



THE RECENTLY ADOPTED CEDAW GENERAL RECOMMENDATION ON THE RIGHTS OF RURAL WOMEN: HOW CAN CIVIL SOCIETY MAKE USE OF IT FOR THE REALIZATION OF THE RIGHT TO FOOD AND NUTRITION?

I. Significance and civil society involvement in the drafting process¹

During its 63rd session, held from February 15 to March 4, 2016, the Committee on the Elimination of All Forms of Discrimination against Women (“the Committee”) adopted its General Recommendation No. 34² on the Rights of Rural Women (GR), which is the outcome of over three years of work by the Committee with support from civil society. This GR is the Committee’s authoritative interpretation of Article 14 of the Convention on the Elimination of All Forms of Discrimination against Women (“the Convention”) and provides guidance to State parties on the measures to be adopted to ensure full compliance with their obligations to respect, protect and fulfil the rights of rural women. Its adoption is particularly significant because it is the first international instrument that specifically addresses the rights of rural women and furthermore, it is the first that explicitly recognizes the human right to adequate food and nutrition of rural women within the framework of food sovereignty.

FIAN and the Global Network for the Right to Food and Nutrition (GNRtFN) have coordinated civil society and social movement³ input into the process of elaboration of the GR since 2013. In 2012, FIAN became aware of the elaboration process of the GR that had been initiated by Committee member, Ms. Naela Gabr, and shortly thereafter, it sought to ensure, through the GNRtFN and other fora, that different constituencies of rural women affected by human rights violations became aware of the process in order to ensure that their issues would be addressed in the GR. In 2013, group calls and bilateral verbal and written exchanges with representatives of social movements and civil society were held to coordinate the drafting of a joint submission for the Committee’s General Day of Discussion on Rural Women to be held on October 7, 2013. A written contribution⁴ on Rural Women’s Right to Food and Nutrition was submitted by a coalition of 14 civil society and social movements groups working on behalf of and representing rural women farmers, peasants, and workers from all continents. On October 7, 2013, an

¹ For more information on this note or FIAN’s work on gender and women’s rights, contact cordova@fian.org.

² Available at:

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf. Accessed 13.04.2016.

³ In order to provide joint input throughout the elaboration process of the GR, representatives from the following social movements and civil society organizations were consulted: Asia Pacific Forum on Women, Law and Development (APWLD), Association de Défense des Droits des Aides Ménagères et Domestiques du Mali (ADDAD – Mali), Center for Women’s Global Leadership (CWGL), Coordination Nationale des Organisations Paysannes du Mali (CNOP), FIAN International, Geneva Infant Feeding Association (GIFA), International Baby Food Action Network (IBFAN), International Collective in Support of Fishworkers (ICSF), International Union of Food Workers (IUF), International Women’s Rights Action Watch Asia Pacific (IWRAP-AP), Coordinadora Latinoamericana de Organizaciones del Campo (CLOC), La Via Campesina (LVC), National Fisheries Solidarity Movement (NAFSO), Programme on Women’s Economic Social and Cultural Rights (PWESCR), Sindicato Obrero Campesino de Andalucía (SOC), South Asian Feminist Alliance for ESCR (SAFA), World Forum of Fish Harvesters and Fish Workers (WFF).

⁴ Please see <http://www.ohchr.org/Documents/HRBodies/CEDAW/RuralWomen/FIANjointwrittensubmission.pdf>. Accessed 10.04.2016.

oral intervention⁵ based on the written statement was read by FIAN on behalf of these 14 groups in Geneva. FIAN and the GNRtFN were consulted by the Committee throughout the elaboration process and in addition to disseminating information about the process and coordinating written and oral submissions, were actively involved in the process by suggesting key note speakers for the General Day of Discussion, disseminating the Terms of Reference for the consultant to develop the draft GR, and in 2015, facilitating civil society and social movement input into an advanced draft of the GR. For this latest consultation in 2015, the groups consulted for comments increased from the original 14 and included a larger number of rural constituencies affected by violations of the right to food and nutrition.

