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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## Report of the Special Rapporteur on the right to food

### Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the right to food, prepared pursuant to Council resolution 22/9. In the report the Special Rapporteur explores the structural, cultural, legal, economic and ecological barriers that women face in their fulfilment of the right to food. It identifies examples of good practice, demonstrating how increased access to and control over assets on behalf of women, has shown to have positive effects on household food security, child nutrition and general well-being of the woman and her family. The report encourages States to focus on gender-sensitive policies in all fields, particularly in the context of climate change, in order to achieve further improvements in women's access to their right to food.

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## I. Introduction

1. Since the 1945 - UN Charter, equality between men and women has been among the most fundamental guarantees of human rights. The same principles of equality and non-discrimination are at the core of the two Covenants, namely on Economic, Social and Cultural Rights (ICESCR) and on Civil and Political Rights (ICCPR)<sup>1</sup>. Both Covenants in their respective article 3, oblige States Parties to ensure the equal right of men and women to the enjoyment of their civil, cultural, economic, political and social rights.

2. 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.

3. Notwithstanding the legal framework designed to protect them, women experience poverty and hunger at disproportionate levels. Institutionalized gender discrimination and violence still impose barriers that prevent women from enjoying their economic, social and cultural rights and specifically the right to adequate food and nutrition, and the status of women and girls has not substantially improved, despite recurrent calls for the inclusion of a gender perspective to development programs and to social policies.

4. Women account for 70% of the world's hungry and are disproportionately affected by malnutrition and food insecurity.<sup>2</sup> This ratio is overwhelming in some developing and Least Developed Countries, for example, more than one third of women in several South-Asian countries being underweight<sup>3</sup>. Poor nutrition, lack of healthcare, social protection, limited economic opportunities and general neglect has excluded more women from global society than the number of men killed in 20<sup>th</sup> century wars, combined.<sup>4</sup>

5. On the other hand, female farmers are responsible for cultivating, ploughing and harvesting more than 50% of the world's food.<sup>5</sup> In sub Saharan Africa and the Caribbean, women produce up to 80% of basic foodstuffs and in Asia women constitute 50-90 percent of the labour force dedicated to rice production.<sup>6</sup> Moreover, in many parts of the world majority of female farmers mainly engaged in subsistence farming.

<sup>1</sup> Article 2 para 1 in respective Covenant.

<sup>2</sup> See (A/HRC/16/40) Study of the Human Rights Council Advisory Committee on discrimination in the context of the right to food, para 29

<sup>3</sup> K. Von Grebmer et al. "Global Hunger Index: The Challenge of Hunger — Building Resilience to Achieve Food and Nutrition Security." Bonn: Welthungerhilfe; Washington D.C.: International Food Policy Research Institute; Dublin: Concern Worldwide, (2013).

<sup>4</sup> FAO, [http://www.fao.org/ag/agn/nutrition/bgd\\_en.stm](http://www.fao.org/ag/agn/nutrition/bgd_en.stm)

<sup>5</sup> A.A. Pisciotta, Symposium: Making the case: Rule of Law in the Emerging Development Agenda : Post-2015 Development Goals for Gender Equality and Empowerment of Women, 21 Sw. J. Int'l L. 303, 304 (2015). P 304 and 305.

<sup>6</sup> Op Cit, (A/HRC/60/40) para 29

<sup>6</sup> <http://www.fao.org/docrep/x0262e/x0262e16.htm>

6. Although women produce and provide food they are often the last ones to access food for themselves. Women tend to remain invisible in decision-making processes and women are rarely an individual rights-holders, rather than a community members, mothers, farmers or care givers. Indeed, gender gaps are observed in access to all productive resources, such as land, seeds, fertilizers, pest control measures and mechanical tools, credit and extension services. According to the Food and Agricultural Organization of the United Nations (FAO), "...inequalities between men and women 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."<sup>7</sup>

7. Improving this situation for women would lead to important advantages for society as a whole. It is estimated that closing the gender gap in agricultural yields would increase agricultural output in developing countries by between 2.5 and 4 percent. This in turn, could reduce the number of undernourished people in the world in the order of 12–17 percent, or as much as 150 million people.<sup>8</sup>

8. Considering the vital importance of women to the global food systems, as well as, to family budgets, this report will first outline the persistent discrimination and structural barriers that women and girls face in several fields. 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 will deal with 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.

