



Input to the Working Group on the issue of human rights and transnational corporations and other business enterprises regarding a Gender Lens to the UN Guiding Principles on Business and Human Rights

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Respectfully submitted to the Working Group by Landesa,¹ a leading international land tenure organization dedicated to securing gender-responsive² land rights for rural people living in poverty, with experience in over 50 countries.

1. *In what ways do women experience the impact of business-related human rights abuses differently and disproportionately? Please provide concrete examples in the context of both generic and sector- or region-specific experiences of women.*

“...among the groups that are often disproportionately affected by the adverse impact of business activities are women, children, [and] indigenous peoples, particularly in relation to the development, utilization or exploitation of lands and natural resources...” – The Committee for Economic, Social and Cultural Rights, General Comment No 24. (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities³

The adverse human rights impacts articulated by the CESCR Committee are severely felt by women in the context of business activities that involve land.⁴ According to the World Bank, agriculture is the main source of income and employment for 70% of the world’s poor living in rural areas,⁵ who most often lack formally recognized rights to the land they rely on for their livelihood, shelter, and identity.⁶ And an estimated 65% of the world’s land is held under customary or communal tenure but rarely recognized by formal law;⁷ business activities on or affecting such lands often occur with little or no protection for those occupying the land.⁸ Currently, the United Nations Guiding Principles on Business and Human Rights (UNGPs) references land only twice, despite the strong interconnection between land, business activities, and negative human rights impacts on those most affected by poverty.⁹

Women own relatively less land than men and are denied legal, social, and economic agency; these factors result in women being disproportionately impacted by business activities. Women most often access and retain land only through a relationship with a male relative,¹⁰ and are still in some places treated as property.¹¹ The majority of employed women in South Asia and Sub-Saharan Africa work in agriculture.¹² However, women are often not considered “farmers” or “heads of household” due to strong gendered social norms, and their names frequently do not appear on land rights documentation.¹³ This informal status often prevents them from accessing legal, financial, and agricultural extension services. They are less likely to be offered employment as the result of an investment, and face greater challenges in accessing justice.¹⁴ They are often seen as ineligible for compensation or remedy for loss of livelihood and access to natural resources when resettlement occurs or lands are taken under compulsory acquisition actions.¹⁵ They often lose (or must travel much farther to access) critical resources on which they rely, including water sources and forest products.¹⁶ Men typically oversee cash crop cultivation, and might eventually receive some sort of compensation for loss



of land; women, who often engage in subsistence agriculture or forage non-timber forest products, often receive no compensation.¹⁷ In addition, investment-linked evictions and displacements often result in physical and sexual violence against women and girls,¹⁸ and additional burdens related to resettlement, especially because their rights to land are often unrecognized or diluted by law or practice.¹⁹

Women are rarely present in public or private arenas where decisions are made about investment policies and land-related business activities. Women are severely underrepresented in decision-making at national and international levels, including in policy-making and legislative bodies,²⁰ courts of law, land governance ministries, surveying and mapping offices, regulatory and customary bodies,²¹ and positions of power within business entities,²² and in ministries governing finance, trade, and labor; thus, they are often excluded from private-sector and governance decisions affecting land.²³ At the household and community levels, custom, relatively lower levels of literacy, limited mobility, and competing care demands render women unable or unwelcome to participate in community meetings or consultations without additional accommodations.²⁴

Multinational companies acquiring land in low and middle-income countries have significantly impacted rural livelihoods; women have been disproportionately impacted.²⁵ According to a 2016 Land Matrix Initiative report, the large majority of the 1,204 concluded deals recorded in low- and middle-income countries targeted prime agricultural land.²⁶ Without consent, governments have seized land from communities, including indigenous communities, to make it available to investors and business.²⁷ They have also granted concessions to private-sector actors,²⁸ failed to effectively regulate land speculation that deprived communities and individuals of just compensation, widened inequalities between rural communities and domestic elites²⁹ and fed corruption by land administration officials.³⁰ Acquisition of land, and land administration more generally, is marked globally by a high level of corruption.³¹ Consequently, some private actors seeking to acquire large parcels of land might target countries where land rights are less likely to be formally recognized or enforced.³² Due to the distribution of assets and decision-making power from households to halls of parliament, each of these factors has a gendered dynamic as well. Women are often simply not present for, consulted about, or adequately represented in decisions that directly and significantly impact their lives.

