

CEDAW - Convention on the Elimination of All Forms of Discrimination against Women

A tool for gender-sensitive agriculture and rural development policy and programme formulation

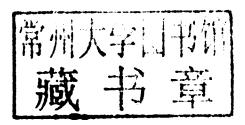
Guidelines for Ministries of Agriculture and FAO



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The photo shows Kamlaben who lives with her extended family in the village of Pasunji in the region of Gujarat in India. Kamlaben is a casual agricultural wage worker; she earns an income from multiple seasonal and insecure jobs, with no social security coverage. She earns approximately US\$1 a day. Kamlaben's life changed from complete vulnerability to self-reliance thanks to the services provided to her by the Self Employed Women's Association (SEWA). For more information visit www.sewa.org.

The photo was taken in the framework of the Exposure and Dialogue Programme (EDP) of FAO's Economic and Social Development Department (ES), in Gujarat, India, February 2011.

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Acronyms

CCA Common Country Assessment

CEDAW Convention on the Elimination of All Forms of

Discrimination against Women

CFS Committee on World Food Security
CPF Country Programming Framework

CSO civil society organization

ESW Gender, Equity and Rural Employment Division, FAO
FAO Food and Agriculture Organization of the United Nations

FAOAM FAO Armenia Office
FAOCP FAO Cape Verde Office

FAOLON FAO Liaison Office with the United Nations, New York

FAOPE FAO Peru Office

FAORLC FAO Regional Office for Latin America and the Caribbean

FAOSLM FAO Subregional Office for Central America
FAOSNE FAO Subregional Office for North Africa
FIDA International Federation of Women Lawyers

GFP gender focal point

IFAD International Fund for Agricultural Development

ILC International Land Coalition

IWRAW International Women's Rights Action Watch

MDG Millennium Development Goal

MoA Ministry of Agriculture

NGO non-governmental organization

OCP Office for Communication, Partnerships and Advocacy, FAO
OHCHR Office of the United Nations High Commissioner for Human Rights

OSD Office for Support of Decentralization, FAO

SEWA Self Employed Women's Association

UN United Nations

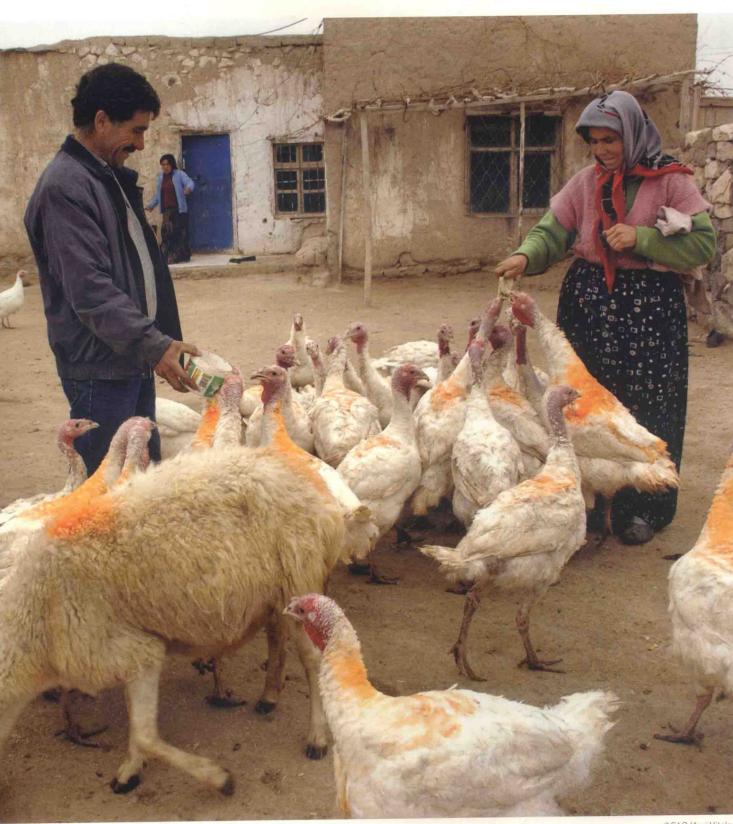
UNCT United Nations Country Team

UNDAF United Nations Development Assistance Framework

UNDAP United Nations Development Assistance Plan
UNIFEM United Nations Development Fund for Women
UN WOMEN United Nations Entity for Gender Equality and

the Empowerment of Women

WFP World Food Programme
WHO World Health Organization



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Introduction

Inequalities between men and women¹ in their access to productive resources, services and opportunities are one of the causes of underperformance in the agriculture sector, and contribute to deficiencies in food and nutrition security, economic growth and overall development. These inequalities are costly and undermine the effectiveness of international development efforts and the impact of development cooperation.