II. The useful elements contained in the General Recommendation⁶

Explicit recognition of the right to food and nutrition within the food sovereignty framework

Through this GR, the Committee, for the first time, explicitly recognizes the human right to food and nutrition outside of the limited context of the right being associated solely with the right to health as it had previously been recognized under the Convention's Article 12 and its accompanying General Recommendation No. 24 and puts it in line with the more holistic interpretation of this right under the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Paragraph 65). Furthermore, food sovereignty was explicitly named as the framework for this right (Paragraph 64), which brings an implicit recognition of rural women's rights to sovereignty over natural resources, development and food. By explicitly recognizing the human right to food and nutrition of rural women within the framework of food sovereignty, the Committee holds State parties accountable to respect, protect and fulfill the right to food and nutrition of rural women in an integrated manner by ensuring that all structural causes of hunger and malnutrition are addressed all along the food system – from access, control, management and ownership of land, seeds, forests and water bodies, to food processing, marketing and promotion, protection in the workplace, and to decent income and consumption patterns, up until the very moment in which food is effectively consumed as a needed element for nutrition and health, individually or in community with others across their respective life spans.

Recognition of the right to access, control, manage and own all natural and productive resources on which rural women depend

Throughout the GR, there is an explicit and specific recognition of rural women's roles in food and nutrition as food producers that goes beyond the recognition of women farmers' dependence on land and calls for this to be in line with Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (Paragraph 36(a)). Peasant women and other women working in rural areas, including pastoralists, fishers, landless, and those women affected by conflict situations, are recognized as distinct categories of rural women suffering disproportionately from particular intersecting forms of discrimination and in need of protection (Paragraph 14). Paragraph 56 explicitly recognizes "rural women's rights to land, natural resources,

⁵ Please see <http://www.ohchr.org/Documents/HRBodies/CEDAW/RuralWomen/FIAN.pdf>. Accessed 10.04.2016.

⁶ It should be noted that a deeper analysis still needs to be carried out in order to assess the weaknesses of the GR and where room for improvement and future advocacy remain.

including water, seeds, forestry, as well as fisheries, as fundamental human rights” and paragraphs 15 calls on State parties to:

15. (...) ensure that disadvantaged and marginalized groups of rural women including indigenous; afro-descendent; ethnic and religious minorities; female heads of household; peasant; pastoralists; fisherfolk; landless; migrant; and conflict-affected rural women are protected from intersecting forms of discrimination and have access to education, employment, water and sanitation, health care, etc. (...) State parties should similarly ensure that older rural women have access to social services, adequate social protection, as well as economic resources and empowerment to live life with dignity, including through access to financial services and social security.

The GR goes further by explicitly recognizing the right to participate in decision-making at all levels of rural women whose lives and livelihood depend on their effective access to natural resources (Paragraph 53). Paragraph 54 calls on State parties to, among others:

(a) Establish quotas and targets for rural women’s representation in decision-making positions, specifically in Parliaments and governance bodies at all levels, including in land, forestry, fisheries and water governance bodies, as well as natural resource management. In this regard, clear objectives and timeframes should be in place to reach substantive equality of women and men;

Paragraph 62 calls for the explicit recognition of the natural commons, and thus implicitly for the recognition for collective rights over land and natural resources as the use, access and management of the commons are social defined and organized in a collective way.

Similarly, paragraph 59 also explicitly calls for State parties to protect rural women’s rights to natural resources under customary institutions and more explicitly, to ensure indigenous women’s equal access:

59. (...) to ownership/possession of and control over land, water, forestry, fisheries, aquaculture and other resources which they have traditionally owned, occupied or otherwise used or acquired, including by protecting them against discrimination and dispossession. Additionally, State parties should:

(a) Promote rural women’s access to and meaningful participation in agricultural cooperatives, in which women may be members or the sole members;

(b) Enhance rural women’s role in fisheries and aquaculture, as well as their knowledge on sustainable use of fishery resources, and promote their access to forests and sustainable forestry resources, including safe access to fuel wood and non-wood forestry resources;

(c) Strengthen customary and statutory institutions and mechanisms for defending or protecting women’s rights to land, water, and other natural resources, including, for example, community para-legal services.

