

## Written Contribution on Rural Women's Right to Adequate Food and Nutrition

Submitted by FIAN International, Center for Women's Global Leadership (CWGL), Geneva Infant Feeding Association (GIFA), International Collective in Support of Fishworkers (ICSF), International Union of Food Workers (IUF), International Women's Rights Action Watch Asia Pacific (IWRAW), National Fisheries Solidarity Movement (NAFSO), Coordination Nationale des Organisations Paysannes du Mali (CNOP), Programme on Women's Economic Social and Cultural Rights (PWESCR), and World Forum of Fish Harvesters and Fish Workers (WFF)

To the Committee on the Elimination of Discrimination against Women on its General Discussion on Rural Women, 56<sup>th</sup> Session, 7 October 2013

### I. Introduction

We<sup>1</sup> welcome the Committee's decision to draft a General Recommendation on Rural Women and the mention of rural women's role in food and nutrition security throughout the *Concept Note for the General Recommendation on Article 14 of CEDAW* that has been drafted by the Committee. The purpose of this contribution is to provide further information about the obstacles that rural women face when attempting to realise their right to adequate food and nutrition and to ask the Committee to explicitly recognise this right as central to the realisation of rural women's human rights in its forthcoming General Recommendation on Rural Women. We hope that the Committee will consider the following issues and recommendations during its General Discussion and we hope to continue contributing input to the Committee throughout the process of drafting the General Recommendation.

The information contained in this contribution is based, *inter alia*, on information obtained by the drafting organizations through exchanges with affected communities during the course of our work, especially during the process of documenting cases on the right to adequate food and nutrition and related rights, elaborating case strategies, and conducting workshops and seminars at the national, regional, and international levels, in which affected communities and experts participated.

### II. The CEDAW Committee should explicitly address the rights of rural women, in particular the right to adequate food and nutrition and related rights, within national economic policies/strategies

Country-level economic and development plans for most developing nations are in direct response to the demands and orientation of the neoliberal global economy, which is generally known to be rent-seeking, exploitative of people and natural resources and highly growth-oriented. The trajectory of the global economy encourages an agribusiness-dominated food system, which results in rural-to-urban migration, is dependent on foreign direct investments and reduced regulation, and therefore weakens the ability of States to hold third parties accountable for human rights violations within the economic sector. This economic model and food system also view rural populations and their natural resources as production banks. In this context, rural women in local, rural livelihoods around the world will continue to feel the impact of economic restructuring, migration, unregulated and unsustainable development, and climate change.

The Committee should clearly articulate the need for national economic policies that place the human rights of rural people, especially women, at the heart of national action plans bearing in mind the clear linkage between national economic models, an agribusiness-dominated food system, and the state of the rural economy.

### III. The CEDAW Committee should explicitly recognise women's right to adequate food and nutrition

Through this contribution, we ask the Committee to hold States accountable to respect, protect, and fulfil the right to adequate 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 chain – from access, control, management

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<sup>1</sup>This contribution was drafted by the organizations listed above and is additionally endorsed by the International Baby Food Action Network (IBFAN); South Asian Feminist Alliance for ESCR (SAFA), Association de Défense des Droits des Aides Ménagères et Domestiques du Mali (ADDAD – Mali) and Asia Pacific Forum on Women, Law and Development (APWLD). All of these organizations work on issues related to economic, social, and cultural rights of women in rural communities.

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.

Although CEDAW does not recognise the right to adequate food and nutrition in an explicit manner<sup>2</sup>, a great number of binding and non-binding international standards<sup>3</sup> recognise the right to adequate food and nutrition as a human right. The CEDAW Committee has received a number of reports about violations of the right to adequate food and nutrition of women<sup>4</sup> and has mentioned the right to adequate food and nutrition, or some elements of the rights, in its concluding observations regarding Nepal<sup>5</sup>, Paraguay<sup>6</sup>, Mexico<sup>7</sup> and Togo<sup>8</sup>. Furthermore, CEDAW is based on the principles of equality, non-discrimination and state obligations, all of them applicable for the right to adequate food and nutrition. We strongly consider that the Committee should monitor the implementation of this right at the national level, and explicitly recognise it in its work.