In addition to bringing potential productivity improvements, increasing women's access to and control over assets has been shown to have positive effects on important human development outcomes

1 There have been tangible gender equality gains since the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) more than 30 years ago. Equality between men and women has been enshrined in constitutions, many gender discriminatory laws and practices have been amended, and women's political representation has been enhanced. However, for many women and girls, especially in sub-Saharan Africa and other developing areas, gender equality is not part of their everyday realities. Structural disadvantages, discrimination and gender inequalities are particularly pervasive and persistent for rural women. Evidence shows that in almost all countries, rural women fare worse than rural men and than urban women and men, under every Millennium Development Goal (MDG) indicator for which data are available.

Despite their significant role in agriculture and the rural economy, rural women have less access than men to key productive resources such as land, labour, water, credit and extension (FAO, 2011). For example, in developing countries for which data are available, only 10 to 20 percent of all landholders are women. In most countries, the share of women smallholders with access to credit is 5 to 10 percentage points lower than that of men smallholders with such access, and the livestock holdings of women farmers are much smaller than those of men in all countries for which data are available (FAO, 2011).

Rural women are also more likely than their male counterparts to be self-employed as subsistence farmers or casual/seasonal waged workers under precarious employment conditions. These disparities become even more problematic as more men shift to non-farm livelihoods, and an increasing number of households become dependent on women bearing a larger burden of farm work in addition to their reproductive responsibilities, especially in sub-Saharan Africa and South Asia (ILO, 2008).

Reducing such inequalities is essential for achieving not only social justice, but also sustainable development and poverty reduction. Evidence shows that closing the gender gap in access to agricultural assets would generate significant gains for the agriculture sector: productivity gains from ensuring women's equal access to productive resources could significantly raise total agricultural output in developing countries, thereby reducing the number of hungry people (FAO, 2011).

including household food security, child nutrition and education, and women's own well-being and status within the home and community (e.g. Quisumbing, 2003; Agarwal, 1994; Smith *et al.* 2003; Thomas, 1997). If women and girls are to contribute effectively to agricultural production and the improvement of rural livelihoods, it is essential that their needs are met and their rights secured.²

Agricultural policies should therefore aim to redress gender inequalities³, to ensure that development interventions in the agriculture sector are effective and can achieve enduring positive impacts on the lives and economic potential of rural women, men, girls and boys.

One powerful instrument for promoting realization of the rights and potential of rural women and girls is the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*.

CEDAW is the foremost international instrument protecting the rights of women and the only legally binding international human rights treaty that gives specific attention to rural women. By defining what constitutes discrimination against women and setting an agenda for national action to end such discrimination, CEDAW outlines a route towards eliminating inequalities between men and women.

Renewed recognition of agriculture as a pathway out of poverty (e.g. World Bank, 2008; L'Aquila Food Security Initiative 2009), and increased investment in smallholder farmers – many of whom are women – open up opportunities for increasing support to women in rural areas. CEDAW can be used as a normative framework to guide such support.

- 2 These rights are often constrained by discriminatory customary and statutory laws, socio-cultural and religious norms and beliefs, and gender-blind policies.
- 3 Inequalities between women and men in access to and control over productive resources, services, decent employment, other economic opportunities and decision making arising from their gender roles and relations. For further definitions related to gender equality please visit FAO's Gender and Food Security web site: www.fao.org/gender/gender-home/gender-why/why-gender/en/

Purpose

The purpose of these guidelines⁴ is to provide guidance on how FAO and national ministries of agriculture (MoAs)⁵ can support and use CEDAW at the country level as a tool for policy development and programming to achieve equality between men and women in agriculture and rural development.

Supporting CEDAW is an important component of the United Nations' (UN's) work. Under Article 22 of the Convention, UN agencies can report to the CEDAW Committee⁶ on implementation of the Convention in areas falling within the scope of their activities.

