



**REPORT SUMMARY:
INTEGRATING A GENDER
PERSPECTIVE IN THE
RIGHT TO FOOD**

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INTRODUCTION

Women account for 70% of the world's hungry and are disproportionately affected by malnutrition and food insecurity. Women are also responsible for cultivating, ploughing and harvesting more than 50% of the world's food. Although women produce and provide food they are often the last ones to access food for themselves. Despite the recognition of the vital role of women in international human rights law and policies, the situation of women with regards to implementation of right to food remains critical. This report addresses the cultural, legal, economic, and ecological barriers that hinder the equal implementation of the right to food. It further addresses the positive role that women can play in developing solution to the posed challenges such as eliminating hunger, maintaining food security and preserving natural resources. The report particularly focuses on the importance of gender-sensitive policies in the context of climate change and the particular vulnerability of rural women.

IMPORTANCE OF A GENDER ANALYSIS

Gender analysis is important for understanding the causes of hunger and malnutrition, due to women's special role in the food systems. The central role of women in food production, household food management and the important consequences of gender relations for food security have been widely documented. Yet, women cannot easily access productive assets including land, water, seed, machinery and livestock, credit and other financial services. Women also face discrimination to access to food as an individual consumer. The human rights perspective should accommodate a gender analysis for food security, and allows focus on woman as an individual, rather than on the nation, the community, or the household.

Article 3 of the International Covenant on Economic, Social and Cultural Rights obligates States to ensure the equal right of men and women to the enjoyment of their rights. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) offers guidance on the State obligations to ensure gender equality and non-discrimination in the enjoyment of all human rights. Its article 14 on Rural Women introduces concrete measures to create an enabling environment for women to enjoy equal treatment, in particular, in relation to land and agrarian reform as well as in land resettlement schemes. The Convention also guarantees adequate nutrition for women during pregnancy and lactation (art. 12). The CEDAW provides good guidance on how violations of economic, social and cultural rights may be experienced by women in various social contexts and helps illustrate the need for an integrated approach when addressing women's economic, social and cultural rights, including the right to food.

LEGAL BARRIERS

The reasons behind the failure to women's access to adequate food can arguably be linked to two structural disconnects which exist at the crossroads between Women's Rights and the Right to Food:

First, is the failure in international law to fully endow women with their right to food. In the Universal Declaration on Human Rights (UDHR) and the ICESCR, the right to food is accorded to "himself and his family." Although the ICESCR General Comment 12 and other documents have underscored the nondiscriminatory intention of the right to food, the archaic language of patriarchy taints the UDHR and treaty language;

Second is the structural separation of nutrition from the human right to adequate food, which has focused on increasing food production and not on broad and equal food access. UN treaty law does not develop nutrition as constitutive of a right to food for all women, but rather for women who are pregnant or breastfeeding, thus focusing on women in their reproductive role as mothers.

A. Property Rights

One of the most substantial factors enabling women to thrive as food producers – either for income support or subsistence – is women's ability to own and access land. Unfortunately, the exclusion of women from land ownership is a global phenomenon. Land ownership also helps strengthen women's roles in community affairs and women's bargaining power. Inheritance is often the main avenue for women's land acquisition, yet women are still less likely to inherit land than men. When land is purchased during a marriage, women may lack equitable ownership.

Between 1990 and 2010, many Latin American and sub-Saharan African countries engaged in land reform to establish formal laws that recognize and protect women's rights to land. According to the 2015 UNWOMEN's Progress of the World's Women Report, "by 2014, 128 countries had laws that guarantee married women's equality when it comes to property, and in 112 countries daughters had equal inheritance rights to sons". These are positive developments but unfortunately, formal laws have not sufficiently secured property rights of women, largely due to the prevalence of customary laws.

B. Intellectual Property Rights

Over the past few decades, an IPR-agricultural framework has emerged to ensure that companies recoup development costs for technologies and R&D. Unfortunately, the IPR regime disproportionately excludes women, particularly in the context of agriculture. The greatest implication of the IPR regime on women and their right to food relates to seed saving, a practice that is both predominantly controlled by women and a critical component of small-scale, subsistence agriculture.

Studies show that up to 90% of planting materials used in smallholder agriculture are seeds and germ plasms that are produced, selected, and saved by women. However, 73% of the world's seed supply is owned and patented by these corporations and are therefore non-renewable. Women are therefore faced with the difficult option of either discontinuing the traditional practice of saving and exchanging seeds or risk punishment for an intellectual property crime.

ECONOMIC BARRIERS

A. Global economic policy and corporate agricultural models

Non-corporate agricultural producers, and particularly women, have suffered from evolution in agricultural policy and economic trends over the past several decades. The devastating structural adjustment policies imposed throughout much of the developing world in the past decades, largely as a precondition of receiving development assistance or joining the global trade regime, have resulted in an overall loss in agricultural productivity, decreased yields, and increasingly precarious rural livelihoods.