#### **IV. The CEDAW Committee should consider the following obstacles to the realisation of the right to adequate food and nutrition of rural women when drafting its forthcoming General Recommendation on Rural Women**

**A. Access, control, management and ownership of all natural and productive resources on which rural women producers depend should be guaranteed for the realisation of the right to adequate food and nutrition.** The current global economic trend has fostered an agribusiness-dominated food system, which favours extensive production, monocultures, intensive aquaculture, genetically modified organisms (GMOs), and monopolization and verticalization of production, has a direct negative effect on the rights of individuals and peoples, especially women, who live off the land, forests, fisheries and livestock through water and soil contamination, land grabbing, rural exodus, climate change, and the destruction of communities' social cohesion and biodiversity, as well as the reduction of diet diversity, safety and nutritional quality, among others. The present agricultural model often results in the rural-to-urban migration of male heads of households, which further reinforces the trend of a feminization of agriculture, in which women and girls carry the full burden of agricultural work with little legal protection and rights in their access, control, management and ownership of natural and productive resources. This is further exacerbated in times of economic crises. The current agricultural and development model also leads to land and other forms of natural resource grabbing, resource destruction and displacements, of which rural women are disproportionately affected and to the destruction and devaluation of traditional knowledge, of which women are the principal holders and could serve to provide human rights-based agro-ecological alternatives to the agribusiness-dominated food model. We ask the Committee to address the following specific hurdles faced by all rural women whose lives and livelihood depend on natural and productive resources:

**1. The livelihoods of all rural women who depend on natural resources are continuously being threatened.** Rural women's role in food and nutrition security as producers of the majority of food grown or harvested has been widely recognised; however, the focus has usually been on women farmers and their dependence on access to land. As a result, the fact that rural women also play an important role in the production of food in non-agricultural sectors, such as through fisheries, livestock rearing, gardening and the gathering of forest food has often been ignored. The lives and livelihoods of rural women engaged in non-agricultural sectors, such as fisheries, livestock rearing, gardening and forest food gathering are dependent

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<sup>2</sup>Although to date the CEDAW Committee has not issued a General Recommendation on the Right to Adequate Food and Nutrition, we are aware that some specific dimensions of the right to adequate food and nutrition are explicitly referred to in articles 12.2 and 14 (g) of the Convention, among others, and that several of its existing General Recommendations deal with issues related to the structural causes of hunger and malnutrition of women, mainly General Recommendations 12, 13, 15, 16, 17, 19, 21, 23, 24.

<sup>3</sup>For example, Universal Declaration of Human Rights Article 12; International Covenant on Economic Social and Cultural Rights Article 11; Voluntary Guidelines to Support the Progressive Realisation of the Right to Adequate Food, and Voluntary Guidelines on the Responsible Tenure of Land, Fisheries and Forests in the Context of National Food Security.

<sup>4</sup>Please see FIAN International's submissions on Nepal (49<sup>th</sup> Session), Paraguay (50<sup>th</sup> Session), Mexico (52<sup>nd</sup> Session), Togo (53<sup>rd</sup> Session) and Colombia (report submitted for current 56<sup>th</sup> Session).

<sup>5</sup>UN.Doc.CEDAW/C/NPL/CO/4-5, 11 August 2011, Par. 32d), 37, 38c) and d).

<sup>6</sup>UN.Doc.CEDAW/C/PRY/CO/6, 21 October 2011, Par. 34 and 35c).

<sup>7</sup>UN.Doc.CEDAW/C/MEX/CO/7-8, 7 August 2012, Par. 34 and 35b).

<sup>8</sup>UN.Doc.CEDAW/C/TGO/CO/6-7, 18 October 2012, Par. 37e).

upon access to natural resources and technology that are not necessarily the same as those that farmers depend on. Fisherwomen, for example, might depend on water bodies and intertidal zones for fishing and collection of shells and seaweeds, while other women producers depend on access to water, firewood, and credit (linked to ownership of land, among others).

**Recommendations:** *The General Recommendation should explicitly address the role of rural women not solely in agriculture, but also in fisheries, livestock rearing, gardening and the gathering of forest foods and medicines; a first step is for the General Recommendation to use of inclusive language that makes reference to all rural women producers.*

**2. Access, control, management and ownership of natural resources by rural women, be it in collective or individual tenure systems, often lack recognition and support by the State.** Although States have the obligation to ensure equality and non-discrimination in all laws and policies that apply to rural women, rural women have very little rights over land and productive resources - to own, access, use, manage, conserve and enjoy the benefits from land, water bodies, territories and resources. This further exacerbates the negative implications for rural women that result from the trend towards an agribusiness-dominated food system. Rural women are often not able to own or inherit land and have limited access to credit, markets, training and technology. In marital custody, transfer of land and housing rights goes to men. This is the same for fishing rights. Agrarian reforms and laws favoring access to land often benefit men. Preference is also given to men in social, economic and cultural structures, at the expense of endangering the traditional and ecological knowledge of which rural women are the main keepers. Furthermore, collective rights often lack recognition by the State. This lack of recognition results in these rights being easily taken away; thus, denying rural women access to their livelihoods and their right to adequate food and nutrition. The registration of land or other natural resources for collective use, especially among indigenous peoples, are often under the names of male members of the community; thus, impeding the independent access to these by the women in the community.