For FAO, this represents an opportunity to assess the status of rural women's rights, the States Parties' (countries that have ratified CEDAW) progress in and challenges to achieving those rights, and its own efforts in promoting implementation of CEDAW through FAO policies and programmes.

As the leading UN agency for agriculture, food and nutrition security and rural development, FAO has a clear comparative advantage in addressing rural gender equality issues. In addition, as set out in the Policy on Gender Equality endorsed by FAO's Director-General in March 2012⁷, achieving equality between men and women in sustainable agricultural production and rural development is a clearly articulated FAO goal. The use of CEDAW to

orient FAO's in-country gender work is also in line with calls to mainstream a rights-based approach throughout the Organization's work.

FAO is thus committed to promoting gender equality in its work by systematically examining and addressing the needs, priorities and experiences of both women and men throughout the development of its policies, normative standards, programmes, projects and knowledge-building activities, so that women and men benefit equally and inequality is not perpetuated. In cases where the gender equality gap is so large that women have no access to opportunities, FAO supports women-targeted interventions to accelerate the achievement of de-facto equality as a concrete goal for women. Interventions that target women are one of the two strategies for achieving gender equality objectives; gender mainstreaming is the second of these strategies.

FAO can support and use CEDAW to shape its national and Organization-wide policies, strategies and programmes for agriculture and rural development at the country level in ways that take into full consideration the manifold challenges faced by rural women, by incorporating specific measures for addressing these challenges through interventions that target rural women. Ultimately, this will result in FAO country offices' compliance with specific standards of the FAO Policy on Gender Equality.

Although States Parties should ensure that all the provisions of CEDAW are applied to rural women, and although some articles have a particular bearing on rural women (e.g. Articles 10 and 12 on education and health care, Article 11 on employment, Article 13 on financial credit, and Articles 15 and 16 on property rights), these guidelines focus mainly on Article 14, which refers specifically to rural women and is the most relevant to the mandates of MoAs and FAO.8

- 4 These guidelines update an earlier FAO publication (FAO, 2005), which was intended mostly for MoAs while the present guidelines also seek to enable FAO staff to engage in CEDAW processes and use the Convention as a tool for gender-sensitive policy development and programming. The present guidelines complement other guidance on CEDAW, such as the reporting guidelines for UN Country Teams and for States Parties, and should be used together with these.
- 5 These guidelines refer to MoAs, but are applicable to all the line ministries responsible for agriculture, rural development and food and nutrition security.
- 6 The CEDAW Committee comprises 23 experts representing the range of fields of competence covered by CEDAW. www2.ohchr.org/english/bodies/cedaw/membership.htm
- 7 http://www.fao.org/docrep/017/i3205e/i3205e.pdf
- 8 See Annex 3 for the full text of Article 14.

In summary, these guidelines:

- introduce CEDAW, including:
 - the CEDAW articles that pertain most to rural women, particularly Article 14, and how they relate to the mandates of MoAs and FAO (first two sections of chapter 3);
 - the CEDAW reporting process (third section of chapter 3);
- outline the importance of CEDAW as a normative framework for orienting development cooperation (chapter 4);
- suggest practical ways of enabling FAO and MoAs to engage in CEDAW reporting processes and in implementing the Convention mostly within the context of Article 14 as a tool for gendersensitive agriculture and rural development policy and programme formulation. These "how-to" tools:
 - suggest entry points for MoAs and FAO to contribute to the reporting process (first section of chapter 4);
 - recommend actions for addressing the inequalities that rural women face (first section of chapter 5);
 - propose performance indicators to facilitate the assessment of progress towards gender equality in agriculture and rural development through the realization of rural women's rights, and thus compliance with CEDAW (second section of chapter 5);
- outline examples of successful cases where CEDAW's principles and concluding observations have been translated into action for rural women (chapter 6).

Annexe 2 provides a list of useful CEDAW resources.

These guidelines are intended to be a living document⁹ which will be updated and revised based on any further elaboration of Article 14 (e.g. a general recommendation¹⁰ on the Article) and on FAO and MoA experiences with reporting on and implementing the Article.