Paragraph 69 further calls for State parties to ensure that financial services are adapted to the specific situation of women, including “the untenured nature of the smallholdings held by many women farmers, so that rural women who may lack formal tenure rights are still able to access them.”

The GR not only recognizes rural women’s right to seeds as a fundamental human right (Paragraph 56), but Paragraph 62 more explicitly, calls on State parties to protect rural women’s effective access to high quality seeds, including “the right of women to preserve, use, and exchange traditional and native seeds” (Paragraph 62(a)) and the prohibition of “contractual requirements on the mandatory purchase of sterile (i.e. terminator) seeds, which prevent rural women from seed saving” (Paragraph 62(b));

The GR also calls on State parties to prioritize rural women’s access, in particular landless women, to land and natural resources under land and agrarian reform policies and other natural resources policies and to:

78(d) Develop and implement measures, including TSMs, to enable rural women to benefit from the public distribution, lease or use of land, water bodies, fisheries, forests, and from agrarian reform policies, rural investments and management of natural resources in rural areas. Landless rural women should be given priority in the allocation of public lands, fisheries and forests.

Rural women’s and girls’ right to water and sanitation is also intimately linked with the right to food and nutrition in the GR and in particular, with rural women’s roles as food producers. In this context, the Committee calls on State parties to ensure that rural women have:

85(a) Sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses, as well as for agriculture/irrigation.

Guarantee of decent work for all rural women workers, including access to social protection

The GR also focuses on the right to food and nutrition of rural women not only as subsistence food producers, but also as rural agricultural workers (Section E) with specific rights. More specifically, the GR recognizes that rural women are over-represented among agricultural workers and thus are exposed to “increased health risks due to improper and extensive use of fertilizers and pesticides by various actors, resulting in illnesses, early deaths, pregnancy complications, foetal disorders, and physical and developmental disorders in infants and children”, which is “compounded by their under-representation in agricultural cooperatives, farmers’ and producers’ organizations, land administration and rural workers’ organizations, and their limited access to extension services” (Paragraph 49). In this context, the Committee calls on State parties to “fully incorporate the right to decent conditions of work and the principle of equal pay for equal work” (Paragraph 50) and more specifically to protect “the rights of rural women workers to bargain collectively to ensure decent working conditions” (Paragraph 52(d)), protect “the occupational health and safety of rural women” (Paragraph 52(e)), provide “social security to rural women, including in cases of sickness or invalidity” (Paragraph 52(f)), and to provide “child and other care services in rural areas” (Paragraph 52(h)), among others.

Furthermore, the GR also recognizes that rural women often engage in unpaid work and/or in the informal sector and as such, State parties are called to provide specific forms of protection including to:

41(a) Ensure that rural women engaged in unpaid work and/or in the informal sector have access to non-contributory social protection in line with GR 16 (1991) on unpaid women workers in rural and urban family enterprises, and that those employed in the formal sector have access to contributory social security benefits in their own right, irrespective of their marital status;

41(b) Adopt gender-responsive social protection floors to ensure that all rural women have access to essential health care, childcare facilities and income security, in line with article 14, paragraph 2 (b) and (h) and ILO Recommendation No. 202 (2012) on social protection floors.