**Recommendations:** *The General Recommendation should explicitly state that States should (1) explicitly record, recognise, respect, and protect access, control, management and ownership rights of rural women to natural resources, be it in collective or individual tenure systems; (2) ensure that in the registration of land and water bodies for collective use, especially among indigenous peoples, the names of all female and male members of the community who use the land and water, be clearly stated; (3) adopt policies that recognise and promote collective rights (and that consciously secure the rights of women) allowing communities to negotiate on a stronger footing attempts to alienate these rights by denying them access; (4) be obliged to implement measures, legal and institutional, to ensure that rural women have equal rights with men to have property, land and/or territories registered in their names, and to have the right to pass on such property to their children; (5) audit their legal framework to identify any forms of discrimination, both in the law and institutional mechanisms, that disadvantage or have disparate impact on rural women's access, control, management and ownership of natural resources; (6) support the creation of legitimate, democratic, national representative structures of producers in agriculture/fisheries...etc., with particular attention to securing equitable participation of rural women on issues of particular relevance to them, ensuring that the range and diversity of the sector along the entire value chain is appropriately represented (pre-harvest, harvest, post-harvest); (7) recognise and support women as actors in natural resources management (coastal and inland aquatic resources, forests, etc.) and recognise and support rural women's knowledge, culture, traditions and practices (in relation to agriculture, fisheries, forestry, livestock rearing and other food producing sectors and that their ecological understanding and sustainable practices inform the management of resources; and (8) ensure better infrastructure support for rural women's needs to reduce the day-to-day drudgery and time burden the face to provide for basic rights for themselves and their families, including access to markets, internal roads, transport subsidies, drinking water, sanitation, energy and better technology options.*

**3. Efforts that aim to respond to the degradation and over-exploitation of natural resources often ignore rural women's role and dependence on these resources for their livelihood, as well as their culture and traditional knowledge systems.** Rural women are dependent on a range of natural resources and ecosystems for their food security and livelihoods. They often hold particular traditional knowledge linked to their customary food systems and the surrounding terrestrial and aquatic ecosystems. This knowledge, coupled with their systems of customary law and practice, are integral to their culture and the long term

sustainability of their food systems. Unfortunately, this knowledge (and the associated links with culture and food security) is often ignored in efforts that aim for better management and conservation of natural resources. In particular, initiatives for conservation of terrestrial and aquatic (including marine) biodiversity often deny women access to natural resources on which they are dependent for their survival and ignore their extensive traditional knowledge systems.

**Recommendations:** *The General Recommendation should explicitly state that States should (1) take specific steps to ensure that rural women's knowledge, culture, traditions and practices (in relation to agriculture, fisheries, forestry, livestock rearing and other food producing sectors) are recognised and supported and (2) that their ecological understanding and sustainable practices inform the management and conservation of resources.*

**4. The natural resources on which rural women depend are threatened by climate change.** Rural women are dependent on climate-dependent forms of livelihoods. For example, fishing communities are often dislocated by sea-level rise and erosion as a result of global warming. This displacement results in the loss not only of their homes, but also of their livelihoods and their ability to continue feeding themselves and their families. Climate change also affects women's roles in the household; for example, climate change contributes to water insecurity and shortage, which in turn adds to women's time for fetching water since they are often the ones tasked with this household chore. Furthermore, steps taken to restore access to natural resources or provide alternatives often result in unequal access and rights for women.

**Recommendations:** *The General Recommendation should explicitly state that States should (1) guarantee rights to natural resources for communities, especially women, displaced due to impacts of climate change; (2) take steps to restore access to these natural resources or provide alternatives that ensure equitable access and tenure rights for women; (3) invest in technology that provides better energy options to make rural women less dependent on climate for their livelihoods; and (4) recognize women's capacity and knowledge relevant for adaptation to climate change in their communities and promote their participation in projects and programs oriented to reduce the impacts of global warming.*

**5. Land grabbing and other forms of natural resource grabbing are detrimental to women's livelihoods and undermine food and nutrition security and food sovereignty.** Under the current agribusiness model of food production, foreign countries and corporations are often allowed to buy or lease an unlimited quantity of national land and corporate-backed government policies facilitate natural resource grabbing, such as the concentration of fishing rights in the hands of the private sector, for example. Land and natural resource grabbing disproportionately affect women and further exacerbate the obstacles that women already face in their attempt to access natural resources as a result of discriminatory laws and social norms. In addition, many women are subject to gender-based violence when they defend themselves and their communities against corporate interests and/or suffer significant hardships in continuing to provide for their families when the men in their communities are jailed or disappeared.