9 For questions and feedback please contact Hajnalka.Petrics@fao.org.

¹⁰ General recommendations are made by the CEDAW
Committee and concern amendments to articles or
recommendations on any issue affecting women to which the
Committee believes that States Parties should devote more
attention, Until January 2013, the Committee has adopted
28 general recommendations. Examples include violence against
women (Eighth Session, 1989), equality in marriage and family
relations (Thirteenth Session, 1994), women migrant workers
(Forty-second Session, 2008) and older women and protection
of their human rights (Forty-seventh Session, 2010)
www2.ohch.org/english/bodies/cedaw/comments.htm



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The Convention on the Elimination of All Forms of Discrimination against Women

The Convention was adopted on 18 December 1979 by the UN General Assembly and entered into force as an international treaty on 3 September 1981. By November 2012, 187 countries had ratified it.¹¹

Consisting of a preamble and 30 articles, CEDAW defines discrimination against women and establishes an agenda for national action to end such discrimination.¹² States that have ratified or acceded to the Convention are legally bound to put its provisions into practice, including through ensuring equal opportunities for women and men in political and public life and equal access to employment, education and health care. The Convention also calls for the modification of cultural and social practices that undermine gender equality.

BOX 1 CEDAW summarised

Preamble	Background
Article 1	Definition of discrimination
Article 2	Policy measures to eliminate discrimination
Article 3	Guarantee of basic human rights and fundamental freedoms
Article 4	Special measures for achieving gender equality
Article 5	Sex role stereotyping and prejudice
Article 6	Trafficking and prostitution
Article 7	Political and public life
Article 8	Participation at the international level
Article 9	Nationality
Article 10	Education
Article 11	Employment
Article 12	Health care and family planning
Article 13	Economic and social benefits
Article 14	Rural women
Article 15	Equality before the law
Article 16	Marriage and family life
Articles 17-22	The role of the CEDAW Committee (including the role of UN agencies)
Articles 23-30	Administration of CEDAW

¹¹ For more information on the Convention see: www.ohchr.org/english/bodies/cedaw/convention.htm; and http://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-8&chapter=4&lang=en

¹² The Convention defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

3.1 Article 14

Article 14 requires States to take into account the "particular problems faced by rural women and ensure they participate in and benefit from agriculture and rural development". Specifically, under this article States Parties shall ensure that rural women have the right to:

- a) participate in the elaboration and implementation of development planning;
- b) obtain access to health care facilities and information:
- c) benefit from social security programmes;
- d) obtain access to education and training;
- e) organize self-help groups and cooperatives;
- f) participate in community activities;
- g) obtain access to credit, markets, technology and equal treatment in land and agrarian reform and land resettlement schemes;
- enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water, transport and communications.

By enumerating specific rights for rural women, Article 14 gives rural women and their rights greater visibility and priority among States Parties, non-governmental organizations (NGOs) and the UN system. In their periodic reports to the Committee, countries usually mention Article 14 and rural women¹³, and an examination of reports submitted by States Parties pursuant to Article 14 demonstrates that the situation of rural women is a pressing concern for many countries.¹⁴

3.2 Other strategic articles for rural women¹⁵

When reporting on and implementing Article 14, it is important to recognize its interconnections with

- 13 Some exceptions include: In November 2004, in its third periodic report, Singapore noted that it is a city with no rural population (Pruitt, 2011). In the October 2011 CEDAW Concluding Observations (for the 3 to 21 October 2011 session), the Committee noted with regret Lesotho's affirmation in its State Party report that there was no need for specific provisions on the rights of rural women.
- 14 FAO, IFAD and WFP, 2011 provides a review of countries' efforts to improve the situation of rural women.
- 15 These articles are strategic to rural women and related to FAO's work. Articles 4.1, 5, 6, 7, 10 and 12 are also relevant.

other articles that directly support it.¹⁶ Some of the provisions under Article 14 are echoed, sometimes more comprehensively, elsewhere in the Convention (e.g. Articles 10 and 12 on education and health care). Other articles that are closely interwoven with Article 14 and may fall within the scope of the activities of MoAs and FAO include:

- Article 11, which requires States Parties to eliminate discrimination against women in the field of employment. The provisions of Article 11 are critical for rural women of all ages, who are often concentrated in part-time, seasonal and low-return or unpaid jobs because off widespread labour discrimination and lack of productive assets (FAO, 2011), and who face additional constraints related to their responsibilities for carrying out (unpaid) domestic tasks and care work. Specifically, Article 11's provisions (a), (b), (c) and (d) on equal employment opportunities, conditions, remuneration and vocational training, complement and expand on Article 14's provisions (c), (d) and (e) and are therefore closely correlated to compliance with Article 14;
- Article 13(b), which requires States Parties
 to ensure that women have the same rights to
 financial credit as men, and directly supports
 Article 14's provision (g) on rural women's access
 to agricultural credit and loans;
- Articles 15 (paragraph 2) and 16(h), which require States Parties to ensure that women have the same property rights as men: for rural women dependent on agriculture, land is the most important productive asset (World Bank, 2008) and is referred to under provision (g) of Article 14. In many parts of the world, statutory and/or customary laws restrict women's land rights; without access to and control over land, rural women's access to other resources such as irrigation systems, credit, extension and productive cooperatives and associations requiring ownership of land for membership may be hampered.

¹⁶ Several general recommendations are also critical for rural women and full compliance with Article 14, including those on equal remuneration for work of equal value (No. 13, 1989), unpaid women workers in rural and urban family enterprises (No. 16, 1991), violence against women (No. 19, 1992), equality in marriage and family relations (No. 21, 1994), which addresses equality in property and inheritance rights, and older women and the protection of their human rights (No. 27, 2010).

Access to all of these resources is provisioned for under Article 14, especially (d), (e) and (g), and is critical for full compliance with the Article.¹⁷

3.3 The reporting process

CEDAW is enforced through a reporting mechanism: Countries that have ratified CEDAW (States Parties) are bound to submit to the CEDAW Committee an initial report on the status of women, within a year of ratification. Thereafter, they are required to submit a report on their progress in removing obstacles to gender equality every four years.¹⁸

In parallel to the report prepared by the State Party, under CEDAW Article 22, UN agencies are invited to submit reports to the Committee on implementation of the Convention in areas falling within the scope of their activities. To consolidate the UN response, the Committee has recently requested UN agencies to prepare joint UN Country Team (UNCT) reports. The Committee emphasizes the importance of assistance and cooperation from UN specialized agencies.¹⁹

The CEDAW Committee reviews each of the State Party reports submitted, together with the shadow/alternative reports prepared by the UNCT and NGOs,²⁰ in a closed pre-sessional meeting, and prepares a list of issues and questions to which the State Party concerned has six weeks to respond in writing before the plenary session begins.²¹

During the plenary session, the Committee discusses each report with representatives from the reporting State Party. The UN is also invited to provide oral statements at both the pre-sessional and plenary sessions.

- 17 See Annex 3 for the full text of Articles 11, 13, 15 and 16.
- 18 These reports are usually prepared (with inputs from other line ministries) by the ministry responsible for gender equality, equal opportunities, social and women's affairs.
- 19 Through the work of individual agencies in many countries, and the preparation of country analysis and programming tools such as the Common Country Assessment (CCA) and the UN Development Assistance Framework/Plan (UNDAF/P) for each country, the UN system is well placed to report on the implementation of CEDAW and can play a significant role in supporting governments' compliance with their obligations under the Convention.
- 20 NGOs can submit reports to the CEDAW Committee to highlight issues that may not be reported by States Parties and to assess the validity of the State Party reports.
- 21 The schedule of CEDAW Committee Sessions is available at: www2.ohchr.org/english/bodies/cedaw/sessions.htm

After the session, the Committee issues Concluding Observations for each of the State Party reports it has discussed. These observations highlight opportunities and challenges to the implementation of CEDAW, main areas of concern, and recommendations for the State Party. The State Party must detail measures taken to address these concerns in its next periodic report.

FAO and MoAs have a clear comparative advantage in supporting the reporting on and implementation of Article 14. They can contribute important information on progress and challenges related to the Article and can use the Article to advocate for rural women's rights and to inform their own policies, programmes and budgets.



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Supporting and using CEDAW for gender-sensitive policy and programme formulation

This chapter outlines how MoAs and FAO, both at Headquarters and in country offices, can support CEDAW reporting and implementing processes and use the Convention to guide their own efforts towards achieving gender equality in agriculture and rural development.