Women workers are often found in the most precarious working environments, and they make up the bulk of informal workers in the agriculture sector, often due to a lack of legal rights to land.³³ Supply chains frequently undervalue or make invisible the economic contributions of women. Prevailing gendered social norms leave women bearing the brunt of unpaid care work.³⁴ This limits the type of work offered to women—they are overrepresented in the informal economy and limited in their ability to transport produce they grow or goods they make to viable markets.³⁵ Stereotypes about “women’s work” often results in job segregation and gendered disparities in wages and benefits, including in the context of business activities, where men are more likely to be offered employment.³⁶

2. Please share any good practices on how to deal with increased marginalisation or vulnerabilities faced by women due to intersectionality, feminisation of work, informal economy, and conflicts.

Strengthen gender-equitable land governance and secure rights to land for women.

Identifying and securing rights to land for women is often a precondition to the realization of human rights enshrined in international human rights treaties. Treaty monitoring bodies and other human rights mechanisms and institutions have linked secure land rights to multiple human rights: economic livelihood, equality (including gender equality), an adequate standard of living, housing, food security,



education, health, cultural life, freedom from violence, and participation in decision-making at all levels.³⁷ Research shows that human rights are protected and strengthened when women's rights to land are protected:³⁸ women's social status, including decision-making power and participation in cultural life, is enhanced; food security, health, and educational outcomes improve; social stability increases and conflict decreases; and climate change impacts can be better mitigated and managed,³⁹ as could rapid-moving global trends like urbanization and migration, which are related to the feminization of agriculture and women's levels of decision-making in agriculture.⁴⁰

4. Which State laws and policies or social, cultural and religious norms continue to impede women's integration into economic activities and public life generally?

Women in rural areas face systemic legal, economic, and social discrimination and exclusion. In over 90 countries, law, social norms, or custom undercut women's access to land,⁴¹ and rural women face systemic discrimination in access to land and natural resources.⁴² Women who are members of another vulnerable group (asylum seekers, undocumented migrants, or members of indigenous communities) are even worse off, especially in the context of agricultural labor or informal labor in supply chains.⁴³ Both formal and customary family law regimes (including inheritance, marriage, and divorce laws) limit women's rights to assets within their families or on the basis of marital status; in many countries these discriminatory provisions and practices are compounded or at least intertwined with religious laws that limit women's full legal status.⁴⁴

Strong international standards call for and aim to achieve gender equality with regard to land and natural resources. States have a duty to reform law and policy accordingly, and to ensure that reforms apply comprehensively to business activities. The CEDAW Committee's General Recommendation No. 34 on the rights of rural women instructs States Parties to uphold rural women's land rights, highlights vast disparities and systemic discrimination suffered by rural women, and declares rural women's rights to land and natural resources "fundamental human rights."⁴⁵ The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) instructs states to facilitate equal participation in and "benefit from rural development" and in particular, women's right to "equal treatment in land and agrarian reform;" mandates equal rights to women "to administer property;" and extends equal rights to "both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property," interpreted to include land.⁴⁶ The Sustainable Development Goals include three sex-disaggregated indicators calling for governments to measure women's rights to land (documentation and perception of tenure security, the proportion of women among rights holders on agricultural land, and countries where formal and customary law guarantee women's equal rights to land) as measures of progress in eliminating poverty and promoting gender equality and women's empowerment,⁴⁷ and numerous other goals create strong links between women's land rights and sustainability.⁴⁸

7. What is the extent to which businesses currently apply a gender lens in conducting human rights due diligence, including social or environmental impact assessment?

Forward-thinking private sector entities have demonstrated interest in applying a gender lens to human rights due diligence, but this has been a fairly recent phenomenon.⁴⁹ However, many actors are either unaware of the need and rationale for applying a gendered lens, or view it as extraneous or infeasible. This is a challenging arena for even those actors dedicated to human rights, but new guidance is available to comply with the human rights mandate of a gender-responsive approach to investments.⁵⁰



9. *What is the role of businesses in dealing with domestic laws, policies and societal practices which are discriminatory to women?*

Respect women’s human rights through engagement and consultation with land users and rights holders. A business entity’s presence in a community can create an opportunity to educate communities about and model international best practices in ways that can benefit women. This is especially true if standards of community engagement that include women are made a prerequisite of investment,⁵¹ for instance conducting gender-responsive land rights mapping (including participatory mapping activities) and registration.⁵² To comply with international standards, businesses must follow gender-responsive FPIC principles even if—and because—domestic laws of host countries for business activities and social norms often severely disadvantage women.⁵³