**Recommendations:** *The General Recommendation should explicitly state that States parties should (1) institute and enforce policies that recognise land and fishing rights, not as commodities to be traded in the markets by the governments, but as natural resources that support communities' livelihoods and food and nutrition security and sovereignty; (2) be held accountable for land grabbing as well as other forms of natural resource grabbing; (3) ensure that land and water bodies are not sold, leased or distributed without the meaningful consultation in all decision-making processes of the communities, especially women, whose lives and livelihoods are linked to these natural resources; (4) address the climate of impunity around these transactions through legal recourse; and (5) institute and enforce policies that guarantee that rural women participate in negotiations regarding land issues and resettlement efforts.*

**B. Decent work for rural women workers should be guaranteed based on existing international instruments and implemented in a non-discriminatory manner in order to realise rural women's right to adequate food and nutrition.** Focusing solely on the needs of rural women as entrepreneurs and producers of food, and thus only on rural women's access to natural and productive resources, would be addressing only part of the problem. The situation of rural women workers is too often ignored. Rural women are employed in all sectors – they work as labourers, as seasonal workers, on plantations and in pack-houses, fish processing plants, greenhouses and cold stores, among others. While rural workers are often denied access to even the most basic of rights covered in the ILO's core conventions, in particular to freedom of association and the right

to bargain collectively, the situation of rural women workers is even more detrimental as rural women's jobs are usually seasonal, part-time and low-wage. We ask the Committee to address the following specific hurdles faced by rural women workers:

1. **Difficulty in accessing social protection is especially pronounced amongst rural women workers.** The Social Protection Floors Recommendation, 2012<sup>9</sup>, reaffirmed that the right to social security is a human right and called on all States to establish and maintain their social protection floors comprising basic social security guarantees. However, national basic social security protection and labour legislation are often not in line with the ILO labour standards and exclude agricultural workers explicitly because they work at a family enterprise, are self-employed, or simply because agricultural work is considered informal or seasonal work. In fact, employers often keep women workers on short-term contracts, employing them for a few months, then after a few days' break, re-employing them on another short-term contract specifically to avoid their gaining entitlement to social security benefits. This lack of access to permanent employment opportunities not only results in their inability to access benefits, such as maternity and retirement benefits, among others, but further results in rural women's powerlessness to feed and care for their families on a consistent and sustainable basis. Maternity protection for working women is particularly essential to their health and well-being and to that of their children and communities. Lack of maternity leave often leads to lack of income and food for the woman and her family, during a time when nutritious and sufficient food is of utmost importance. It is crucial to ensure women's access to decent work and to gender equality as it enables women to combine their reproductive and productive functions, and to prevent unequal treatment in employment due to women's reproductive function. The ILO's supervisory bodies have commented on problems including the exclusion or non-coverage of women in the agricultural sector with respect to maternity leave as well as the lack of statistical data on coverage in this sector. It is important to note that the ILO Maternity Protection Convention, 2000 (No. 183), the ILO Safety and Health in Agriculture Convention, 2001 (No. 184), the ILO Recommendation, 2000 (No. 191), and the ILO Safety and Health in Agriculture Recommendation, 2001 (No. 192) protect all workers, including rural women.

**Recommendations:** Through its General Recommendation, the CEDAW Committee should urge States to (1) monitor and enforce compliance with the requirements of Article 11; (2) minimise the extent to which contractual labour is used to subvert the requirements of labour law and social protection legislation; (3) report on the extent to which development projects or other public-private sector partnerships which result in large numbers of rural women being employed, or agricultural work which employs rural women, provides for a minimum standard of labour rights; (4) comply with their key obligation of ensuring decent work for rural women in a sustainable growth framework; (5) adopt maternity protection legislation and other measures that facilitate six months of exclusive breastfeeding for women employed in all sectors, with urgent attention to the non-formal sector;<sup>10</sup> (6) ensure the non-discrimination in the context of rural women workers exercising the right to bargain collectively in order to ensure decent work; (7) implement education and training programmes, in close consultation with rural women, that specifically target women in agriculture and other productive sectors of the rural economy with the objective of equipping them with the requisite skills to add value to the work they undertake and/or further their access to diversified employment opportunities; and (8) provide comprehensive universal social security to all rural women as to enable all women regardless of work status to have access to basic rights at minimum levels.

2. **Rural women's sexual and reproductive health and rights, which are fundamental to the realisation of women's right to adequate food and nutrition, are also often affected by violations of workplace rights.** Poor occupational safety and health has a direct impact on rural women's sexual and reproductive health, which is also affected as a result of discrimination and harassment. In some companies, for example, women have to take pregnancy tests before they can be employed, which results in discrimination against women with a clear effect on women's ability to earn an adequate income and feed their families. Furthermore, sexual harassment of agricultural and other rural women workers at the workplace is widespread. Although it is difficult to obtain statistical data on the extent of sexual harassment of women agricultural and other rural workers, anecdotal evidence indicates that it is widespread, especially when women are on temporary contracts or piece rates. It is also reported that often women have to give sexual

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<sup>9</sup> Social Protection Floors Recommendation, ILO, 2012.

<sup>10</sup> Innocenti declaration 2005 on Infant and Young Child Feeding, <http://innocenti15.net/declaration.pdf.pdf>

favours to supervisors to ensure their contracts are renewed and that they receive their full pay entitlement, thus contributing to an environment where women rarely feel safe enough to demand their rights at the workplace.

