

UN Committee on the Elimination of Discrimination against Women

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General Discussion on the Rights of Rural Women - 7 October 2013

KEYNOTE PRESENTATION

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Thank you Madame Chair,

Let me begin by first expressing my thanks to the Committee for the opportunity to give this Keynote presentation at this very important and exciting General Discussion on the rights of rural women. The Committee has already made important substantive contributions on the rights of rural women through its various General Recommendations and Concluding Observations, and I welcome the Committee's continued recognition of the importance of these issues through its decision to elaborate a General Recommendation specifically on the rights of rural women.

In my presentation today I would like to focus in particular on secure rights to land for rural women, and to highlight what I view as the importance and transformative nature of these rights.

Land is a critical issue for rural women; in many cases it can even be said that the question of land itself is a prism through which structural patterns of gender inequality can be revealed. Throughout the world, rural women overwhelmingly work on the land, producing food for themselves, their families and communities. Fifty per cent of food globally is cultivated by women and this figure increases to 60-80% for countries in the developing world.¹ We know that rural women rely on the land not only to produce food, but also to generate family income and therefore to support the health care, educational, nutritional needs of their families. This relationship is vital for rural women in general, but becomes all the more significant when women become the single head of the household due to men's migration, divorce, abandonment or death of a spouse or male relative. Thus, the livelihoods and welfare of rural women is inextricably linked to their secure rights to land. Further, we can see that rural women's secure rights to land is a precondition for their ability to enjoy many of the other rights enshrined in the CEDAW and other international human rights treaties (such as health, housing, education, participation in political and economic life, etc.).

Yet, discrimination against rural women in the area of land is pervasive:

- Globally, it is estimated that only 1 percent of women own land;²

¹ Preliminary study of the Human Rights Council Advisory Committee on the advancement of the rights of peasants and other people working in rural areas, 19 February 2011, A/HRC/16/63, p7

² International Center for Research on Women (ICRW), 'The Issue: Women's Assets and Property,' Available online at: <http://www.icrw.org/what-we-do/property-rights> [last accessed 12 September 2013]. See also: International Center for Research on Women (ICRW), 'Learning how to Better Promote, Protect and Fulfill Women's Property Rights,' 2007.

- In many countries, women do not have equal legal rights to own or use land and often women are restricted to secondary land rights, whereby they hold their rights through a male family member;
- Under many systems of customary law around the world, widowed women are not permitted to inherit land and property from their deceased husbands, and continue to be subject to ‘property-grabbing’ by in-laws;
- When women do have access to land, their parcels are usually of a smaller size and lower quality than men’s land parcels;³ and
- In many countries, the law continues to discriminate between males and females in inheritance rights.

If we juxtapose these facts with the increasing land pressures globally which are seen in the growing instances of land-grabbing and forced evictions to make way for development projects or large scale agricultural industry or extractives industry projects, it is not difficult to understand how, without secure rights to land and productive resources, rural women fall into poverty and are unable to work their way back to even subsistence levels for their families – thus entrenching rural women’s poverty and gender inequality. Given this context, there is an increasing urgency for highlighting women’s secure rights to land and addressing the underlying discrimination against rural women in this area.

I said at the beginning these secure land rights for rural women are transformative. We know that secure rights to land for rural women helps to raise the status of women within their families and communities. The enhanced status of women is an important step to achieving gender equality, as it leads to women’s increased decision-making power, greater autonomy, and greater participation in the community. Research evidence suggests that secure land rights for women may help prevent the spread of HIV/AIDS by promoting women’s economic empowerment, thereby reducing their vulnerability to some forms of gender-based violence and exploitation, unsafe sex, and other AIDS-related risk factors.⁴ Research also suggests that women with secure rights to land are also much less likely to report experiencing physical and psychological violence within the context of their intimate partner relationships.⁵

However, here it is important to emphasize that in order for the transformative potential of these rights to take root, it is not enough for *households* to have secure rights to land; *women* themselves must hold these rights. This is crucial first and foremost in order to ensure women’s equality and empowerment, and it has other beneficial effects in terms of lifting households out of poverty.

For example, there is also evidence demonstrating that securing formal and substantive equality between women and men in rights and access to land, property and productive resources also has significant broader impacts on a number of development goals and on alleviating the poverty of

³ Statement by the Food and Agricultural Organization of the United Nations (FAO) to the 64th session of the Commission on the Status of Women, 8 March 2010.

⁴ Strickland, R. (2004). To Have and To Hold: Women’s Property and Inheritance Rights in the Context of HIV/AIDS in Sub-Saharan Africa. International Center for Research on Women (ICRW) Working Paper. See also: Panda, P., (2002). Rights Based Strategies in the Prevention of Domestic Violence. ICRW Working Paper No. 344.

⁵ Gupta, J. (2006). Property Ownership of Women as Protection for Domestic Violence: The Best Bengal Experience, in ICRW (2006) *Property Ownership and Inheritance Rights of Women for Social Protection – The South Asia Experience*, at 45.

rural women and their communities. Specifically, we know that achieving equal and secure rights to land, property and productive resources for rural women, has a positive impact on:

- Family food security, for instance giving women the same access to productive resources as men can deliver a 20-30% increase in agricultural yields;
- Improving family and child nutrition;⁶
- Improved risk management and mitigation for poor families and communities, for instance in relation to climate related shocks or food price volatility; and
- Improving natural resource management and environmental sustainability, including specifically by reducing land degradation.⁷

Some studies have also linked women's land, property and productive resource rights to better health and educational outcomes for their children.⁸ In these ways, secure land rights for women have the potential to transform the lives of rural women, their families, and their communities.