Conduct inclusive engagement and consultations and provide gender-equitable compensation. Companies must provide all people claiming land rights or interests with fair and prompt compensation for the leasing, purchasing, or any other use of the land to which they claim rights or interests. Compensation should be agreed, contractual, and available in the local language. Consultations should be an iterative process, and should only be held after the business enterprise has shared all material information with those claiming land rights or interests, including human rights and social and environmental assessment results. Consultations should be participatory; those claiming land rights or interests should have full opportunity to ask questions, request additional information, and express concerns and expectations.⁵⁴ Special efforts should be made to include women in consultations; particularly as women’s land use rights and interests are often secondary and unrecognized by government entities and investors.⁵⁵

12. *How could all types of remedial mechanisms, processes and outcomes be made more gender-responsive?*

Take into account the unequal power relations that govern the context of corporate abuses. Women and other marginalized groups often face stigma, reprisals and job insecurity for reporting business-related abuses. Compounded forms of discrimination affect marginalized individuals and groups’ ability to exercise their right to remedy for violations within the context of business activities; these complexities should be understood and addressed, for example through a company-funded account supporting access to justice.⁵⁶

Specifically include and account for women’s social contexts and legal rights status. Company-based grievance mechanisms can ensure that women’s land rights—more likely than men’s to be unregistered, informal, seen as secondary, and contested—are adequately captured.⁵⁷ Establishing effective, gender-responsive remedies requires local knowledge and assistance (local civil society are often the best candidates), and iterative consultations with men and women in affected communities.⁵⁸ In-depth environmental, social, human rights, and gender assessments and consultations should be conducted early.⁵⁹ This helps to establish a company’s “social license to operate,”⁶⁰ but it will also reveal gendered community interests, avoiding later grievances. Surveys or impact assessments are the requisite first step to ensure solid grounding for effective remedy and company grievance mechanisms. These mechanisms should transcend social inequities that often plague customary or judicial mechanisms.⁶¹



Create accessible mechanisms for remedy. Formal judicial mechanisms are frequently inaccessible to rural communities due to poverty, geographical distance, lack of infrastructure, and illiteracy.⁶² These factors especially affect women and other marginalized groups (pastoralists, migrants, religious minorities, those with disabilities, the elderly, etc.). To understand the experiences and expectations of all people in affected communities, States should review their substantive, procedural, and practical barriers to remedies.⁶³ This review should include meaningful consultation with communities affected by investments to determine what remedies are accepted and pursued in practice. States should document these dynamics and incorporate the needs of rural communities vis-a-vis remedies into legislative, administrative, and regulatory mechanisms designed to comply with international human rights standards related to investment, and to compel business entities to comply.

13. How to overcome power imbalances and discriminatory practices that might undermine the effectiveness of remedies obtained by women?

Embed participatory and inclusive mechanisms in all investment processes. Private sector entities investing in land should include women and men who are champions for gender equality in the design and development of grievance mechanisms,⁶⁴ monitoring and evaluation, and work towards gender-responsive human resource policies and practices.⁶⁵

Employ social and behavioral change communications interventions to achieve compliance with international law. Gender inequality must be identified and addressed in all its forms if women and men are to benefit equitably from business activities, development interventions, or international guidance.⁶⁶ Structural impediments—legal, economic, social and cultural barriers to gender equality and women’s rights—must be addressed in all their dimensions; this requires widespread participation by a wide range of stakeholders. Social and behaviour change strategies that engage both women and men have demonstrated powerful effects for furthering gender equality in health interventions and gender-based violence prevention.⁶⁷ Intentional engagement of women and men within communities is needed to address gendered power imbalances and achieve more equitable outcomes, along with specific efforts to increase women’s agency and empowerment.

Under CEDAW, States have “an obligation to expose and remove the underlying social and cultural barriers, including gender stereotypes that prevent women from exercising and claiming their rights and impede their access to effective remedies.”⁶⁸ Even where states have adopted progressive laws, CEDAW still requires states to “modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary . . . practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women,” including practices that would prevent women from realizing equal rights to land.⁶⁹

14. Please provide any additional comments, suggestions or information which you think may be relevant for the Working Group’s forthcoming report on the gender lens to the UNGPs.

Women are not an inherently vulnerable group, and “gender” should not be equated with women. The negative, gendered impacts on human rights caused by business activities are at their roots the result of pervasive, systematic, and deeply entrenched gender inequality. Women and gender minorities are marginalized by biased laws, discriminatory practices and patriarchal systems that can undermine their agency and autonomy and perpetrate gender inequalities. This marginalization and inequality is further entrenched and compounded in the context of investments.