**Recommendations:** *The General Recommendation should explicitly state that States parties should place full and productive employment and decent work at the centre of economic and social policies and base these policies on principles of non-discrimination, gender equality and responsiveness to special needs, such as during pregnancy and the lactation period.*

3. **The labour rights of rural women domestic workers are often violated.** Domestic work is a significant employment sector in rural areas. In spite of the ILO Convention Concerning Decent Work for Domestic Workers (2011) (No. 189), the work and rights of rural women domestic workers are often unrecognised and unacknowledged in part because their work takes place in private households. In fact, it is not uncommon for domestic workers' work to be dismissed as "help" as it is often the case for the wife or girl child of a rural worker to be expected to "help out" in the employer's household.<sup>11</sup> Furthermore, rural women often engage in domestic work at the household level, but they are not being valued or appreciated because it carries low or no monetary value.

**Recommendations:** *The General Recommendation should explicitly state that States parties should (1) adopt, implement, and enforce labour standards for rural women domestic workers as outlined in the Convention Concerning Decent Work for Domestic Workers<sup>12</sup>; (2) ensure that systems are put in place to ensure that rural women who engage in domestic work are seen as significantly contributing to the economy and receive social security benefits; (3) recognise, address, and redistribute rural women's time burden of unpaid work through for example, the provision of institutionalised childcare facilities, implementation of awareness raising campaigns to share care work with men and the provision of paternal leave to encourage men to take child care responsibilities; and (4) support rural women's access to organize for fair wages and better jobs, as well as to avoid discrimination within the employer's household.*

**C. The "intertwined subjectivities" of woman and child during pregnancy, childbirth, and breastfeeding need to be recognised and framed through the lens of women's rights throughout their lifespan in order for all rural women and their families to realise their right to adequate food and nutrition.** Nutritional issues of mothers and children must be engaged simultaneously and childbearing and the potential of healthy, well-nourished off-spring and mothers must be framed through the lens of women's fundamental human rights over the lifespan, which include women's right to sexual and reproductive health care that would enable them to decide if and when to become mothers. States parties must be urged to create an environment, with real opportunities, in which rural women and mothers can take informed decisions related to their sexual and reproductive health and to infant and young child feeding in general, and breastfeeding in particular, and act on them. We ask the Committee to address the following specific hurdles faced by rural women throughout their lifespan, which have a direct effect on women's and children's nutrition during pregnancy, breastfeeding and early childhood:

1. **Rural women are particularly disadvantaged with respect to their access to health care services.** In some settings (e.g. Europe) there is a trend to close down small maternity units in rural areas, and in developing countries there are simply not enough facilities leading to long and expensive travel and waiting hours, inaccessibility (fees, travel distance and costs), and poor quality (lack of qualified health care personnel, medicines, lack of respect for patient rights, e.g. abuses of women living with HIV seeking reproductive health services). These phenomena lead to poor antenatal care, poor education and counselling services, including on optimal sexual and reproductive health care services that enable women to decide if and when they want to have children and about infant and young child feeding<sup>13</sup>. Maternal<sup>14</sup> and

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<sup>11</sup>For a description of the discrimination faced by rural women domestic workers and its impact of their right to adequate food and nutrition, please see FIAN International and FIAN Colombia's written submission to the CEDAW Committee for its review of Colombia during its 56<sup>th</sup> Session, October 2013.

<sup>12</sup> Convention Concerning Decent Work for Domestic Workers, [http://www.ilo.org/brussels/WCMS\\_157836/lang--en/index.htm](http://www.ilo.org/brussels/WCMS_157836/lang--en/index.htm)

<sup>13</sup>Early and exclusive breastfeeding for six months, continued breastfeeding for two years or beyond with adequate and safe complementary foods.

<sup>14</sup> Early initiation & increased frequency of breast-feeding could decrease the amount of blood loss during the fourth stage of labour.

child mortality thus continue to be strikingly high in rural areas, mostly due to the absence of skilled birth attendants, trained health personnel, respectful of cultural backgrounds, and breastfeeding counsellors, and poor access to essential lifesaving drugs, not only for obstetric, neonatal, and abortion complications, but also, for example, for the prevention of vertical transmission of HIV and therefore protection of breastfeeding. Furthermore, the scope of health care education also needs to include health and nutrition so that women are informed about and can demand fulfilment of their right to adequate food and nutrition and other related rights, such as maternity protection.