Recognition of the “intertwined subjectivities” of woman and child during pregnancy, childbirth, and breastfeeding and their framing through the lens of women’s rights throughout their lifespan

The nutritional issues of mothers and children are engaged simultaneously in the GR and childbearing and the potential of healthy, well-nourished off-spring and mothers are framed through the lens of women’s fundamental human rights over the lifespan, which includes women’s and girls’ right to health, right to education, and right to decent conditions of work. States are urged to create an enabling environment, with real opportunities, in which rural women can take informed decisions related to their sexual and reproductive health - enabling them to decide if and when to become mothers – and to infant and young child feeding in general and breastfeeding in particular. Furthermore, the GR recognizes the potential interference from for-profit or commercially-motivated non-State actors in women’s nutrition and that of their children and calls for State parties to effectively regulate these.

More specifically, Paragraph 39 of the GR calls for State parties to safeguard rural women’s and girls’ right to adequate health care by ensuring:

(a) That quality health care services and facilities are physically accessible and affordable for rural women, including older women, female heads of household, and women with disabilities (provided free of charge when necessary); culturally acceptable to them; and staffed with trained medical personnel. Services should provide: primary health care, including family planning; access to contraception, including emergency contraception, and to safe abortion and quality post-abortion care, regardless of whether or not abortion is legal; pre-, peri- and post-natal and obstetric services; HIV prevention and treatment services including emergency intervention following rape; mental health services; counselling on nutrition, feeding of infants and young children; mammography and other gynaecological examinations services; prevention and treatment of non-communicable diseases, such as cancer; access to essential medicines, including pain relief; and palliative care;

(d) Systematic and regular monitoring of the health and nutritional status of pregnant women and new mothers, especially adolescent mothers, and their infants. In case of malnutrition or lack of access to clean water, extra food rations and drinking water should be provided systematically throughout pregnancy and lactation;

(f) That health care information is widely disseminated in local languages and dialects through several media, including in writing, through illustrations and verbally, and that it includes information on inter alia: hygiene; preventing communicable, non-communicable, and sexually

transmitted diseases; healthy lifestyles and nutrition; family planning and benefits of delayed childbearing; health during pregnancy; breastfeeding and its impact on child and maternal health; and information on the need to eliminate violence against women, including sexual and domestic violence, as well as harmful practices;

(g) Effective regulation of marketing of breastmilk substitutes and implementation and monitoring of the International Code of Marketing of Breastmilk Substitutes.

Similarly, Paragraph 65, while putting special attention on pregnant and lactating women, it also calls on State parties to more holistically fulfill their obligation to realize the right to food and nutrition of rural women by putting in place effective policies:

65. (...) pay particular attention to the nutritional needs of rural women, particularly pregnant and lactating women, putting in place effective policies ensuring rural women have access to adequate food and nutrition, taking into account the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.

Rural women's lack of access to adequate food and nutrition – more specifically malnutrition – as well as early pregnancy are also explicitly linked indirectly to negative medical outcomes under Paragraph 37.

Paragraphs 43 and 52 link the creation of an enabling environment for adequate nutrition for both women and their children with women's and girls' right to education and their right to decent conditions of work by calling on States to ensure that:

43(g) Pregnant girls in rural schools are retained during pregnancy and allowed re-entry to school following childbirth, and that childcare facilities and breastfeeding rooms, as well as counselling on childcare and breastfeeding, are made available;

52(h) Providing child and other care services in rural areas, including through solidarity and community-based care services, in order to alleviate women's burden of unpaid care work, facilitating their engagement in paid work, and allowing them to breastfeed during working hours;

Recognition of State parties' human rights obligations – including their extraterritorial obligations – vis-à-vis private actors' interference in rural women's roles in the production, processing, distribution, market access, trade, and investment related to the food systems

Throughout the GR, the Committee recognizes the negative impact the dominant economic model and private actors can have on rural women's lives and calls on State parties to uphold its extraterritorial obligations; more specifically, to “regulate the activities of domestic non-State actors within their jurisdiction, including when they operate extraterritorially” and to take “regulatory measures to prevent any actor under their jurisdiction, including private individuals, companies and public entities, from infringing or abusing the rights of rural women outside their territory” (Paragraph 13). Furthermore, the Committee asks State Parties to ensure “that international cooperation and development assistance, whether bilateral or multilateral, advance the rights of rural women outside their territory” and for

“effective remedies [to] be available to affected rural women when a State party has violated its extraterritorial obligations.”