Strategies and approaches to investment must acknowledge gendered dynamics to be effective and equitable. Women and gender minorities experience multiple and intersecting forms of discrimination based not only on gender, but on race, ethnicity, marital status, migrant status, religion, indigenous status,⁷⁰ disability and other factors. Women and other marginalized populations are not homogenous units, and do not exist in a vacuum. Gender consists of the social relationships between people across the gender spectrum; it does not refer solely to women's empowerment and should not be understood as women's issues.⁷¹ The UNGPs and other international guidance on business activities should instruct all stakeholders to recognize gendered discrimination that negatively affects women and gender minorities, engage in careful and strategic efforts to understand gendered experiences vis-a-vis investments, equitably involve and fully inform women and gender minorities in investment decisions and processes at all levels, and structure business activities to support and further gender equality.

The UNGPs should reference the Voluntary Guidelines on the Governance of Tenure and other international and regional guidance on land and business activities.⁷² To strengthen the UNGPs' ability to guide corporate actors in applying a gendered lens to respecting human rights, the Guiding Principles should incorporate references to the UN-endorsed 2012 Voluntary Guidelines on the Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.⁷³ The Voluntary Guidelines assert that business enterprises "have a responsibility to respect human rights and legitimate tenure rights," instruct home and host states to ensure businesses are not involved in abuse of human rights and legitimate tenure rights, and provide specific guidance for compliance and responsible investment in land, including special considerations for indigenous peoples and women (e.g., Voluntary Guidelines Guiding Principles 3.2, Sections 9, 12). A reference to the African Union's Guiding Principles on Large Scale Land Based Investments in Africa⁷⁴ would also increase the UNGPs' credibility among policy makers and civil society actors on the African continent.

¹ Landesa is an international nonprofit organization dedicated to securing gender-responsive land rights for rural people living in poverty. Landesa has worked in over 50 countries and has contributed to over 110 million families gaining legal land rights, using a combination of robust research, collaborative law and policy design, dedicated advocacy, and tailored evidence-based interventions, www.landesa.org

² "Gender-responsive" means that rather than only identify gender issues or work under the "do no harm" principle, a process will substantially help to overcome historical gender biases, to "do better," in order for women to truly engage and benefit from these actions. See UN Women, *How to Manage Gender-Responsive Evaluation*, available at: <http://genderevaluation.unwomen.org/-/media/files/un%20women/gender%20evaluation/handbook/evaluationhandbook-web-final-30apr2015.pdf>

³ CESCR General Comment No. 24 (2017) on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, UN Doc. E/C.12/GC/24, at para. 8.

⁴ Landesa, *What do we know about gender and large-scale land acquisitions?* (2016), hereinafter "Gender LSLA," available at: <https://landportal.org/blog-post/2016/02/what-do-we-know-about-gender-and-large-scale-land-acquisitions>

⁵ World Bank, *Agriculture and Rural Development*, available at <http://data.worldbank.org/topic/agriculture-and-rural-development>

⁶ Behrman, J; Meinzen-Dick, R; Quisumbing, A, *The Gender Implications of Large-Scale Land Deals*, (2011), IFPRI, at 2, hereinafter "IFPRI," available at: https://www.iss.nl/fileadmin/ASSETS/iss/Documents/Conference_papers/LDPI/56_Behrman_Meinzen-Dick_Quisumbing.pdf

⁷ *Who Owns the World's Land: A global baseline of formally recognized indigenous and community land rights*, (2015) at vii, Rights and Resources Initiative, available at: http://www.rightsandresources.org/wp-content/uploads/GlobalBaseline_web.pdf. "This lack of alignment between formal and customary land rights makes it imperative that States Parties consider customary tenure rights when they are drafting legislation or creating other formal requirements for investors, including due diligence requirements or guidelines. Customary tenure systems can support the power imbalance that frequently favors traditional authorities and domestic elites in acquisitions for large-scale land based investments, and also have implications for women's rights, as men typically hold rights within customary tenure systems."