**Recommendations:** *The General Recommendation should explicitly state that States parties should (1) ensure access to essential health care that would guarantee that all women in need of health care do not face hardship and an increased risk of poverty due to the financial consequences of accessing essential health care; (2) offer free prenatal, postnatal, and obstetric medical care for the most vulnerable; and (3) consider different approaches with a view to implementing the most effective and efficient combination of benefits and schemes in the national context.*

2. **Indigenous and First Nations women face additional challenges to those faced by mainstream rural women.** Indigenous communities generally suffer higher rates of poverty, discriminatory support policies and health services. For example, breastfeeding rates are the lowest in First Nations communities in Canada, in aborigines' communities in Australia or Maori communities in New Zealand. In isolated communities and on reserves, reproductive health services, prenatal, birthing, post-natal and breastfeeding supports are often not available, or not culturally adapted, let alone in local languages. This requires women to travel to urban centres, isolating pregnant women and new mothers from their families and communities at very vulnerable times in their lives. On the other hand, some indigenous communities may be too isolated to suffer the "infant formula epidemic" (communities in the Amazon basin, for example) or so dominant (Bolivia or Guatemala), that they are able to maintain traditional practices like breastfeeding; though they remain poorer and less educated compared to the rest of the population.

**Recommendations:** *The General Recommendation should explicitly state that States parties should (1) specifically highlight the situation of Indigenous and First Nations women in the State parties reports; and (2) not merge this group of women in the 'disadvantaged groups of women'.*

3. **Rural women workers face additional difficulties in their ability to make informed decisions related to infant and young child feeding.** As discussed previously in this document, rural women workers face difficulties in accessing maternity benefits. Furthermore, many rural women engage in informal and reproductive labour, which are often not recognised as valuable and therefore lack wage compensation or any sort of benefits or social protection. Rural women workers and their infants are also particularly affected by the lack of well-equipped and well-run crèche services available at accessible distances, which would enable mother and infant to stay in close proximity for exclusive breastfeeding.

**Recommendations:** *The General Recommendation should explicitly state that States parties should (1) ensure access of rural women to full, unbiased, and culturally-sensitive participatory health and nutrition education to facilitate women's informed decisions about their own and their children's nutritional well-being; and (2) provide support, including through access to child care facilities /crèches, to carry out these decision.*

4. **The structural violence and human rights violations faced by rural girls and young women are significant barriers to the realisation of the human right to adequate food and nutrition for all.** In rural settings, many girls fall victims to child marriage, bonded labour and adolescent pregnancy, among others. They are deprived of their rights (e.g., their right to education, reproductive rights, equality of rights within the household, etc.), loaded with household chores and with the nutritional demands of bearing a child, while being themselves still in the growing period. These girls and young women also suffer the consequences of carrying the full burden of waged employment in addition to their disproportionate load of "care" responsibilities at home from a very early age and are prone to having successive pregnancies, thus, increasing the risk of maternal and infant malnutrition and mortality. The infant mortality and malnutrition rates associated with adolescent pregnancies are higher than those of adult pregnancies, and the risk of maternal death is three to four times higher.<sup>15</sup> Adolescent pregnancies, and unsafe abortions, are among the

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<sup>15</sup>See United Nations Children's Fund (UNICEF), *State of the World Children – 2011*, accessed February 3,



most important causes of death for women in this age group. Structural violence against girls leads to further violations of their human rights, which in turn contributes to violations of the right to adequate food and nutrition of the girl, the woman, her children, and in turn that of her family and community.

**Recommendations:** *The General Recommendation should explicitly state that States parties should offer preventive maternal and child care services and facilities for sexual and reproductive health care respectful of cultural backgrounds in rural areas in near proximity to where women live in order to allow young women and girls to have access to them.*

5. **Rural women in the role of grandmothers also face obstacles with direct impact on their communities' realisation of the right to adequate food and nutrition.** Little attention has been given to women who are in the role of grandmothers and become the primary caregivers in their household as their daughters, mothers of often very young children, migrate to the city for work due to economical displacement, land grabbing, or armed conflict, succumb to death related to HIV, or engage in agricultural work and waged employment after their husbands migrate. These elderly women caregivers often face difficulties in accessing their rights and lack support, which have a direct impact on the health and nutrition of the children for which they care and their communities' livelihood and future.<sup>16</sup>

**Recommendations:** *The General Recommendation should explicitly state that States parties should (1) adopt and implement specific measures to cover the food and nutritional requirements of elderly rural women, ensuring their economic and physical access to culturally-adequate and safe food that corresponds to their physical and mental conditions; and (2) develop age and gender sensitive claim and monitoring mechanisms that would allow elderly women and/or their families to access adequate and non-discriminatory social protection schemes.*

6. **Rural women's nutrition and that of their children and families is often affected by interference from for-profit or commercially-motivated non-state actors.** Due to a lack of government monitoring and regulation in relation to policies and programs, for-profit or commercially motivated non-state actors often interfere with rural women's ability to make informed decisions about feeding, with a potentially negative impact on the realisation of the right to adequate food and nutrition for women, infants and young children. For example, non-state actors, through market-based approaches, have often engaged in the promotion and marketing of infant and young child feeding products, including infant formula, non-locally produced and processed complementary foods, or formulated supplementary foods for older infants and young children sometimes under the guise of tackling malnutrition.