Paragraph 10 frames the GR in the wider context of the macroeconomic causes of gender inequality and acknowledges that:

10. Discrimination against rural women cannot be fully understood without taking into account the macroeconomic roots of gender inequality. States often fail to acknowledge the role of rural women and girls in unpaid work, their contribution to the Gross Domestic Product (GDP), and, therefore, to sustainable development. Bilateral and multilateral agreements on trade, tax and other economic and fiscal policies can have a significant negative impact on the lives of rural women. Environmental issues, including climate change and natural disasters, often provoked by unsustainable use of natural resources, as well as poor waste management practices, also have detrimental impacts on the wellbeing of rural women. Gender-neutral policies, reforms and laws may uphold and strengthen existing inequalities related to all the above.

Furthermore, paragraph 17 calls on States to “promote inclusive and sustainable economic development which enables rural women to enjoy their rights”, thus implicitly making the economic model for development coherent with human rights. Similarly, Paragraph 11 also calls on State parties to “address the negative and differential impacts of economic policies, including agricultural and general trade liberalization, privatization and commodification of land, water and natural resources, on the lives of rural women and fulfilment of their rights [and] also ensure that their development assistance policies focus on the specific needs of rural women”. This line of interpretation of rural development is also evident in the centrality placed on women’s “crucial contributions to local/national economies and to food production” (Paragraph 17(a)) and the “[effective] and [direct] benefit from economic and social programmes” (Paragraph 17(c)) rural women are expected to receive through their “[involvement] in the design and development of all relevant plans and strategies” (Paragraph 17(c)).

Paragraph 36 also calls on State parties to establish enabling institutional, legal and policy frameworks that ensure an adequate implementation of the above understanding of rural development and more specifically calls on States to ensure that these be in line with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security; the Voluntary Guidelines for Securing Sustainable Small Scale Fisheries in the Context of Food Security and Poverty Eradication; GR 23 (1997) on women in political and public life; and the SDGs (Paragraph 36(a)).

III. The importance of the use of the General Recommendation as a tool for struggle

The elaboration and adoption of this GR has helped and will continue helping raise the visibility of rural women’s human rights on the checklist of issues about which State parties must pay attention when reporting to the Committee. Rural women constitute one-fourth of the world’s population. Their contributions are vital to the well-being of families and communities, and of local and national economies. They are central to the development of rural areas: 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 areas. Despite some improvements in rural women's status in both developing and developed countries, their rights and priorities remain insufficiently addressed in legal frameworks, national and local policies, budget, as well as in investment strategies at all levels, with implications for the human right to adequate food and nutrition of all.

The GR will enable civil society to hold their respective governments accountable for the human rights violations of rural women within their jurisdiction as they will be pushed to report on these by the GR. More specifically, civil society will be able to submit parallel reports speaking to the specific information contained in the GR during the periodic review by the Committee of reports submitted by State parties on their compliance with the Convention and to thereafter engage in the national monitoring of the implementation of the Committee's Concluding Observations. Furthermore, the process of disseminating the GR at the national level and drafting parallel submissions responding to the issues contained in it can deepen the dialogue and alliance among different constituencies and groups of rural women. This mobilization and organization can provide a unique opportunity to foster a greater understanding of the interdependence of women's human rights and a holistic understanding of the human right to food and nutrition. Finally, this GR can also play a key role in informing and serving as a basis for upcoming and developing processes at the national, regional and global level, such as the negotiations on the draft UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, the work stream on women's empowerment in food security and nutrition of the UN Committee on World Food Security, and the monitoring of the Sustainable Development Goals, among others.