⁸ Behrman, J; Meinzen-Dick, R; Quisumbing, A. *The Gender Implications of Large-Scale Land Deals*, (2011), IFPRI, at 6, hereinafter "IFPRI," available at: <http://ebrary.ifpri.org/utills/getfile/collection/p15738coll2/id/124877/filename/124878.pdf>

- ⁹ United Nations Guiding Principles on Business and Human Rights, (2011) UN Doc. HR/PUB/11/04, at pg. 5 https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf See also United Nations OHCHR brief on Women Human Rights Defenders, 2014, available at: <https://www.ohchr.org/Documents/Events/WHRD/OnePagerWHRD.pdf> “Women’s human rights defenders face all of the challenges generally experienced by human rights defenders [including] threats, death threats, killings, arrests, detentions, judicial harassment, threat of criminal prosecution and other forms of criminalisation, threats of committal to psychiatric hospitals and eviction, threats of violence against family members, stigmatization, [home] break-ins..., rape and other forms of sexual violence. However, female defenders require particular attention as they are under different pressures from those confronted by men and often face gender-specific threats and violence more than their male counterparts, such as rape and sexual violence.”
- ¹⁰ Landesa, Responsible Investments in Property and Land – Gender Primer (2018), at 1, hereinafter “RIPL Gender Primer,” available at: http://ripl.stage.s3.amazonaws.com/uploads/primer_link/file/2/RIPL_Gender_Primer_-_Final.pdf
- ¹¹ “[The] right of everyone under Article 16 [of the ICCPR] to be recognized everywhere as a person before the law is particularly pertinent for women, who often see it curtailed by reason of sex or marital status. This right implies that the capacity of women to own property... may not be restricted on the basis of marital status or any other discriminatory ground. It also implies that women may not be treated as objects to be given, together with the property of the deceased husband, to his family. States must provide information on laws or practices that prevent women from being treated or from functioning as full legal persons and the measures taken to eradicate laws or practices that allow such treatment.” CCPR General Comment No. 28 on the equality of Rights Between Men and Women, at para 19.
- ¹² Landesa, The Law of the Land and the Case for Women’s Land Rights (2016): <http://www.landesa.org/resources/property-not-poverty/>.
- ¹³ RIPL Gender Primer at 1.
- ¹⁴ IFPRI at 4-6.
- ¹⁵ World Resources Institute, *Making Women’s Voices Count in Community Decision-Making on Land Investments*, (July 2016), at 1, hereinafter “WRI,” available at: http://www.wri.org/sites/default/files/Making_Womens_Voices_Count_In_Community_Decision-Making_On_Land_Investments.pdf. This paper contains case studies on increasing women’s participation and voices in land-based investment processes from Tanzania, Mozambique, and the Philippines.
- ¹⁶ IFPRI at 9, 13.
- ¹⁷ IFPRI at 4.
- ¹⁸ CESCR General Comment No. 24, para 9.
- ¹⁹ Landesa Center for Women’s Land Rights, *Comments on the draft General Comment on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities*, (2017), at 4, hereinafter “Landesa CESCR,” available at: <http://www.ohchr.org/Documents/HRBodies/CESCR/Discussions/2017/Landesa.docx>
- ²⁰ UN Women, *Women’s leadership and political participation*, hereinafter “UN Women,” available at: <http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2013/12/un%20womenlgthembriefuswebrev2%20pdf.pdf?la=en>
- ²¹ Daley et al., *Women’s land rights and gender justice in land governance: pillars in the promotion and protection of women’s human rights in rural areas*, (2013) at 5-7, hereinafter “ILC,” available at: <https://www.ohchr.org/Documents/HRBodies/CEDAW/RuralWomen/InternationalLandCoalition.pdf>
- ²² UN Women.
- ²³ Committee on the Elimination of Discrimination Against Women, *General Recommendation No. 34 on the rights of rural women*, (March 4, 2016) CEDAW/C/GC/34, at para 53, hereinafter “CEDAW GR 34,” available at: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf See also IFPRI at 7, 9.
- ²⁴ Gender LSLA; see also IFPRI at 7; WRI at 2.
- ²⁵ Kerstin Nolte, Wytske Chamberlain, Markus Giger. Land Matrix Initiative. *International Land Deals for Agriculture. Fresh insights from the Land Matrix: Analytical Report II*, (2016), at vi, hereinafter “Land Matrix,” available at: https://landmatrix.org/media/filer_public/ab/c8/abc8b563-9d74-4a47-9548-cb59e4809b4e/land_matrix_2016_analytical_report_draft_ii.pdf
- ²⁶ Id. at 37.
- ²⁷ CESCR General Comment No 24 at paras. 25, 37.
- ²⁸ Jochnick, C., Manuchehri, M., Roberts, B., “Teaching Note: Land Rights,” in *Teaching Business and Human Rights Handbook* (Teaching Business and Human Rights Forum, 2017), <http://tbhrforum.org/teaching-notes/Land-Rights/>.
- ²⁹ *Working Paper 04/2011: Corruption in the Land Sector*, (November 8, 2011) at 5, Transparency International/FAO, hereinafter “TI Corruption,” available at: http://www.transparency.org/whatwedo/publication/working_paper_04_2011_corruption_in_the_land_sector. Land Matrix at 39.
- ³⁰ Id. at 5.
- ³¹ Id. at 1.
- ³² *Global Corruption Report: Climate Change*, (June 2, 2011), Transparency International, available at: http://www.transparency.org/whatwedo/publication/global_corruption_report_climate_change
- ³³ UN Women, *Progress of the World’s Women 2015-2016*, at 102, hereinafter “UN Women Progress,” available at: http://progress.unwomen.org/en/2015/pdf/UNW_progressreport.pdf
- ³⁴ Id. at 112.
- ³⁵ CESCR General Comment No. 24 para 9.



