**28th Human Rights Council, Side Event**

***Advancing Women’s Empowerment through Eliminating Discrimination in Rights to Land, Housing and Water***

Wednesday, March 11 Room XIX, Palais des Nations

1. **Introduction**

Madam Chair, Excellences, Distinguished Panelists, Ladies and Gentlemen: As the body responsible for monitoring compliance with the only legally binding source of international law aimed at eliminating discrimination against women and protecting their civil, political, economic, social and cultural rights, the CEDAW Committee is pleased to be associated with this event and to add voice to concerns of ***advancing women’s land, housing and water rights.***  Although the right to land is not directly codified in the CEDAW Convention, there is a call for States parties to ‘take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure that they participate in and benefit from rural development (Article 14.2) as well as to ‘ensure that they enjoy adequate living conditions in relation to housing, sanitation, electricity and water supply….(Article 2h) - hardly possible without access to land.

Landlessness directly affects other fundamental human rights: rights to housing, water, food, education, work, and health, all of which are enshrined in the CEDAW. I will therefore address the topic through the lens of Article 14 of the CEDAW Convention that sets out normative and operational issues affecting rural women, and, anticipate that engagement in this dialogue will serve to further inform the elaboration of the General Recommendation on Rural Women that is currently underway.

1. **Global situation of rural women**

A snapshot of the situation of rural women indicates that they account for: one-fourth of the world’s population, 43% of the agricultural labour force in developing countries[[1]](#footnote-1) and, on a global scale, produce more than half of all the food that is grown[[2]](#footnote-2); but, in spite of the critical role they play in global food security, across all regions of the world, a gender gap is evident in rural women’s **access to land** and to productive resources with women globally, on average, controlling less than 2% of the land.

Linked to the gender gap in access to land, the right to **adequate housing** is of particular concern in rural areas of developing countries, where basic infrastructure and services are often inaccessible, of very poor quality or altogether lacking; and, further to this, many women are barred, mostly by customary practices but sometimes by customary and statutory law, from inheriting or owning the land and the house in which they live, condemning them and their children to poverty and destitution.

In addition to inequalities in access to land and housing, it is estimated that one in every four of the world’s population does not have access to safe drinking water and, due to entrenched patterns of gender discrimination, rural women are among those who are the most affected by **water scarcity**,[[3]](#footnote-3) These women spend up to 4 to 5 hours per day walking long distances to collect water, carrying heavy containers, sometimes in unsafe conditions exposing them to a heightened risk of sexual violence; and, often develop acute physical conditions from carrying water from sources that are frequently both inadequate and unhealthy.

These deprivations lie at the heart of rural women’s poverty and their exclusion from social processes and also limit their capacity to be independent citizens, able to enjoy other contingent entitlements, already identified.

1. **Factors accounting for inequalities in land, housing and water rights**

In many societies, complex factors operate that undermine women’s right to land, housing and water. An emerging practice, which severely impacts these rights as well as land-based livelihoods of rural women in many regions of the world - Africa, Asia and South America - but particularly African countries with large rural populations, is ‘the new wave of large-scale commercial interest in land acquisition by countries with limited land and water, in a bid on the part of the investing countries, to secure their own supplies; spiked according to ActionAid by the sudden increase in food prices in 2008’.

This growing practice, is aptly referred to as ‘land grabs’ because in many instances acquisitions are not based on free, prior and informed consent of the affected land users, mostly rural women; who, for example in Malawi, an impacted country, comprise just over half of the 83% of the rural population - and, research shows, that the most direct impact of these acquisitions is violations of the right of these women to own and control land and secure their land-based livelihoods’.[[4]](#footnote-4)

The disproportionate impact of land grabs on rural women is due in no small measure to weak governance frameworks and **inadequate laws and systems of enforcement** to protect their rights. As we are all aware, in many countries land rights are often not codified and are based on traditional, customary **patrilineal rights of inheritance and family succession** that result in both property and productive resources ending up in the hands of men, with women having only secondary access, which renders them dependent on male relatives for survival and with little control over how property is used to generate income or to support families. Additionally, patrilineal customs and practices surrounding marriage and inheritance rights such as dowry payments, levirate marriage and the grabbing of land from widows by male in-laws, often over-ride statutory provisions, further denying women, many of them in rural areas, their entitlement to land and housing.

Even where there is a system that secures land tenure through formal titling, based on prevailing discriminatory patriarchal customs and traditions, generally, few rural women hold individual or joint land titles; and, if they do, not many can actually exercise control in negotiations related to the use, sale or lease of the land.

