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UNDROP SERIES

# RURAL WOMEN'S RIGHTS

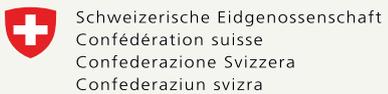


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# RURAL WOMEN'S RIGHTS<sup>1</sup>

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## In the UN Declaration on the Rights of Peasants and other People Working in Rural Areas

The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (hereinafter, UNDROP) was adopted by the United Nations General Assembly on 17 December 2018. This briefing note on rural women's rights is part of a series of briefings published by FIAN International to better explain the content adopted in UNDROP.

<sup>1</sup> Updated in 2020 by Angelica Castañeda Flores.

<sup>2</sup> Other sources supporting the recognition of these rights: ILO C100- Equal Remuneration Convention 1951 (No. 100) Article 1(b); the International Covenant on Economic, Social and Cultural Rights, Articles 7.A.I & A.II, Art. 11, Art. 12.1 & 12.2; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979), Preamble, Articles 14.1, 14.2 (a-h), Art. 10, Art. 11.1 (e) and Art. 12.1 & 12.2; General Recommendation No. 13, 16, 19, 21, 24 and 34; General Comment No.16 and 20 of the Committee on Economic Social and Cultural Rights (CESCR); FAO Voluntary Guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security (2012) 3B.3-4, 5.4, and UN-REDD Guidelines on Free, Prior and Informed Consent (2013) 3.5.

<sup>3</sup> Report of the Special Rapporteur on the right to food to the General Assembly, 14 December 2015, A/HRC/31/5. Para. 5.; TNI (2014) *Women agricultural workers and the right to adequate food and nutrition*. p.19.

<sup>4</sup> Pruitt, L.R. (2011), *Deconstructing CEDAW's Article 14: Naming and Explaining Rural Difference*, William & Mary Journal of Women and the Law, Vol. 17, p. 347.

The first series of briefings covered the following topics: the right to sovereignty over natural resources, development and food sovereignty; the right to land and other natural resources; the right to seeds and the right to biological diversity; states obligations; rural women's rights; right to a decent income and livelihood; collective rights; and the right to water.

The second series of briefings cover: rights of women in rural areas; right to water; the right to adequate food and nutrition, and to food sovereignty; right to seeds; interlinkages between UNDROP and UNDRIP; climate justice; agroecology; business and human rights; the right to land; and digitalization.

All briefings are available on our website <http://www.fian.org/>

Women play a significant role in the world's food production. They cultivate, plough and harvest more than 50% of the world's food.<sup>3</sup> Peasant women and other women working in rural areas are essential to the livelihoods of their communities: they act as caregivers, food producers, agricultural workers, and they carry and preserve traditional agricultural knowledge. Yet, women account for 70% of the world's hungry. They are disproportionately affected by malnutrition and food insecurity, and are enduring various forms of violence and discrimination (verbal abuses, physical and sexual violence, unequal access to property, unequal wages, etc.). Despite their contribution to food production, women globally own less than 2% of the land<sup>4</sup>. UNDROP is a key instrument to advance rural women's rights, and to call on States to take the necessary measures in order for rural women to enjoy equal treatment in the exercise of all of their human rights.



## 1.

### **HOW DOES UNDROP RECOGNIZE THE RIGHTS OF WOMEN IN RURAL AREAS?**

Peasant women and other rural women have the right to be free from discrimination and violence, the right to freely determine their political status, and the right to freely pursue, participate in, and benefit from their economic, social and cultural development. Article 4 of UNDROP recognizes a number of key specific rights for peasant and other rural women, with regard to decision-making, health care, income-generation, social security, training and education, access to land and natural resources, and all forms of violence. While some of these rights are recognized in other international human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UNDROP represents an important step towards abolishing discrimination and inequalities between men and women in the rural world, because it seeks to address the specific human rights abuses facing peasant and rural women in a holistic fashion.

Of particular importance for peasant and other rural women is the recognition of their rights to participate in decision-making processes around food and agriculture, and to participate in the elaboration and implementation of development planning at all levels. Women have the right to obtain all types of training and education, formal and non-formal, in order to develop their literacy and technical proficiency.

Also key is the recognition of rural women's right to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in

land and agrarian reform, as well as in access to and resettlement schemes regarding land and other natural and productive resources. Too often, women are excluded from access to the resources that they need to meet their food and nutritional needs, and those of their families.

UNDROP also affirms the right of peasant and rural women to decent and productive employment and income-generating activities. This includes the right to equal remuneration, benefits and equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work. Women have the right to protection of health and to safety in working conditions. Moreover, peasant and rural women have the right to organise self-help groups and co-operatives, in order to obtain equal access to economic opportunities through employment or self-employment, and the right to participate in all community activities.

