

General Recommendation on Article 14 of CEDAW Rural Women

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In his message on the occasion of the International Day of the Rural Women¹, United Nations Secretary General, Ban Ki -Moon highlighted the following "As we approach the 2015 deadline for achieving the Millennium Development Goals², it is time to invest more in rural women, protect their rights and improve their status. On this international day, I call on all partners to support rural women, listen to their voices and ideas, and ensure that policies respond to their needs and demands. Let us do everything we can to enable them to reach their potential for the benefit of all."

This statement acknowledges implicitly that a lot has to be done to improve the status of rural women. In fact, all the main players; namely, United Nations agencies, governmental institutions, non-governmental entities, self help groups, corporative, must recognize the challenge they face and contribute actively in resolving their problems with the aim of enabling them to enjoy fully their human rights.

The convention on the elimination of all forms of discrimination against women is the first instrument to recognize explicitly rural-urban difference. It does so by enumerating specific rights for rural women in its Article 14, and also by mentioning their needs in relation to education in Article 10.

By naming rural women as a distinct population, CEDAW moves beyond the implicit focus on urban populations that characterizes a great deal of contemporary law making³. The idea of an article dedicated to rural women arose relatively late in the process of drafting our convention⁴. The idea came in 1976, when a representative from FAO (Food and Agriculture Organization) introduced the discussion of rural women and the challenges they face. A representative from India organized an informal working group that produced the draft article. The working group decided that "the situation of rural women was so disturbing that it should be the subject of a special article."

¹ New York, 15 October 2012.

² The Millennium Development Goals are:

Goal 1: Eradicate extreme poverty and hunger.

Goal 2: Achieve universal primary education.

Goal 3: Promote gender equality and empower women.

Goal 4: Reduce child mortality.

Goal 5: Improve maternal health.

Goal 6: Combat HIV/Aids malaria and other diseases.

Goal 7: Insure environmental sustainability.

Goal 8: A global partnership for development.

³ Lisa R. Pruitt, "Deconstructing CEDAW's Article 14: Naming and Explaining Rural Difference", University of Baltimore, Law Review, Volume 17, winter 2011.

⁴ The drafting of CEDAW began in the early seventies.

Seven countries sponsored the proposal which became Article 14⁵. In presenting the draft article, its sponsors noted "two-thirds of women in the world lived in rural areas, which for women in the developing world meant isolation from political, social, cultural and economic activities." They also noted the importance of community and extension services that would empower women to help themselves. The proposal to include this article about rural women found immediate support from all delegates.

This way CEDAW proved to be not only concerned that women gain equality with men, but also seeking to some extent rural women's equality with urban women: rural populations are often underserved in comparison to their urban counterparts.

Indeed Article 14 is one of the lengthiest articles of the Convention, comparable in its details only to Article 10 on education, Article 11 on employment, Article 16 on marriage and the family.

It requires states to eliminate discrimination against women in rural areas in order to ensure that they participate in and equally benefit from rural development planning at all levels, have access to adequate health care facilities, benefit from social security programs, obtain all types of training and education, formal and non-formal, participate in all communities activities, organize cooperatives, have access to credit, marketing facilities and enjoy adequate living conditions.

For thirty years, the Committee had received initial and periodic reports from developing and developed countries, the experts had long discussions with the corresponding delegates about the implementation of Article 14. The concluding observations/remarks recommendations [COB's] are self explanatory ...many challenges do exist, problems need to be resolved, and in spite of some progress a lot has to be done.

On October 2011, the Committee adopted a general statement on Rural Women stressing that "despite efforts undertaken to encourage overall empowerment of rural women, there are still many issues that need to be addressed as women, and in particular rural women, face discrimination in all spheres of life. [50th session of CEDAW].

At the same session, the Committee decided to establish a working group on rural women for the purpose of preparing a general recommendation on Article 14. The proposed general recommendations will outline matters which the Committee wishes to see addressed in the reports of state parties and seek to provide detailed guidance to them on the implementation of their obligations under the convention. It would also give rural women and their rights greater visibility and priority among state parties, civil society, Non-governmental Organizations and the wider United Nations human rights system.