## II. Social, Cultural and Structural Barriers

9. Women are disadvantaged on several social levels, largely due to the influence of patriarchal systems. All societies practice some form of social structuring based on gender roles and the impact of this has major ramifications in developing countries where resources are especially scarce. Social stratification affects women's right to produce food by preventing them from accessing the inputs of production. This can occur either as a result of discriminatory legal barriers or from the way the market forces operate, putting women in a disadvantaged position. Women are also affected by these patriarchal structures that facilitate unequal treatment in the labour market. Even where women's equal legal rights exist, these often fail to supersede structural barriers.

10. Social segregation based on gender, when combined with other forms of discrimination based on religion, race, ethnicity, class and caste, disadvantages women even further.

11. For example, indigenous women living in rural areas are more likely to be particularly disadvantaged in terms of the fulfillment of their rights, a trend seen in Sub-

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<sup>7</sup> CEDAW – A Tool for Gender Sensitive Agriculture and Rural Development Policy and Program Formulation, <http://www.fao.org/docrep/017/i3153e/i3153e.pdf>. p.1.

<sup>8</sup> FAO, "The State of Food and Agriculture Women In Agriculture – Closing the Gender Gap for Development", (Rome 2011), p iv.

Saharan Africa where indigenous women lack access the same level of rights to land, health, and education as non-indigenous women of this country.<sup>9</sup>

12. Girls and women suffer from discrimination in relation to their right to food at all stages in life. In many countries, females receive less food than their male partners, due to a lower social status. In extreme cases, a preference for male children may lead to female infanticide, including by deprivation of food.<sup>10</sup> Some mothers stop breastfeeding girls prematurely in order to try and get pregnant with a male, which could increase risks of infection and other risks if impure water is used with formula. Similar discrimination applies to older women who tend to be less literate than older men, in many parts of the world; this limits women's employability, participation and voice in community development activities and makes them less likely to be able to provide for themselves.

13. Structural violence is an under-examined barrier to women's right to adequate food and nutrition. Gender-based violence, which is a primary form of discrimination, impedes women from engaging in their own right to adequate food and nutrition, and efforts to overcome hunger and malnutrition.<sup>11</sup> Some men control women's behavior and monitor women's food work in households. A woman's perceived failure to adequately prepare food and meals is a common justification for "disciplinary" action.

14. Furthermore, girls and adolescent women induced by tradition or forced into child marriage and adolescent pregnancy, suffer the consequences of a high work burden and deprivation of their child rights, including their right to adequate nutrition and education. They are required to perform heavy amounts of domestic work, and are responsible for raising children while still children themselves.<sup>12</sup> Adolescent pregnancy is a typical outcome of child marriage and complications during pregnancy and childbirth are the second cause of death for 15-19 year-old girls globally.<sup>13</sup>

### III. Legal barriers

15. 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.<sup>14</sup> The first disconnect refers to 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 non-discriminatory intention of the right to food, the archaic language of patriarchy taints the UDHR and treaty language. Concurrently the economic and social rights of the ICESCR are generally reviewed in CEDAW, but not the right to food, which is indirectly touched upon only through a call for rural women. In CEDAW, as in the Convention of the Rights

<sup>9</sup> Alternative report to the democratic republic of Congo's periodic report to CEDAW (2013) [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/JointNGOsubmission\\_DRCForTheSession55\\_en.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/JointNGOsubmission_DRCForTheSession55_en.pdf)

<sup>10</sup> See E/CN.4/2002/83, para.74.

<sup>11</sup> Bellows, Jenderedjian. 2016. Chap 3, Violence and the Right to Adequate food and Nutrition, in Bellows et al. pp. 108-161 (108).