Peasant women and other rural women also have the right to benefit directly from social security programmes, in particular when they work without such benefits in enterprises owned by a family member. UNDROP places particular attention on the need to eliminate all forms of discrimination in access to health care. However, it does not mention expressly elements such as autonomy, privacy, confidentiality, informed consent and choice in relation to women's bodies.

Even though UNDROP in Article 4 refers to violence only in a general fashion, Article 14 enshrines the right to work free from violence and harassment, including sexual harassment. Therefore, the interpretation of both provisions should take in account standards that address gender-based violence, and in particular domestic violence, sexual harassment, and physical, sexual, verbal and psychological violence. Peasant and other women working in rural areas are at special risk because of traditional attitudes regarding the subordinate and socially-constructed roles of women that persist in many rural and peasant communities. They also face high levels of gender-based violence during armed conflicts and in post-conflict situations.



## 2.

### WHAT ARE STATES' OBLIGATIONS UNDER THESE RIGHTS?

UNDROP reaffirms the human rights obligations of states that were established by CEDAW, which recognizes the conditions and challenges faced by rural women in its Article 14. CEDAW, which has been ratified by 187 countries, notably establishes states obligations regarding non-discrimination, access of rural women to adequate health facilities, participation in community activities, access to agricultural credit, and the enjoyment of adequate living conditions. As a first step, states need to take all appropriate measures to eliminate formal and substantial discrimination against peasant women and other women working in rural areas. In all their laws, policies and programs, states need to take into account the particular problems faced by peasant women and other women working in rural areas, as well as their specific contribution to food and nutrition security. States need to take all the appropriate measures needed to ensure the application of the provisions of UNDROP to all women and girls. One such measure could be the adoption of national laws promoting women's rights to owning and accessing land.

Both the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) and the UN Committee on Economic, Social and Cultural Rights (CESCR) have issued interpretative texts that relate to the particular situation of peasant women and other women working in rural areas. The obligations of States with regard to the elimination of both formal and substantive discrimination are discussed in General Comment No. 20 on non-discrimination in economic, social and cultural rights, which was issued in 2009. The CESCR's interpretation is that in order to eliminate formal

discrimination, states have to ensure that their legal framework and public policies are non-discriminatory. Moreover, to eliminate substantive discrimination, states need to make special efforts towards the groups that suffer from historical or persistent prejudice, through the adoption of the necessary measures to ‘prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate substantive or de facto discrimination.’<sup>5</sup>

In 2016, the CEDAW Committee issued General Recommendation No. 34 on the rights of rural women, in which it elaborates on States obligations to ensure the rights of rural women. Overarching States obligations include:

- To ensure that legal frameworks are non-discriminatory and guarantee access to justice to rural women (para.9);
- To ensure that macroeconomic policies, including trade, fiscal and investment policies, as well bilateral and multilateral agreements, are responsive to the needs of rural women and strengthen the productive and investing capacities of small-scale women producers; 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 (para. 11);
- To address the specific threats posed to rural women by climate change, natural disasters, land and soil degradation, water pollution, droughts, floods, bio-piracy, and loss of biodiversity, particularly agro-biodiversity; To alleviate and mitigate these threats and to ensure the protection and security of rural women and girls in all phases of disasters and other crises (para 12.);
- To regulate the activities of domestic non-State actors within their jurisdiction, including when they operate extraterritorially (para. 13);
- To eliminate all forms of discrimination against disadvantaged and marginalized groups of rural women (such as indigenous, afro-descendent, ethnic and religious minorities, female heads of households, etc.) (para.15);
- To promote inclusive and sustainable economic development which enables rural women to enjoy their rights (para. 17);
- To adopt effective laws, policies, regulations, programmes, administrative procedures and institutional structures to ensure the full development and advancement of rural women (para. 19);

5 | General Comment No.20 (2009) Non-discrimination in economic, social and cultural rights (Arti.2 para. 2, of the International Covenant on Economic, Social and Cultural Rights) of the Committee on Economic Social and Cultural Rights UN Doc. E/C. 12/GC/20. Para. 8.

— To eliminate harmful practices, including child and/or forced marriages, female genital mutilation and inheritance of ancestral debt (para. 23).

General recommendation No. 34 also discusses states obligations with regard to specific dimensions of the rights of rural women, such as their right to participate in and benefit from rural development, access health care services including sexual and reproductive health, access to quality education, access to non-contributory social protection for rural women engaged in unpaid work and/or in the informal sector, labor rights, their participation in political and public life, access to land and natural resources, access to adequate housing, and the rights of rural women in developed countries.