**Recommendations:** *The General Recommendation should explicitly state that States parties should (1) introduce policies that enable them to hold for-profit or commercially-motivated non-state actors, accountable for direct and indirect violations of rural women's right to adequate food and nutrition; (2) be urged to regulate through legally-binding measures the marketing of breastmilk substitutes, in order to fulfil their obligation to protect the right to adequate food and nutrition; and (3) that as part of this obligation, they must prevent and when necessary impose sanctions for violations and/or non-respect of the International Code of Marketing of Breastmilk Substitutes and subsequent relevant World Health Assembly resolutions by non-State actors.*

**D. The global food economy has been both gender-blind and male-biased; women's roles in land use, production, processing, distribution, market access, trade, investment, price volatility, and food availability should be recognized, valued and protected.** Women are involved in all aspects of production, processing and distribution. They work as unpaid, contributing family workers, self-employed producers, on and off-farm employees, entrepreneurs, traders, and providers of services, technology researchers and developers, and caretakers of children and the elderly.<sup>17</sup> On average, 43% of agricultural labourers in developing countries are women who are also the majority of food providers.<sup>18</sup> In spite of the lack of gender disaggregated data, case

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2013, [http://www.unicef.org/media/files/SOWC\\_2011\\_Main\\_Report\\_EN\\_02092011.pdf](http://www.unicef.org/media/files/SOWC_2011_Main_Report_EN_02092011.pdf), 22.

<sup>16</sup> Please see FIAN International's submission to the CEDAW Committee's Review of Colombia during its 56th Session.

<sup>17</sup> Hill, Catherine. Background paper. 2011. Prepared for UN Women Expert Group Meeting on Enabling Rural Women's Economic Empowerment: Institutions, Opportunities and Participation.

<sup>18</sup> State of Food and Agriculture 2011: Women and agriculture: Closing the gender gap for development. 2011. FAO.

<http://www.fao.org/docrep/013/i2050e/i2050e.pdf>.



studies suggest that women's role in fisheries is large—they make up at least 50% of the workforce in inland fisheries, while as much of 60% of sea food is marketed by women in Asia and West Africa<sup>19</sup>. As producers, women are often the ones who produce secondary crops for subsistence, such as legumes and vegetables, on more marginal lands.

**1 The World Food Programme (WFP) reported that women are shouldering the heaviest burdens in the food crisis.**<sup>20</sup> Food prices are expected to increase by as much as 70 to 90 per cent by 2030, before the effects of climate change, which will place many more millions at risk, increasing the number of those who are already hungry and unable to access food.<sup>21</sup> While the global economic crisis has further aggravated rural women's access to food, cuts in spending have increased gender inequalities as key services and social protections became and remain unavailable. Since rural women are leaders in harvesting, processing, warehousing and storage of reserves at the local level, their voices should be central to macroeconomic policy decisions in this area. Food entitlement programs providing nutritious food by tapping into family farming and small-scale fisheries hold great potential for fulfilling the right to food and nutrition and promoting gender equality. These types of programs should be supported through public budgets. For example, Bolivia, Brazil and India have begun programs to subsidize locally produced, nutritious food from family farms. This has increased food security in poor households and incomes among the rural poor, including female farmers.<sup>22</sup>

**Recommendations:** *The General Recommendation should explicitly state that States parties should (1) demonstrate the ways in which they abide by principles of non-retrogression and ensure that financial resources are appropriately allocated toward vulnerable populations such as rural women; (2) highlight the ways in which they have included rural women in transparent economic policy decision-making and consultations; (3) respect the right to free informed prior consent, as identified in Article 32 of the UN Declaration on the Rights of Indigenous Peoples, allowing indigenous communities to consult and develop priorities for the use of their land, and requiring States to obtain free and informed consent from them prior to the approval of development projects;*<sup>23</sup> *(4) ensure proper regulation and oversight of agribusinesses and the financial sector in their involvement of food prices and investments; (5) monitor and regulate markets to ensure rural women receive fair prices for their products; and (6) maximize available resources to protect rural women's right to adequate food and nutrition.*

**2 Structural Adjustment Policies and international trade negotiations have focused on expanding trade and reducing government regulations, with the expectation that such changes would generate income and secure the global food supply.** In many cases however, rather than establishing more equitable outcomes, these measures have strengthened the position of the most powerful actors, particularly transnational companies, through unfair subsidies, while several developing countries were forced to withdraw investment in agriculture and rural development, due to IMF conditionalities, leading to a decline in their long-term productive capacity and transforming them into net food importers. Lower tariffs, cuts in spending and deregulation served to decreased government revenues to support key agricultural policies, production incentives, infrastructure investments and price stabilization measures, including establishing marketing boards and introducing subsidies for small-scale producers, restrictions on imports, and export taxes. Lowered tariffs also led to the privatization of essential services, such as water, sanitation, health, and extension services for the rural poor, who are primarily women and children. As a result, policies and programs that could assist female small-scale producers have been eroded, while trade liberalization policies have increased their work burden and undermined their right to food.