International human rights law and the CEDAW in particular, have a critical role to play in tackling these issues. Women's equal rights to land are well-established in international human rights laws and standards, including specific protection for rural women in Article 14 of CEDAW and the Committee has well-articulated the content of this Article in many Concluding Observations on State party reviews under the Covenant.

I think the elaboration of a General Recommendation on Rural Women presents an ideal opportunity to highlight the issue of insecure and inadequate land rights for rural women and to consolidate and further develop the Committee's recommendations in this area.

I also have a number of suggestions for how the Committee can continue to lead efforts in relation to advancing secure land rights for women:

1. The first is to continue to develop the normative framework for women's secure rights to land, particularly by clarify the obligations of States through its General Recommendations, Concluding Observations as well as cases considered under the Optional Protocol.
2. The second is to continue to encourage States to reform discriminatory national laws which may negatively impact rural women's ability to enjoy secure rights to land.

Clearly, reform of domestic laws and regulations is an important step. I urge the Committee to emphasise in its General Recommendation the importance of non-discriminatory laws and specifically identify common discriminatory legal provisions, for example in relation to the registration of land to male 'heads of households' or discriminatory inheritance laws. Further, I urge the Committee to continue to assist States, through the State review process and constructive dialogue with States, to review their legislative and policy frameworks relating to land, identify discriminatory laws and make the necessary reforms to ensure domestic laws

⁶ Smith, L., Ramakrishnan, U., Ndiaye, A., Haddad, L. & Martorell, R. (2003). The importance of Women's Status for Child Nutrition in Developing Countries. International Food Policy Research Institute Research Report 131, 58, 60, 79.

⁷ Gomez, M. and Tran, D.H. (2012), Women's Land and Property Rights and the Post-2015 Agenda, Official Background Paper – Global Thematic Consultation on Addressing Inequalities, p.10.

⁸ *Ibid.*

comply with CEDAW. I would emphasise the need for this process to focus on the situation of rural women in particular and take into account their particular needs. This is only achievable if rural women are consulted by governments in legal reform processes, and able to meaningfully participate in these processes.

In many countries it will also be necessary to address customary systems which, whilst not entrenched in formal laws, are more influential land management, administration and transfer, particularly in rural areas. Legislative reforms will only be effective where States effectively address the inter-relationship between customary and national law and invest in participatory processes and implementation programs that gain the buy-in of local communities and authorities.

3. Third, in order to address the issue of discrimination against rural women in the area of land, I suggest the Committee highlight the extra-legal obstacles to substantive equality and propose strategies for tackling these obstacles.

In many countries despite formal equality in relation to land and property rights, discrimination persists due to a range of complex issues. These overlap with the issues I just mentioned relating to customary systems but it goes beyond to address the underlying causes of discrimination against women, in culture and entrenched stereotypes.

Common obstacles to substantive equality for women include: sociocultural norms including religious norms; lack of knowledge of entitlements; illiteracy and lack of formal education; lack of access to means to enforce legal rights; poor institutional understanding of women's rights and mechanisms for ensuring implementation. And of course there are others which are context specific.

I encourage the Committee to express concern that customs and traditional practices, prevalent in rural areas, prevent women from enjoying secure rights to land and to urge States to address the underlying negative gender stereotypes of women as incapable of managing land or as dependent on men.

States should be urged to:

- Develop a comprehensive strategy to address negative customs and traditional practices which affect full enjoyment of secure land rights by women, including where appropriate, through temporary special measures to accelerate the advancement of these rights;
- To raise awareness about secure rights to land for women and women's perspectives amongst traditional, religious and customary leaders, law makers, lawyers and advocates, the judiciary, law enforcement authorities, housing authorities and administrators, gender ministries, and those engaged in the development or implementation of land policy or land reform;
- Ensure access to legal and support services for women wishing to understand and enforce their rights, and that concrete remedies are available for rights violations;
- Invest in targeted information dissemination and capacity building programs so that women can claim their rights and involve themselves in community fora and discussions with land administration authorities;

Critical to each of these initiatives is the participation of rural women in the design and implementation of programs and in decision-making processes. As with all economic, social and cultural rights, one of the keys to fair and sustainable policies and laws is the participation of those most affected. More often than not, even where local communities are consulted about proposed government actions or policies, women are excluded from the consultation process either directly or in practice. So, special attention must be paid to ensuring that women's voices are heard in participatory processes.

I would also like to mention that there are also a number of other excellent NGOs working in this area which can also offer their expertise in this process. For example, International Land Coalition is a global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue, knowledge sharing and capacity building. The organization Landesa (formerly the Rural Development Institute) is also currently spearheading an effort to include women's land rights included in the post-2015 development agenda and has recently launched LandWise, a website which contains free legal materials, practice guides and articles related to women's land rights. My time is limited, and I cannot highlight all of the NGOs who deserve to be mentioned, but just to note that there are extensive and rich resources on which the Committee can call for support.

In closing let me also say that while rural women face significant barriers when it comes to the enjoyment of secure land rights, there are emerging good practices on which to draw. For example, a UN Women/OHCHR joint 'Handbook on Realizing Women's Rights to Land and Other Productive Resources' is being finalized and is expected to be available within the next couple of months. The publication provides a useful analysis of women's land rights under international human rights law, and presents recommendations accompanied by explanatory commentaries and good practice examples from countries.

There is much to discuss and to achieve! I am really looking forward to the discussions and debates today. Thank you again for your kind attention and for this opportunity to be with you today.