awareness increasing women's self-confidence and their skills and capacities to claim their rights (see Box 6).

Box 5. Community Listeners' Clubs for women's empowerment

The FAO has developed the use of community radio as a participatory media for information and communication that focuses on action. The Community Listeners' Clubs (CLC) are made up of women, men or both. It functions in a democratic way, i.e. ensuring listening of all views, and searching for dialogue and consensus. Thanks to the way they are organized, the clubs became citizen's groups where men and women sit together to analyze and discuss their concerns, obtain information which would otherwise be inaccessible, and undertake joint action. In Niger, the activity of the listeners' club in Borobon village (in the region of Tillabéry) enabled women within a village to become land holders. Upon request from women, the Club decided to have a special session on the problem of land access, to discuss and find solutions. Discussions were transmitted through a community radio. Discussions led to a decision to negotiate with the village chief and land owners (all men) to obtain some land to cultivate, as well as with formal authorities. The negotiations resulted in the lease of 2.75 ha of land, for a period of 99 years for a group of women that requested it³².

Finally, strengthening formal and informal producers' organizations including women's organizations, can be effective in promoting women's rights, and improving their status within a community and thus also, the probability that their concerns will be addressed positively.

³² FAO, 2011. DIMITRA *Community Listeners Clubs. Stepping Stones for Action in Rural Areas*
<http://www.fao.org/docrep/014/am604e/am604e.pdf>

III CONCLUSIONS AND RECOMMENDATIONS

For rural women, rights related to land and other productive resources, rural employment, to access to services and social protection, in opportunities to participate in the public and economic life of the community/country, and in rights and responsibilities in marriage and family matters are key for a life with dignity. They are the basis for entitlements which can ensure an adequate standard of living and economic independence (e.g. access to credit, membership in farmers' associations, starting a business) and thus, personal freedom. They also have major implications for their other human rights such as the right to food, health, housing and education. Ensuring access to justice for rural women is key to realizing their rights, addressing gender inequalities in agriculture, and generating change that will ultimately contribute to sustainable economic growth and to reducing poverty in the world.

States parties and local Governments should thus be invited to:

1. Establish and maintain gender disaggregated databases and M&E systems related to women and men in agriculture, as an essential means for informed and responsive law and policy making;
2. Pool efforts and actively involve representatives of rural men as well as women's associations and cooperatives, and other key stakeholders in the law-making processes from the very beginning;
3. Ensure that national formal legal frameworks include clear, gender-sensitive provisions, that do not perpetuate discrimination against women and that guarantee their rights to land and other natural resources, to social protection programmes, and that include measures promoting their access to services, markets and credits, and to decent employment for rural women of all work age groups, in both the formal and informal economy;
4. Develop gender-specific guidelines that raise awareness and educate officials and personnel responsible for the enforcement of the relevant legislation;
5. Recognize the weight of informal/customary/local justice systems for rural communities and link these systems with constitutional principles, so as to ensure the exercise of basic human rights to all;
6. Make formal and informal dispute resolution mechanisms closer and more accessible to rural women;
7. Work with customary authorities to sensitize them about women's rights, to make them think about disputes from a rights-based perspective;
8. Train local NGO staff as well as community members as paralegals and conflict mediators with a gender approach;
9. Organize trainings on gender related issues bringing together government, NGO/CSOs, community leaders and members – women and men;
10. Introduce gender-related legal aspects in the national agricultural extension programmes (such as FFS, FFLS and JFFLS);
11. Raise rural women's awareness and knowledge about their rights, and their capacity to use legal tools and procedures to defend themselves, including through appropriate training, dissemination of accessible information, and establishment of supporting legal services, such as paralegals;
12. Use simple and easily accessible communication mechanisms such as community listeners' clubs, and combine traditional and innovative gender sensitive communication methods within rural communities.

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