³⁶ Gender LSLA.

³⁷ International Covenant on Economic, Social and Cultural Rights at Articles 1, 2.2, 3, 11.1, 11.2, 13, 12.1, 15. The CESCR Committee has acknowledged and elaborated on the relationship between land and the Covenant's substantive rights in at least seven of its 23 General Comments: CESCR, General Comment No. 4 (1991) on the Right to Adequate Housing, at paras. 8(a) and (e); CESCR, General Comment No. 7 (1997) on Forced Evictions, at paras. 2, 3, 7, 9, 15 and 16; CESCR, General Comment No. 12 (1999) on the Right to Adequate Food, UN Doc. E/C.12/1999/5, at paras. 12, 13 and 26; CESCR, General Comment No. 14 (2000) on the Right to the Highest Attainable Standard of Health, UN Doc. E/C.12/2000/4, at para. 27; CESCR, General Comment No. 15 (2002) on the Right to Water, UN Doc. E/C.12/2002/11, at paras. 16(c)-(d); CESCR, General Comment No. 16 (2005) on the Equal Right of Men and Women to the Enjoyment of all Economic, Social and Cultural Rights, UN Doc. E/C.12/2005/4, at para. 28; CESCR, General Comment No. 21 (2009) on the Right of Everyone to Take Part in Cultural Life, UN Doc. E/C.12/GC/21, at paras. 3, 15(b), 36, 49(d), and 50(c).

The Human Rights Committee has produced an overview of international bodies' statements establishing the links between land rights and human rights in the ICCPR, ICESCR, and CEDAW and other instruments, see HR/Pub/13/04 at 5-8 and HR/PUB/15/5/Add.1 at 11-14, and E/2014/86 at http://www.ohchr.org/Documents/Publications/Land_HR-StandardsApplications.pdf. See also, CESCR Committee, General Comment No. 4 on the right to adequate housing (art.11(1)), at para.8(e) recognizes "access to land as an entitlement." General Comment No. 16 on the equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the covenant), at II(C)(28) "requires that women have a right to own, use or otherwise control housing, land and property on an equal basis with men, and to access necessary resources to do so." For an overview of the CESCR Committee's recognition of land as a human right, see Minority Rights Group International, *Moving towards a right to Land: The Committee on Economic, Social and Cultural Rights' Treatment of Land Rights as Human Rights*. (2015), at 3-4, available at: http://minorityrights.org/wp-content/uploads/2015/10/MRG_Rep_LandRights_Oct15.pdf

See also CEDAW Committee, General Recommendation No. 21 (13th sess., 1994) Equality in marriage and family relations, para. 26 – calling for the equal ownership of property as crucial for women's equality and livelihoods, and para. 27 – calling on states to ensure that land allocation and reform programs redistribute land to women on an equal basis with men, regardless of marital status.