<sup>12</sup> UNICEF, Early Marriage: A Harmful Traditional Practice, [http://www.unicef.org/publications/files/Early\\_Marriage\\_12.lo.pdf](http://www.unicef.org/publications/files/Early_Marriage_12.lo.pdf)

<sup>13</sup> Adolescent Pregnancy, WHO Media center, <http://www.who.int/mediacentre/factsheets/fs364/en/>

<sup>14</sup> Bellows, Valente, Lemke, Núñez BdL. 2016. Gender, Nutrition, and the Human Right to Adequate Food: Toward an Inclusive Framework. Routledge.

of Child (CRC), food access and adequacy for adult women and teenage girls are addressed only on behalf of pregnant and breastfeeding females.<sup>15</sup>

16. The second disconnect concerns 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, whether ICESCR, CEDAW or the Rights of Child (CRC), 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.<sup>16</sup>

17. Women additionally face numerous legal barriers in domestic law, which prevents them from fully realizing their right to food, including property rights, land rights and intellectual property rights. These legal barriers also prevent women from maintaining livelihoods that provide sustainable incomes necessary to purchase food, thus challenging women's right to food and ability to achieve food security.

18. Rather than enabling women to secure stable livelihoods, both formal and customary laws are often barriers to women's economic independence. As noted by the FAO, "credit markets are not gender-neutral", and women may find themselves prohibited from entering into contracts, opening bank accounts, or from entering into loan agreements.<sup>17</sup>

19. Legal barriers also prevent men and women from equally benefiting from paid employment through the sanctioning of systems of overt discrimination against women in the workplace. As of 2014, 77 countries, out of 140 countries with reported data, still had legal restrictions on the type of paid employment activities available to women.<sup>18</sup> Even when equal employment opportunities are available, equal pay is not: only 59 countries form the same sample of countries legally require equal pay for work of equal value.<sup>19</sup>

20. Finally, legal barriers may force women to choose between domestic responsibilities and outside employment. As primary caretakers for children and households, women are not always permitted to engage in paid employment, and family and personal laws may prevent a woman from making employment decisions without her husband's permission. Meanwhile, some countries featured highly discriminatory family laws that gave husbands authority over their wives in marriage including rights over property, and divorce filings. Women also often struggle with maternity protection and child care as those carrying the primary responsibility for domestic work.

## **A. Property rights**

### **1. Land Rights**

21. 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. The

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<sup>15</sup> Ibid.

<sup>16</sup> Ibid pp 58-108

<sup>17</sup> Op Cit. FAO, *The State of Food and Agriculture Women In Agriculture – Closing the Gender Gap for Development*”, Foreword, p. 33.

<sup>18</sup> World Bank 2015c. “Women, Business and the Law Database.” Accessed January 2015. Washington, DC: World Bank

<sup>19</sup> World Bank 2015c. “Women, Business and the Law Database.” Accessed January 2015. Washington, DC: World Bank.

share of landholdings, owned by women in Africa, ranges from than 5% to 30%.<sup>20</sup> In a recent study on the situation of women and their right to land in Central America, researchers found that in all countries, laws exist that recognize that equality of rights between men and women. Despite this, a profound gap remains between formal equality and equality in practice. This gap results in women owning less land, which tends to be of worse quality and with less judicial security. Central American women only have access to between 12% and 23% of land.<sup>21</sup>

22. The Philippines also demonstrates discriminatory land distribution. While the country legally allows women to own land, the “invisibility” of women within the food production system has created structural barriers that prevent them from accessing productive resources. There is a correlation between land ownership and access to productive resources including credit, inputs, varieties of seeds and inorganic fertilizers, farming equipment, and extension services including credit. As a result, less than 3 percent of women who work in the agriculture and fisheries sectors in the Philippines benefit from support services such as credit, seeds, training, and access to technology, therefore making it almost impossible to secure a sustainable income and livelihood.<sup>22</sup>

23. Women’s property ownership is a significant indicator of poverty, and a key factor in securing increased participation in household decision making. Granting women the autonomy to make everyday choices has been proven to improve reproductive health, family nutrition, and child welfare. Land ownership also helps strengthen women’s roles in community affairs and women’s bargaining power.<sup>23</sup>