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<sup>19</sup> State of World Fisheries 2012: Mainstreaming gender in fisheries and aquaculture: from recognition to reality. 2012. FAO. <http://www.fao.org/docrep/016/i2727e/i2727e.pdf>

<sup>20</sup> "Women Shoulder Heaviest Burden in Food Crisis". 2009. WFP. <http://www.wfp.org/stories/women-shoulder-heaviest-burden-global-food-crisis>

<sup>21</sup> *Growing a Better Future Report*. 2011. Oxfam International.

<sup>22</sup> "The Right to Food, Gender Equality and Economic Policy". 2011. CWGL. <http://cwgl.rutgers.edu/resources-139/publications/economic-a-social-rights/154-publications/esr/379-the-right-to-food-gender-equality-and-economic-policy>

<sup>23</sup> *Declaration on the Rights of Indigenous Peoples*. General Assembly Resolution 61/295. 2007. United Nations.

<http://www.un.org/esa/socdev/unpfii/en/drip.html>

**Recommendations:** *The General Recommendation should explicitly state that States parties should (1) carry out gender-sensitive human rights impact assessments of specific trade and investment policies before the adoption of these and correct the probable negative effects that these could have on the rights of rural women; (2) develop and sign on to trade and investment policies only if they are aligned with existing human rights law supporting the right to food and nutrition and linked to women's human rights; and (3) create specific provisions to secure substantive consultations with indigenous women.*

**E. An adequate legal and constitutional framework for the realisation of rural women's fundamental rights and freedoms based on the principles of equality and non-discrimination should be guaranteed.**

The prevalence of land development and agribusiness has often disadvantaged rural women and their families further. Where men leave the community to access formal sector work after land is sold to developers, women have increased care work, which inevitably results in moving away from rural communities and often into urban areas to seek informal sector opportunities and having to compete with other informal sector traders. Discrimination against women both exacerbates and perpetuates the precarious situations in which these rural women find themselves. Rural women suffer multiple and intersecting forms of discrimination in law and in practice based not only on gender and sex but also age, indigenous group membership, tribal or cultural status, ethnic minority status, sexual orientation, family responsibilities, disability, marital status, religion and custom. The resultant marginalisation and deprivation of livelihood of rural women, through discrimination in their access to land and other natural resources, financial opportunities, and within the household, among other forms, renders rural women's human rights to be more likely threatened and violated, such as through trafficking and migration. Marriage and inheritance law also discriminates against women through preventing land being passed on as a consequence of divorce or in marriage. For example, in many countries with Islamic law and customary law, married women cannot access agricultural credit in their own names or even participate in government credit or land development schemes. Finally, rural women, even where they have legal protection for their land ownership and other property rights, have limited rights of access to justice to enforce such rights. This results from lack of resources and infrastructure, lack of legal aid and mechanism like mobile law clinics.

**Recommendations:** *The General Recommendation should explicitly state that States parties should (1) align their laws to CEDAW and improve the institutional and legal framework to ensure compliance with CEDAW to ensure that non-discrimination and equality are entrenched de jure and de facto in respect of land ownership, access to credit, loans and economic opportunities, access to justice, skills and training, among others; (2) ensure that policies and laws meant to tackle discrimination also recognize the fact that rural women are not static populations and consider the situation of rural women within the broader context of all women, rural and urban; (3) address structural and systemic discrimination as part of State obligations to address underlying causes of poverty in rural areas, and recognising that women bear the brunt of such poverty; (4) engage in law reform that address the legal provisions as well as the structural, institutional and customary law practices and provisions that prevent equality in land ownership and economic opportunities for rural women; (5) undertake sensitization of government functionaries and other government officials to address the various forms of discrimination and inequality endured by rural women; (6) ensure the availability of women-friendly and rural-friendly grievance mechanisms and redressal procedures; (7) be required to address discrimination based on gender in land titles and property ownership as well as access and use of natural resources to ensure good governance and equal decision-making by women in rural development opportunities and programmes, and adherence to the rule of law in providing for equal access to opportunities and income; (8) ensure that information regarding all state schemes and entitlements, including access to financial and administrative processes in regards to loans, credit and subsidies, be available to rural women in a gender- and rural-friendly manner; (9) address cultural and religious custom and practices through the engagement of both women and men, in particular those that entrench men as the head of households and devalue the contribution of women, to ensure equality and equal access to economic opportunities for rural women and their full participation in decision-making processes, inside and outside the household, and local governance; (10) ensure the education of communities to remove societal and cultural norms and stereotypes and inform about the rights of women in their different roles (i.e., as workers, mothers, and producers) to guarantee the equality and equal ability of women to claim their rights as individuals and not just as members of a household; and (11) meet their obligation to realise the right to food and nutrition security by including, through quotas and other methods supporting their direct participation, the voices of rural women in political life at the local, regional, national and international levels.*