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**Challenges and opportunities in achieving gender equality and the
empowerment of rural women and girls**

INTERACTIVE EXPERT PANEL

**The role of rural women's land rights and land tenure
security in reaching the SDGs**

CEDAW and the Role of Rural Women's Land Rights

by

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* The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.

Initially, the Convention on the Elimination of Discrimination against Women took the leading role in the 1980s in focusing on problems of rural women. It did so through Article 14, one of the lengthiest of its articles, enumerating specific rights for rural women, and also by mentioning their needs in relation to other Articles of the Convention, such as Article 10 (on education) and Article 12 (on health). It should be noted that Article 14 is the only legally binding instrument concerning rural women's rights.

Since then, the Committee followed its role in monitoring State Parties' commitments emanating from the Convention on issues concerning rural women, especially promoting and strengthening all their human rights, including providing social services and social protection. But the Committee realized that attention to this topic has not lived up to the level of the expectations of rural women themselves. In essence, providing rural women with their rights and enabling them to fully participate in the development of their communities is a precondition for achieving sustainable development in their societies as well as their countries as a whole.

The relationship between the role of rural women's land rights and land tenure security in reaching the Sustainable Development Goals (SDG) is quite clear. This is evidenced in the symmetry between SDGs and those of the Committee on the Elimination of Discrimination against Women (CEDAW) Articles and General Recommendations. In this, SDG on gender equality (Goal 5), particularly (5.a),¹ directly corresponds to the CEDAW's General Recommendation No. 34 (2016) on rural women, particularly (Para IV-G) mentioning that State Parties should take all necessary measures, including legislation, awareness raising and policies to achieve rural women's substantive equality in relation to land and natural resources.

While the implementation of these goals and this recommendation varies across states, several other factors combine to make the role of rural women land rights much more decisive in reaching SDGs, given two important considerations:

¹ "Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws."

- 1) The low percentage of agricultural land owned by women: "an international comparison of agricultural census data shows that less than 20 percent of landlords are women. The situation is particularly grim in Western and Central Africa as well as the Near East and North Africa where generally less than 10 percent of landlords are women."² Only in 37 percent of 161 countries do women and men have equal rights to own, use and control land.³
- 2) The high percentage of rural women among the world's agricultural labor force: "on average, women make up about 43 percent of the agricultural labor force in developing countries,"⁴ where most of rural women remain concentrated in time- and labor-intensive, informal and poorly paid activities with little social protection and income security.⁵

Securing land rights and land tenure for rural women provide them with an important asset, whose implications go well beyond merely land ownership. It involves a significant empowerment mechanism, as it opens up a potential for using new technologies, financial inclusion, and political participation, expressed in relevant community organizations, including decision-making bodies, such as municipalities.

One of the most pressing issues is environmental degradation. The latter not only harms agricultural production with the most affected women and children in food security; "is estimated that 60 percent of chronically hungry people are women and girls,"⁶ but also encourages migration, either from rural areas to urban areas or abroad, mostly by men leaving their families behind. It should be noted that the food crisis of the 1990s has demonstrated the importance of addressing rural women's needs for agricultural technologies, labor-saving agricultural equipment and modern means of communication.

² The Global Initiative for Economic, Social and Cultural Rights, "Rural Women and Land and Property Rights".

³ Commission on the Status of Women 62nd edition, "Challenges and opportunities in achieving gender equality and the empowerment of rural women and girls," Report of the UN Secretary General, Section II entitled "Attaining the right to an adequate standard of living," Para III-22.

⁴ CSW Facts and Figures.

⁵ Report of the UN Secretary General, Section II entitled "Attaining the right to an adequate standard of living."

⁶ WFP Gender Policy and Strategy.