⁵Egypt, India, Indonesia, Iran, Pakistan, Thailand, and the United States of America.

The working group had studied the main challenges facing rural women, it pointed out the additional information to be included in state reports under Article 14, suggested recommendations for future government action... This constitutes our plan while drafting the general recommendation.

I- Main challenges facing rural women:

- 1- Access to key productive resources: only between 10 and 20% of all land holders are women.
- 2- Access to and control over land: Land property ownership rights and inheritance rights are de facto not recognized in many countries. Lands are registered only in male names as well as compensation payments.
- 3- Social rights and basic services:
 - ◆ In many parts of the world, sociopolitical and economic constraints limit girls and women access to education. These include restrictions in mobility, preferential schooling of boys over girls.
 - ◆ Rural women exist principally outside official statistics relating to GDP and employment and have very often been ignored in development planning.
 - ◆ Maternal mortality continues to be high in rural areas, mostly due to the absence of skilled birth attendants and medical personnel, malnutrition is prevailing as well as poor health services, the girl child is usually neglected because of traditional rural setting.
 - ◆ Malnutrition as well as food insecurity affect livelihoods, lack of drinking water and long distance to collect water for daily family needs.
 - ◆ Particular constraints to access to financial services (policies and legal barriers, cultural norms) as well as to their access to modern and new technologies.
- 4- Political Participation: Inadequate expression in relevant community organizations, including legal decision making bodies... thereby reinforcing politically and in law the marginalization that rural women already experience by virtue of the physical geography that separates them from centers of power.
- 5- Girls from rural communities are at special risk of violence and sexual exploitation and trafficking when they leave the rural community to seek employment in towns.
- 6- Migration out of rural areas to urban areas and abroad is becoming an important livelihood strategy for women and men⁶. In spite of migration of millions of rural residents to urban areas⁷ and the decline of rural populations in developed countries⁸ ... (high population growth in rural areas can increase pressure on land and other resources –migration).
- 7- Access to justice: most of the women who stand to benefit from Article 14 are likely not aware of these rights (legal illiteracy)⁹. The extent to which these women know about CEDAW in general, and Article 14 in particular, is very limited. Rural women in particular have fewer opportunities than their urban

⁶ Jeffery Sachs asserts that rural to urban migration occurs "out of desperation and hunger in the countryside." Low skilled workers move in search of manual labor positions that are not available in rural areas.

⁷Worldwide almost 800 million in the last half century.

⁸The rural population of less developed countries has double since 1950.

⁹The vast majority of the world's rural women are in developing countries.

counterparts to enforce their rights because of the relative absence of law and legal actors in rural places.

- 8- Rural women often bear the major burden in:
- ◆ Armed conflict and past conflict situations.
 - ◆ Economic and food crisis.
 - ◆ Neo-liberal economic policy choices.

II- Additional information to be included in State reports under Article 14: [related to new challenges and problems]; specifically, measures taken on:

- a) Enabling environment including necessary institutional set up and legal policy framework.
- b) Impacts of macroeconomic policy measures on rural women.
- c) Opportunities to access decent rural employment and livelihood diversification activities.
- d) The impact of natural disasters and climate change on rural women.
- e) Large scale land acquisitions and changes in land use.
- f) Disadvantaged groups of women: disabled women, older women, indigenous ones.

III- Recommendations for government action. [Examples]

In addition to recommendations responding to each and every challenge and problem, the following are to be taken as a priority:

- 1- Implement a comprehensive national strategy to reduce the disproportionate number of rural women living in poverty and promote their well being.
- 2- Allocate adequate budgetary, humane and administrative resources to achieve rural women's substantive equality in national budgets.
- 3- Place a gender perspective at the center of all policies and programs affecting rural development.
- 4- Strengthen the mechanisms to claim rights, take measures to remove barriers to women's ability to claim those rights.

In conclusion:

The elaboration and adoption of this general recommendation will help raising the visibility of rural women's concerns on the checklist of matters about which state parties must pay particular attention when reporting to CEDAW, thus increasing the focus, among policy makers, on rural women's legitimate demands for equal rights and their aspirations for a decent life and a better future. Needless to say that the following step would be more attention given to complaint mechanism, mainly our optional protocol.