In addition, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of national food security, adopted by the UN Committee on World Food Security in 2012, call on states to ensure that women and girls have equal tenure rights and access to land, fisheries and forests, independent of their civil and marital status.





### 3.

#### **WHAT ARE THE SOURCES SUPPORTING THE RECOGNITION OF THESE RIGHTS IN UNDROP?**

- ILO C100- Equal Remuneration Convention 1951 (No. 100) Article 1(b) on the right to equal remuneration for work of equal value;
- The International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966), Articles 7.A.I & A.II on the right to the enjoyment of just and favourable conditions of work, Art. 11 on the right to an adequate standard of living and Art. 12.1 & 12.2 on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979), Preamble, Articles 14.1, 14.2 (a-h) on rural women, Art. 10 on equal rights in the field of education, Art. 11.1 (e) on the right to social security and Art. 12.1 & 12.2 on women access to health care services including family planning, those in connection with pregnancy, confinement and post-natal period, adequate nutrition during pregnancy and lactation;
- General Recommendation No. 13 (1989) of the CEDAW: Equal remuneration for work of equal value, adopted in its eighth session;
- General Recommendation No. 16 (1991) of the CEDAW: Unpaid women workers in rural and urban family enterprises, UN Doc. A/46/38;

- General Recommendation No. 19 (1992) of the CEDAW: Violence against women, adopted in its eleventh session;
- General Recommendation No.21 (1994) of the CEDAW: Equality of Marriage and Family Relations, UN Doc. A/49/38;
- General Recommendation No.24 (1999) of the CEDAW: Article 12 of the Convention (Women and Health), UN Doc. A/54/38/Rev 1;
- General Recommendation No.34 (2016) on the rights of rural women, UN Doc. CEDAW/C/GC/34
- General Comment No.16 (2005) of the Committee on Economic Social and Cultural Rights (CESCR): The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights (Article 3) UN Doc. E/C.12/2005/4;
- General Comment No.20 (2009) of the CESCR on non-discrimination in economic, social and cultural rights (Arti.2 para. 2, of the International Covenant on Economic, Social and Cultural Rights) of the UN Doc. E/C.12/GC/20.
- FAO Voluntary Guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security (2012) 3B.3-4, 5.4.
- UN-REDD Guidelines on Free, Prior and Informed Consent (2013) 3.5.





## 4.

### WHY IS IT IMPORTANT THAT UNDROP RECOGNIZED THESE RIGHTS?

— *Because food and nutrition insecurity is a gender justice issue.*

Around 60 % of undernourished people in the world are women and girls. As a result of their lack of access to resources and low status, rural women and girls are the most affected by the global economic processes that underlie our food systems (such as land acquisitions), and are the most vulnerable in the face of climate change. Research shows that inequalities between women and men are compounded by rural women's limited and insecure access to natural resources such as land, forests, water and seeds, by their limited access to education and decision-making, by the endemic problems of HIV, AIDS and gender violence, and by the burden of unpaid care work.<sup>6</sup>

— *Because peasant and other rural women make a significant contribution to the livelihoods, food security and care needs of their families, communities, regions and nation states.*

The majority of the world's food producers are women who manage to feed the planet and meet their family's nutritional needs, often at the cost of neglecting their own (and their daughters') food and nutritional needs. Recognizing equal access of woman to agricultural credit and loan, marketing facilities, appropriate technology and access to and control over natural resources is key to ensuring that rural women meet their needs and those of their families, and fully realize their human rights.

6 | BRIDGE (2014). Gender and Food Security. Towards Gender-Just Food and Nutrition Security. Overview Report.

Women peasants and other rural women are also key to the development of sustainable forms of agricultural production, including agroecology. Their specific local knowledge as female food producers should be respected and recognized in order to facilitate the transition to gender-just food systems. Moreover, in order for women to contribute to that transition, the effective participation of women in political decision-making at local, national and global levels needs to be enhanced, in particular for women of caring responsibilities.

— *Because the UNDROP addresses negative customs and traditional practices that affect the full enjoyment of rights by women, in particular peasant women and other women working in rural areas.*

Customary laws and traditional practices that negatively affect women at the community level, for example with regard to accessing and owning productive resources such as land, often stand in the way of the transition towards sustainable and gender-transformative food systems, even where and when national laws promoting land ownership by women have been adopted.<sup>7</sup> The recognition of women's rights to natural resources in an international human rights instrument is central to the elimination of gender discrimination.