The FAO country office – or, if not present, the FAO subregional/regional office – can provide the UNCT with objective information on specific issues related to the situation of rural women and rural gender inequalities in the country, while responding to national realities and country programming priorities on gender equality and the empowerment of women and girls.

The UNCT consolidates inputs received from other UN entities and forwards its report to the CEDAW Committee. For UN agencies, including FAO, submitting information to the CEDAW Committee strengthens policy advocacy with decision-makers and relationships with civil society organizations (CSOs) and other development partners.

The CEDAW Committee takes into consideration the information provided by the UNCT report, identifies priority issues to be addressed by the State Party and communicates these in its Concluding Observations (concerns and recommendations) to the government.

The government, on receipt of the CEDAW Committee's Concluding Observations, is required to comply with these recommendations and report on the status of their implementation in its next periodic report. To ensure implementation, ministries would incorporate the recommendations into the sectoral policies and development plans/strategies falling under their respective mandates. The recommendations would also form part of the national gender equality policy.

Once the Concluding Observations for a country have been released, **FAO** can promote implementation of the recommendations and provide technical assistance in response to the issues that they identify. FAO can incorporate the recommendations in the country programme that it elaborates in consultation with the government (within the Country Programming Framework [CPF]) and in its work plans. The Concluding Observations provide the government and FAO with clear guidance on key areas of concern with regard to gender equality and women's (economic) empowerment, which the government and FAO should take into account when planning development cooperation.

As the government is required to address the CEDAW recommendations in its development strategies, FAO's readiness to address them through the assistance it provides helps to ensure that FAO programmes are aligned with national development strategies and priorities in the area of gender equality and the empowerment of women.

In consultation with the government, FAO should provide assistance in ways that ensure the equal consultation of rural women and men in the formulation and implementation of FAO programmes, and their equal benefits from interventions. In areas where rural women face exceptionally severe discrimination, women-specific interventions should be identified as part of FAO's assistance, to contribute to alleviating or eliminating this discrimination.

Expected results

- Efficient planning and implementation will enable FAO and the MoA to report State Party achievements and positive changes in rural women's lives in the next State Party and UNCT CEDAW reports.
- Integration of the perspectives, concerns, needs, knowledge and priorities of both women and men into all phases of its programmes and projects, and implementation of women-specific programmes, will enable FAO to report successful compliance with its Policy on Gender Equality.

The following are detailed suggestions on how to improve reporting on Article 14 of CEDAW, including tools and procedures that MoAs and FAO can apply, and on how to use the Convention in formulating policy and programme measures that can help rural women realize their rights, thus reducing inequalities between rural men and women.

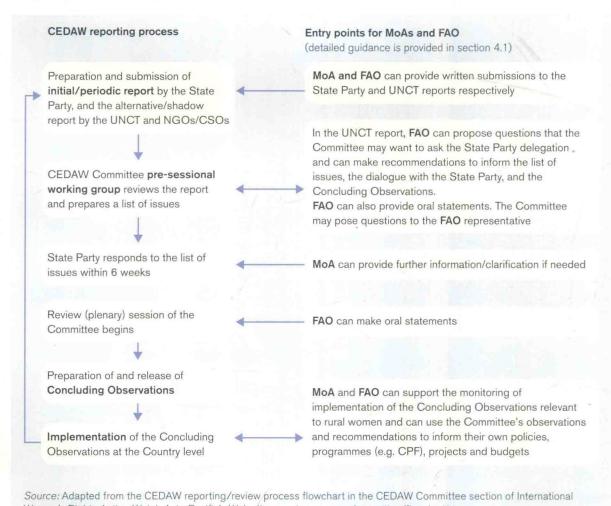
4.1 "How to" tools for CEDAW reporting and implementation - entry points for MoAs and FAO

Preparation of the initial/periodic report by the State Party

FAO Headquarters can:

- inform the FAO country office of the upcoming CEDAW session in which the country is due to report;23
- provide the FAO country office with these guidelines, examples of other countries' State Party reports and any other relevant CEDAW material.

BOX 2 Steps in the CEDAW process with entry points for MoAs and FAO



Women's Rights Action Watch Asia-Pacific's Web site. www.iwraw-ap.org/committee/flowchart.htm

23 For the upcoming sessions see: http://www2.ohchr.org/english/bodies/cedaw/sessions.htm