The CEDAW has recently recognized this issue in its draft General Recommendation No. 37 (2018) entitled "Gender-related Dimensions of Disaster Risk-Reduction in the Context of Climate Change." In this General Recommendation, a direct link is made between climate change and the worsening conditions of rural women, and therefore recommended to State Parties to do more to promote and protect women's equal rights to land and natural resources.⁷

Other pressing issues that merit consideration include neo-liberal economic policy choices, whose burdens are mostly bore by rural women. These choices, unfortunately, come at a time when the foregoing issue, i.e., environmental degradation, is precisely a major cause for the increased sale and leasing of state-owned and other land to national and foreign investors. Such agreements, often accompanied by expropriations, have put rural women at risk of forced eviction and increased poverty.⁸

Different stakeholders can surely do a lot to ensure rural women's rights to land and tenure security. Of course, national governments have the duty to amend existing laws, legislate appropriate new ones and ensure their full implementation. However, decision-making in this regard cannot be a one-way process. Therefore, national governments can also take additional steps in policies, including Temporary Special Measures (TSMs) to empower women political participation which will help, in turn, to enable rural women to equally participate in the decision-making processes relevant to their land rights and land tenure, especially by ensuring their participation in the municipal councils. Egypt offers another example as it enforced a 25% quota of representation in municipal councils for women, an important step that will allow rural women to voice their concerns.

No less important is the duty to respect and protect rural women's traditional and eco-friendly agricultural knowledge, in parallel to initiating policies aimed at increasing the percentage of small agricultural loans to rural women.

Civil society organizations and women's organizations have similarly a double role in 1) awareness raising among rural women to advise them on their rights; 2) pressure the national governments to ensure the

⁷ CEDAW Draft General Recommendation No. 37 (2018), VI-B, 57-60.

⁸ CEDAW General Recommendation No. 34 (2016), G., Para 61.

appropriate implementation of the existing laws. Special emphasis should be given to cultural specificities using community leaders and the influence they can exercise, particularly in developing countries. In this, civil society organizations, which, by default, are deeply-rooted in their respective societies' norms and cultures, should make an intensified effort to eliminate negative stereotypes of women and traditional harmful practices, ranging from child marriage, child abuse, to negation of the right of women to land property and land inheritance.

International organizations can play an equally essential role, not only in assessing state parties' performance in the implementation of their obligations, but also in providing capacity-building support. Moreover, international organizations can certainly do more in their normative and operational activities, playing an explanatory role to identify ways and means for the implementation of Article 14 of the CEDAW Convention, as well as its General Recommendation No. 34 (2016) and the SDGs, including the above mentioned link between the role of rural women's land rights and land tenure security in reaching the SDGs. Relevant international organizations also have to provide, with their respective mandates, technical and financial assistance with the aim of developing rural communities.

There are several models of national laws and policies that promote and protect rural women's land rights and tenure security. One recent example is that of Egypt, where in 2017, the parliament approved an amendment to the inheritance law (Law No. 77 of 1943), an amendment that intensifies the punishment for those who refrain from delivering inheritance rights to one of the inheritors, which came against the background of some illegal practices of preventing women from inheritance, particularly land, in parts of the country.

As for measurement of progress on realizing rural women's land rights and tenure security, building upon the Report of UN Secretary General to the 62nd edition of the Commission on the Status of Women, entitled "Challenges and opportunities in achieving gender equality and the empowerment of rural women and girls,"⁹ I would propose five main tools:

⁹ Para III.24.

- 1) Compatibility of national legislation with SDG Goal No. 5, and the CEDAW Convention Article 14 and its General Recommendation No. 34 (2016);
- 2) Percentage of land ownership by rural women, which constitutes a basic criterion for rural women's land rights and land tenure;
- 3) Percentage of credit loans received by rural women, which reflects their economic empowerment and contribution to their local environment;
- 4) Percentage of technical support received by rural women from cooperatives, which reflects their participation in eco-agricultural activities, education and use of new technologies; and
- 5) Percentage of rural women's participation in political decision-making bodies at the national and local levels, which reflects their political empowerment and influence on legislation and policies related to their land rights.

In conclusion, our world is witnessing not only a huge disparity between the low percentage of agricultural land owned by women and the high percentage of rural women among the world's agricultural labor force, but also the pressing issues of environmental degradation and neo-liberal economic policy choices, whose burdens are mostly bore by rural women. Therefore, and in order to face the intersecting forms of discrimination suffered by rural women, what is needed is an efficient implementation of Article 14 by State Parties, through the measures highlighted in CEDAW General Recommendation No. 34 (2016). This, as a way forward to the realization of rural women's equality in land rights and land tenure, will, in turn, contribute to realization of SDGs, especially Goal No. 5.