Inequitable power relations, including within households, also help explain why women and girls are more at risk of suffering from hunger and malnutrition. However, very little has been done, at the legal and policy level, to address this issue in a systematic way. Where special attention is paid to women and girls, the focus is often exclusively on children under two and pregnant or lactating women, leaving aside other age groups with specific dietary needs, such as adolescents or older women, and other vulnerable groups such as single women, LGBT women, women with disabilities or living with HIV or AIDS.

— *Because of gaps and artificial divisions in the current international legal framework regarding the rights of peasant women and other women working in rural areas.*

The right to food has gained recognition in recent years as a policy framework for guiding the effective elaboration and implementation of solutions to hunger and food insecurity. However, the right to food framework still has some ways to go in truly incorporating a gender-based analysis and a gender-transformative approach to laws, policies and programs. The ICESCR, which establishes states obligations with respect to the right to food, is silent on the rights of women, and the CEDAW, which establishes states obligations around women's rights, does not mention women's right to adequate food. This disconnect is reflected in the protection mechanisms that have been set up at the international level to monitor the implementation of these rights

7 |

Agarwal, B. (2013). « Food security, productivity and gender inequality », in *Handbook of Food, Politics and Society*, New York : Oxford University Press.

by states. While the development of new international standards on women's tenure rights at the UN Committee on World Food Security (CFS) and the strong inclusion of gender dimensions in the CFS' Global Strategic Framework is encouraging, much needs to be done to better recognize women's role as food producers and the specific challenges associated with women's realization of their right to food and nutrition<sup>8</sup>, including an adequate nutrition during pregnancy, lactation and across women's life spans.

The connection with the right to health also needs to be strengthened, because the right of peasant women and other women working in rural areas to the highest attainable standard of physical and mental health often remains unrealized. For example, rural women generally have higher rates of pregnancy-related deaths, restricted access to health care services such as 'skilled attendants at birth, inadequate emergency obstetric services and lack of transportation facilities to reach such services.'<sup>9</sup> Although the obligations of States to provide access to health care facilities, information and counseling is established in Article 14 of CEDAW, there is a need to explicitly emphasize rural women's right to privacy, autonomy, informed consent and choice in relation to their own bodies in all spheres of their lives. Indeed, granting women the autonomy to make everyday choices has been proven to improve reproductive health, family nutrition and child welfare.<sup>10</sup>

A holistic approach regarding the needs and multiple forms of discrimination faced by rural women is also needed to reinforce the recognition of rural women's rights to freely determine their own political status and pursue their economic social and cultural development. Among the dimensions that need to be strengthened are: the right of rural women to equal access to opportunities, the explicit mention of rural women's labor rights particularly in the informal sector of the economy, the protection of their health and safety in working conditions, and the right to participate in decision-making processes.

8 | Bellows, A. et al. (2016), *Gender, Nutrition and the Human Right to Adequate Food. Toward an Inclusive Framework*. Routledge.

9 | Pruitt, L.R. (2011), *Deconstructing CEDAW's Article 14: Naming and Explaining Rural Difference*, William & Mary Journal of Women and the Law, Vol. 17, p. 347.

10 | Report of the Special Rapporteur on the right to food to the General Assembly, 14 December 2015, A/HRC/31/5. Para. 23.



## ARTICLE 4

1 States shall take all appropriate measures to eliminate all forms of discrimination against peasant women and other women working in rural areas and to promote their empowerment in order to ensure, on the basis of equality between men and women, that they fully and equally enjoy all human rights and fundamental freedoms and that they are able to freely pursue, participate in and benefit from rural economic, social, political and cultural development.

2 States shall ensure that peasant women and other women working in rural areas enjoy without discrimination all the human rights and fundamental freedoms set out in the present Declaration and in other international human rights instruments, including the rights:

- A. To participate equally and effectively in the formulation and implementation of development planning at all levels;
- B. To have equal access to the highest attainable standard of physical and mental health, including adequate health-care facilities, information, counselling and services in family planning;
- C. To benefit directly from social security programmes;
- D. To receive all types of training and education, whether formal or non-formal, including training and education relating to functional literacy, and to benefit from all community and extension services in order to increase their technical proficiency;
- E. To organize self-help groups, associations and cooperatives in order to obtain equal access to economic opportunities through employment or selfemployment;
- F. To participate in all community activities;
- G. To have equal access to financial services, agricultural credit and loans, marketing facilities and appropriate technology;
- H. To equal access to, use of and management of land and natural resources, and to equal or priority treatment in land and agrarian reform and in land resettlement schemes;
- I. To decent employment, equal remuneration and social protection benefits, and to have access to income-generating activities;
- J. To be free from all forms of violence.



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