## 2. Inheritance

24. Inheritance is often the main avenue for women’s land acquisition, yet women are still less likely to inherit land than men. Inheritance is often determined through marriage practices. Through patri-linearism, which is the most common societal system, sons, rather than daughters, inherit land from their fathers. Even where bilateral inheritance practices exist, communities may favor customary patrilineal practices. This is so in the case of the Mossi community in Burkina Faso “where despite the fact that the majority of families are Muslim, meaning that in theory daughters inherit land, this practice is not observed.”<sup>24</sup>

25. For married women, the death of a husband does not guarantee her ownership rights of the decedent’s property. In Uganda for example, a co-ownership clause was added to the Land Act of 1998, which technically vested the land title in both the husband and wife; however, upon the death of the husband, any children of the marriage are legally allowed to take land from the mother.<sup>25</sup> Similarly, among the Hmong and Khmu, the largest ethnic groups in Lao PDR, women are primarily considered as guardians of their children’s

<sup>20</sup> Marcela Villarreal, *Decreasing Gender Inequality in Agriculture: Key to Eradicating Hunger*, 20 Brown J. World Aff. 169 (2013-2014)

<sup>21</sup> *Tierra para nosotras, Propuestas políticas de las mujeres rurales centroamericanas para el acceso a la tierra*, 2015, Red Centroamericana de Mujeres Rurales Indígenas y Campesinas (RECMURIC).

<sup>22</sup> Upcoming Country visit report, Philippines 2015

<sup>23</sup> ActionAid International, *Securing women’s rights to land and livelihoods a key to ending hunger and fighting AIDS*, ActionAid International Briefing Paper (June 2008).

<sup>24</sup> The World Bank, FAO, IFAD, *Gender in Agriculture Sourcebook*, Washington, 2009, p. 143.

<sup>25</sup> A. Mari Tripp, *Women’s Movements, Customary Law, and Land Rights in Africa: The Case of Uganda*, Afr. Stud. Q, 8.

inheritance rather than heirs in their own right and additionally single women are prohibited from living independently.<sup>26</sup>

### 3. Property ownership within marriage

26. When land is purchased during a marriage, women may lack equitable ownership. Societies with customary law often exclude joint ownership based on the belief that women are not capable of owning land. In market economies, when societal norms have recognized community property between spouses, joint ownership of property acquired during marriage is commonly accepted but patriarchal norms can still result in elusive recognition of gender-equal property rights.

### 4. State action

27. 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".<sup>27</sup>

28. These are positive developments but unfortunately, formal laws have not sufficiently secured property rights of women, largely due to the prevalence of customary laws. In many African countries the existence of "dual legal systems" reflecting both customary laws and common law tends to complicate land ownership.<sup>28</sup> In Asia, many countries retain personal or religious law that prevails over formal laws in practice, which effectively prevent women from owning land. Additionally in many cases, formal laws and state institutions have limited reach beyond urban centers.

29. Formal laws could also prove ineffective if women do not realize or assume control over their rights. For example, in 2005, India amended the Hindu Succession Act (1956) to allow men and women equal inheritance to agricultural land. However, according to a 2013 study, challenges in the implementation of the Act had been observed, allegedly as a result of women not being aware of their legal rights and not wanting to upset their families and resistance from their brothers amongst other reasons.<sup>29</sup>

30. State action can also be a source of discriminatory land distribution. A state may engage in land redistribution through various measures, including land reform, large scale appropriation, and privatization programs. At times, land distribution intended to benefit marginalized groups only benefits male heads of household. Recent land reform programs have tried to address this inequity by specifically allocating land to women, or acknowledging joint property rights.<sup>30</sup> However, many countries still come up short, even when gender equality is explicitly articulated as a policy objective in such programs. This

<sup>26</sup> E. Mann and N. Luangkhot, Lao-German Land Policy Development Project, (2008), pp. 14, 24, 47.

<sup>27</sup> World Bank 2015c. "Women, Business and the Law Database." Accessed January 2015. Washington, DC: World Bank. This is not out of all the countries in the world, but out of 139 and 138 countries with available data respectively. World Bank 2015c.

<sup>28</sup> Nia K. N. Jackson, All Players to the Table: Getting Total Buy-in to An Economic Approach to Women's Land Rights Reform, 10 J. Int'l Bus. & L. (2011), pp 189, 196-199.