Woman food producers have been particularly disadvantaged by these policies and there is limited recourse, since the WTO Agreement on Agriculture requires member States to “refrain from introducing new forms of domestic support for agricultural production,”

B. The extra burdens on female farmworkers

Most of the world’s poor who live and work in rural areas are employed in the agriculture sector. Globally, 20 – 30% of the 450 million waged agricultural workers are women, as are 30 % of those employed in the fishing sector and this number is increasing. Yet, women face difficulty in engaging in market behavior when cultural norms make it socially unacceptable for women to interact with men. Female farmworkers are often excluded from the benefits of the contract farming arrangements central to the agro-industrial model of contemporary agriculture.

Moreover, agricultural labour is one of the most dangerous sectors in which to work, particularly for women. It is physically demanding and safety standards are often low or non-existent, and protective equipment and clothing are often designed with men in mind. Much of the discrimination against women agricultural workers is partly due to the fact that women are absent from supervisory structures and unions.

C. Women’s non-agricultural livelihoods and the right to food

Disadvantages for women in both agricultural and non-agricultural sectors undermine their right to food. Women’s income possibilities are more constrained than men’s; the women’s participation in the labour force is lower than men on a global scale percent of working age men are in the labour force compared to only 40 percent of working age women and the labour force participation rates have stagnated around the world in the past two decades. Women earn an average of 24 percent less than men, resulting in between a 31 and 75 percent lifetime reduction in income and they are also less likely to receive a pension.

ECOLOGICAL BARRIERS: CLIMATE CHANGE

Climate change is one of the foremost contemporary threats to food security. The agriculture sector is under substantial stress from climate change-induced increases in temperature, variability in rainfall and extreme weather events that trigger crop failures, pests and disease outbreaks, as well as the degradation of land and water resources.

Women have multiple responsibilities as heads of households, caregivers, and subsistence farmers, and balancing these roles is increasingly challenging in the face of climate change. Women also participate in a wide range of activities that support sustainable agricultural development, such as soil and water conservation, agro-ecology, afforestation and crop domestication and are vital to adaptation and mitigation policies.

The successful implementation of climate change policies and projects requires an understanding of the gender-based roles and relationships vis-à-vis natural resources, as well as the gender-differentiated impacts of climate change. The Beijing Declaration in 1995 was the first international declaration to recognize the links between gender equality and climate change. The United Nations Framework Convention on Climate Change (UNFCCC) process referred to gender considerations only in “Reducing Emissions from Deforestation and Forest Degradation” (REDD+) and response measures, with the latter only referring to women as a “vulnerable group”. In recent years, progress has been made in integrating gender equality in the COP decisions.

The 2030 Agenda for Sustainable Development also acknowledges the critical importance of advancing gender equality and empowering women and girls to realize sustainable development. Many of the climate-related SDGs include gender-specific targets, including those related to ownership and control over land and access to new technology (SDG1), women small-scale food producers (SDG2), and water and sanitation (SDG6). These goals provide a mandate for advancing gender equality and women’s empowerment across all areas of climate change action.

However, the system still needs to incorporate a human rights approach, including participatory monitoring systems to evaluate standards as well as mechanisms to seek remedy for violations of human rights, particularly for women. A human rights approach emphasizes local self-determination that frustrated by externally imposed ownership and promotes control over critical and traditional local resources like water, land, and biodiversity.

RECOMMENDATIONS

Over the last few decades, women have broadened and deepened their involvement in agricultural production as they increasingly shoulder the responsibility for household survival and respond to economic opportunities in commercial agriculture. This phenomenon brought the argument about gender gap in agriculture, where women's productivity as farmers falls behind that of men, and where women remains less food secure, despite their dominant role in food production.

This gender gap occurs because of cultural, legal, and economic barriers, so and eliminating this discrepancy requires a holistic understanding that responds to structural discrimination and failed implementation of attempted solutions. Closing the gender gap in agriculture requires development of gender sensitive policies. Ensuring land rights and reinforcing the rights of girls and women to education, social protection and increasing women's participation in decision making in a meaningful manner is critical for enhancing women's vital role in advancing agricultural development and food security.

In order for States to address discrimination against women in terms of equal labour opportunities, States should:

- (a) Recognize, reduce and redistribute women's unpaid care and domestic work, in order to create more opportunities for them to enter the labour market;
- (b) Ensure investment in basic social protection, services and infrastructure, including health care and the provision of childcare services, which can allow women to participate in paid work;
- (c) Develop comprehensive measures to tackle discrimination and violence in the workplace and ensure implementation of these measures at the domestic level;
- (d) Ensure a sound policy and enabling environment to address the gender gap in agriculture, including the provision of training for women and ensure that their specific needs are taken into account;
- (e) Ensure that women fishers, and livestock owners have equal access to State sponsored benefits, facilities and services;
- (f) Ensure gender mainstreaming in all adaptation and mitigation responses to climate change and encourage policy-makers to work with both women and men taking their views into consideration at all levels;
- (g) Provide increased access to information for women in relation to climate change, since they generally have less access to information, in order for them to support adaptation, promote wellbeing and increase resilience to climate change;
- (h) Promote accelerated efforts in terms of financial aid, in order to ensure that gender equity is mainstreamed throughout all climate change programs in all sectors.