³⁸ Landesa, *Women's Land Rights*, available at: <https://www.landesa.org/resources/womens-land-rights-and-the-sustainable-development-goals/>

³⁹ Landesa, *Women Gaining Ground: Securing Land Rights as a Critical Pillar of Climate Change Strategy* (December 2015), available at: http://www.landesa.org/wp-content/uploads/LCWLR_WomenGainingGround.pdf

⁴⁰ Gartaula, Niehof, Visser. *Feminisation of Agriculture as an Effect of Male Out-migration: Unexpected Outcomes from Jhapa District, Eastern Nepal*, (2010) at 574, available at: http://www.neys-vanhoogstraten.nl/wp-content/uploads/2015/04/2010_-Gartaula-et-al._-Feminisation-of-agriculture.pdf

⁴¹ World Bank, *Women, Business, and the Law 2018*, available at: <https://wbl.worldbank.org/en/reports>. See pg. 13 for a discussion of legal restrictions on inheritance for widows and daughters, and pg. 30 for information on men as designated legal heads of households. See also Landesa, *The Law of the Land: Women's Rights to Land*, available at: <http://www.landesa.org/resources/property-not-poverty/>

⁴² CEDAW GR 34, at para 5.

⁴³ "...asylum seekers and undocumented migrants are at particular risk of facing discrimination in the enjoyment of Covenant rights due to their precarious situation, and under article 7 of the Covenant, migrant workers are particularly vulnerable to exploitation, long working hours, unfair wages and dangerous and unhealthy working environments." CESCR General Comment No. 24 at para. 8.

⁴⁴ See e.g., UN Habitat, *Women and Land in the Muslim World*, (2018) at 1, available at: <https://unhabitat.org/books/women-and-land-in-the-muslim-world/>. See also Dancer, H. *An Equal Right to Inherit? Women's Land Rights, Customary Law and Constitutional Reform in Tanzania*, (2017) at 4-5, available at: <https://core.ac.uk/download/pdf/144580217.pdf>

⁴⁵ CEDAW GR 34, at para 56.

⁴⁶ Convention on the Elimination of All Forms of Discrimination against Women, December 18, 1979, A/RES/34/180, at Art. 14(2), 15(2), and 16(1)(h).

⁴⁷ Gender-equal rights to land are enshrined in three indicators and with an agreed global methodology (1.4.2, 5.a.1, 5.a.2) These indicators call on governments to measure documented land rights for women and men, women and men's perceptions of land tenure security, the proportion of women and men with secure tenure over agricultural land, including the share of women with rights to agricultural land, and to report on legal guarantees of equality for women's ownership and control of land, in both formal and customary law.

See Landesa et al., *Full Implementation Of The SDGs Land Rights Indicators Needed To Ensure A Successful Agenda 2030*, (2017), available at: <https://www.landesa.org/press-and-media/joint-statement-iaeg-sdgs-land-rights/>

⁴⁸ E.g., "Strong links between SDG 6 (Access to Water) and SDG 15 (Terrestrial Ecosystems) must be recognized and leveraged, as agricultural practices, fisheries, forestry and land management are all linked to long-term water supply and effect women's work and productivity in these areas" and "Women are the primary energy managers in households. However, sustainable, modern energy infrastructure – which can relieve women of their disproportionate share of unpaid care and domestic work and enhance their educational and economic opportunities – often reaches them last. Furthermore, women's unequal rights to land and tenure security has implications on their access to different energy sources, which can further impact their health, food security, water usage and consumption patterns."

Report and Recommendations, Expert Group Meeting on "Building sustainable and resilient societies through the gender-responsive implementation of the 2030 Agenda for Sustainable Development," (2018), available at: <http://www.unwomen.org/> - www.landesa.org

/media/headquarters/attachments/sections/library/publications/2018/report-and-recommendations-egm-on-building-sustainable-and-resilient-societies-en.pdf?la=en&vs=1010

⁴⁹ Hannay, L; Bledsoe, D; Manuchehri, M, *Realizing Socially-Responsible Investments In Land From A Gender Perspective: Unpacking "Zero Tolerance" To Identify Barriers And Practical Steps To Achieve Equitable And Sustainable Investments* (2016), hereinafter "Hannay," available at: <http://www.landesa.org/wp-content/uploads/LandConference2016-WorldBank.pdf>

⁵⁰ Landesa, *RIPL Gender Primer*, (2018), available at: http://ripl.stage.s3.amazonaws.com/uploads/primer_link/file/2/RIPL_Gender_Primer_-_Final.pdf

⁵¹ Hannay at 3.

⁵² Landesa, *RIPL FPIC Primer*, (2018) at 5, available at: http://ripl.stage.s3.amazonaws.com/uploads/primer_link/file/21/RIPL_FPIC_Primer_-_Final.pdf

⁵³ CFS and FAO, *Principles for Responsible Investment in Agriculture and Food Systems*(2014), available at: http://www.fao.org/fileadmin/templates/cfs/Docs1314/rai/CFS_Principles_Oct_2014_EN.pdf.