According to ActionAid, research shows that large scale land acquisitions exacerbate these disparities and tend to deepen already existing inequalities in land access and control and only serves to increase the concentration of land in the hands of men, to the detriment of women’s entitlements.

A further critical factor contributing to the erosion of rural women’s entitlement to land, housing and safe drinking water, is the usual poor quality of education provided in rural and remote areas, particularly affecting girls, and the resulting generally low level of literacy of rural women. This lack of general literacy leads to a concomitant lack of legal literacy and, therefore, a **lack of awareness of existing laws** and insufficient understanding of their options for legal redress in relation to threats of, or, actual loss of land and housing entitlements.

This points to a further contributory factor to women’s disenfran-chisement - the difficulty they experience, particularly women in rural and remote areas, to have ready access to legal aid and justice systems through which complaints can not only be lodged, but also speedily discharged, in a non-discriminatory manner. Additionally, stereotypical notions about the docile conduct that a woman ought to display can also create a sense of shame on the part of rural women at the idea of challenging persisting gender inequalities and taking action to claim their right to land and housing.

1. **Advancing rural women’s rights to land, housing and potable water**

Recommendations made in the draft GR on Rural Women not only clarify the obligations of States parties to advance the rights of rural women in all areas enshrined in the Convention, but also, already specifically address some of the issues raised in relation to rural women’s rights under the three areas highlighted by this panel - land, housing and water.

In relation to rural women’s **property rights** **and access to productive resources**, in essence, the draft recommendations address the need for legislative guarantees that protect these rights; ensuring that tenure rights can be secured independent of marital or civil status; and, ensuring that rural women have the legal capacity to enter into contracts related to tenure through the promotion of legal literacy;

Recommendations addressing **housing** focus on the fact that many of the measures which protect rural women’s right of access to land can also be applied to protect their right to adequate housing.[[5]](#footnote-5) In addition, however, it is recommended that States parties should improve the quality of rural housing through the design and implementation of targeted policies and programmes which are in line with international housing rights standards and should protect rural women from forced eviction by State and non-State actors, as happens in land acquisitions.

In relation to **water** it is suggested that States parties have an obligation to ensure that rural women have access to essential services and public goods, such as safe drinking water, adequate sanitation and hygiene. It is proposed that, in this regard, advances can be made by the use of a range of existing low cost and effective technologies that could ease the burden of water access for rural women. Women, however, should have the opportunity to effectively participate in planning and decision making related to establishing these technologies and services.

There is need, however, to include recommendations in the GR that specifically address the impacts of large scale land grabs by foreign investors on rural women’s already precarious position in relation to land, housing and water entitlements. These recommendations should focus on the need for such investments to add value to and enhance women’s rights to land and housing as well as promote food sufficiency and should be based, therefore, on solid gender impact analyses.

But, Madam Chair, if we are serious about advancing women’s empowerment through eliminating discrimination, particularly against rural women, and, specifically in relation to their right to land, housing and safe drinking water, what must also be addressed are the entrenched patriarchal ideologies and stereotypes that undergird and legitimize gender inequalities and violations of these rights and also impedes women’s access to justice. An overarching concern in relation to State obligation, therefore, must be the design and implementation of a comprehensive strategy to address discriminatory stereotypes and attitudes, which impede rural women’s equal access to these resources. In this regard, special attention should be paid to customary systems, which, even if entrenched in formal laws are upheld by traditional leaders and male members of households and often govern land ownership, management, administration and transfer, to ensure that these systems effectively uphold the rights of rural women.

Madam Chair, I close by inviting support of the GR on Rural Women which, in the short term, will be an integral part of CEDAW’s jurisprudence and which will thereby place an obligation on States parties to take all necessary measures to empower rural women by eliminating discrimination and protecting their right to land, housing and water.

Thank you for your attention.

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1. *The State of Food and Agriculture*. Food and Agriculture Organisation of the United Nations. Rome 2011. [↑](#footnote-ref-1)
2. *Women Feed the World* <http://www.fao.org/docrep/x0262e/x0262e16.htm> [↑](#footnote-ref-2)
3. IFAD, ‘*Gender and Water: Securing Water for Improved Rural Livelihoods: The Multiple Uses Systems Approach*,’ November 2012. [↑](#footnote-ref-3)
4. Kachingwe, Nancy. 2012. *From Under Their Feet: A think piece on the gender dimensions of land grabs in Africa*. ActionAid. 2012. [↑](#footnote-ref-4)
5. See: Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, on women and the right to adequate housing,’ UN Doc. A/HRC/19/53, 26 December 2011. [↑](#footnote-ref-5)