⁵⁴ Grow Africa and Landesa, *A Guide for Company-Based Grievance Mechanisms for Land-Related Disputes*, (2017) at 7, hereinafter "Landesa Grievance Mechanism," on file with Landesa.

⁵⁵ Landesa Grievance Mechanism at 8.

⁵⁶ Landesa, *RIPL "Vulnerable Groups Primer,"* (2018) at 11, available at: http://ripl.stage.s3.amazonaws.com/uploads/primer_link/file/25/RIPL_Vulnerable_Groups_Primer_-_Final.pdf

⁵⁷ Landesa Grievance Mechanisms at 4.

⁵⁸ Landesa, *Malawi Case Study: A Case Study Prepared by Landesa for the DFID-funded Responsible Investments in Property and Land (RIPL) Project*, (October 2015), at 3, hereinafter "Landesa Malawi," available at: <http://www.landesa.org/wp-content/uploads/Malawi-Case-Study-FINAL-10.6.15.pdf>

⁵⁹ VGGT 12.10, 12.11.

⁶⁰ The concept of social license means that affected communities accept and even support a project, rather than creating delay through protest or conflict. See generally, Sustainable Business Council, *Social License to Operate Paper*, (2013), available at: https://www.sbc.org.nz/_data/assets/pdf_file/0005/99437/Social-Licence-to-Operate-Paper.pdf

⁶¹ Landesa, *RIPL Business Enterprise Guidebook: Conduct Community Assessments*, (2018), available at: https://ripl.landesa.org/model_guidebooks/1#phase1.phase2.phase2-task2

⁶² WRI at 3.

⁶³ Minority Rights Group, *Initial Observations on the Draft General Comment on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities*, (January 2017), at 6, available at: http://www.ohchr.org/Documents/HRBodies/CESCR/Discussions/2017/25-Minority_Rights_Group_International_MRG.pdf

⁶⁴ Landesa, *RIPL Grievance Mechanisms Primer*, (2018), available at: http://ripl.stage.s3.amazonaws.com/uploads/primer_link/file/26/RIPL_Grievance_Mechanism_Primer_-_Final.pdf

⁶⁵ Landesa, *RIPL Monitoring and Evaluation Primer*, (2018) at 4, available at: http://ripl.stage.s3.amazonaws.com/uploads/primer_link/file/28/RIPL_M_E_Primer_-_Final.pdf

⁶⁶ "Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world." United Nations, Sustainable Development Goals: Gender Equality, at: <https://www.un.org/sustainabledevelopment/gender-equality/>

⁶⁷ See e.g., ICRW, *Family Planning, Men and Masculinities, Sexual and Reproductive Health and Rights*, (2016), available at: https://www.icrw.org/wp-content/uploads/2016/10/SIFPO2-Zambia-couple-communication-report_2016_final.pdf

⁶⁸ CEDAW Committee General Recommendation on Women's Access to Justice (2015).

⁶⁹ CEDAW Art. 5(a). See also, General recommendation No. 28 (47th sess., 2010), The Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, para. 31 ("States parties have an obligation to take steps to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.").

⁷⁰ See e.g., CESCR, Concluding observations on the third periodic report of Guatemala (Dec. 9, 2014), UN Doc. E/C.12/GTM/CO/3, at paras. 6-7 ("indigenous peoples are still not effectively consulted, nor is their free, prior and informed consent obtained in the decision-making process concerning the exploitation of the natural resources within their traditional lands.").

⁷¹ UNDP, *Let's Speak Gender: 10 Principles of Gender-Responsive Communications for Development*, (2018), available at: <http://www.eurasia.undp.org/content/dam/rbec/docs/10%20principles%20of%20gender-responsive%20communications.pdf>

⁷² Landesa, *Responsible Investments in Property and Land, Business Enterprise Guidebook*, (2018) at "International Standards," available at: https://ripl.landesa.org/model_guidebooks/1#international_standards.international_standards1

⁷³ UN Food and Agriculture Organization (FAO), *Voluntary Guidelines on the Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (2012), available at <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>. The Guidelines stress the link between secure land rights and Covenant rights, characterizing secure and equitable access to and control over land, fisheries, and forest as essential "sources of food and shelter; the basis for social, cultural and religious practices; and a central factor in economic growth."(Preface).

⁷⁴ African Union, *Guiding Principles on Large Scale Land Based Investments in Africa*, (2014), available at: https://www.uneca.org/sites/default/files/PublicationFiles/guiding_principles_eng_rev_era_size.pdf