<sup>29</sup> A. Sircar and S.PAL, Landesa "The Formal and Informal Barriers in the Implementation, of the Hindu Succession (Amendment) Act 2005." Paper prepared for presentation at the 2014 world bank conference on land and poverty, The World Bank – Washington DC, March 24-27, (2014) [https://www.academia.edu/15882078/What\\_is\\_preventing\\_women\\_from\\_inheriting\\_land\\_A\\_Study\\_of\\_implementation\\_of\\_Hindu\\_Succession\\_Act\\_in\\_three\\_states\\_of\\_India](https://www.academia.edu/15882078/What_is_preventing_women_from_inheriting_land_A_Study_of_implementation_of_Hindu_Succession_Act_in_three_states_of_India)

<sup>30</sup> The World Bank, FAO, IFAD, Gender in Agriculture Sourcebook, pp. 137 – 138.



has also been true for States' response to large-scale resettlements in the face of development projects.

## **B. Intellectual Property Rights**

31. Historically, efforts to increase the global food supply did not apply the intellectual property rights (IPR) regime to agricultural innovation.<sup>31</sup> In most communities, farming practices, such as seed exchanges were communal activities, unrestricted by law. Furthermore, most agricultural research and development (R&D) was funded by the public sector. Today, however, industrialized agriculture mostly replaced traditional communal farming and has been inspired by competitive market for agricultural innovations to increase production. Over the past few decades, funding for agricultural R&D has shifted to private companies. The ten largest agricultural biotechnology companies invest roughly EUR1.69 billion a year on new product development, amounting to about 7.5 percent of these companies total sales revenue.<sup>32</sup> To ensure that these companies recoup development costs for agricultural technologies and continue to invest in the R&D, an IPR-agricultural framework has emerged.

32. Unfortunately, the IPR regime disproportionately excludes women, particularly in the context of agriculture. For example, IPR tends to reward "high technology" but ignores the contributions that the female labour force makes to agricultural production.<sup>33</sup> Meanwhile, the privatization of agricultural resources leads to increased monetization. Women are less likely than men to have discretionary income, and are therefore less able to afford expensive seeds that were once managed communally.<sup>34</sup>

33. Furthermore, the IPR regime does not readily acknowledge the value of women's traditional knowledge, which may cover a broad range of agricultural practices, technologies and techniques. In addition, women are faced with the threat of bio-piracy: the practice of co-opting and patenting traditional knowledge, without awarding appropriate compensation.

### **1. Seed Saving: Elimination of Women's Role in Food Security**

34. 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.<sup>35</sup> Seeds and seed banks are important for addressing the

<sup>31</sup> J. Long, *Global Food Security and Intellectual Property Rights*, 21 *Mich. St. U. Coll. L. Int'l L. Rev.* 115, 118 (2013)

<sup>32</sup> C. Jewell, *Who Benefits From IP Rights in Agricultural Innovation?* WIPO (2015) [http://www.wipo.int/wipo\\_magazine/en/2015/04/article\\_0003.html](http://www.wipo.int/wipo_magazine/en/2015/04/article_0003.html)

<sup>33</sup> K. Mukhopadhyay, *The Negative Impact of TRIPS on Gender Rights in Access Health and Food in India: A Study of the Dynamics of Knowledge Economy and Neo-Medieval Governance*, U. of Denver 48 (2014)

<sup>34</sup> UNDP, *Policy Paper: Intellectual Property, Agrobiodiversity and Gender Considerations "Issues and Case Studies from the Andean and South Asian Regions"* (2010)

<sup>35</sup> V. Shiva and J. Kunwar, *Impact of WTO on Women in Agriculture*, New Delhi, Navdanya Research Foundation for Science, Technology and Ecology for National Commission for Women (2005)

crisis of agricultural biodiversity, for ensuring sustainable livelihood solutions for food security, and for empowering women with a sustainable livelihood.<sup>36</sup>

35. Globally, women have bred more than 7,000 species of crops.<sup>37</sup> In India alone, seed saving has enabled women to breed 200,000 varieties of rice.<sup>38</sup> Biodiversity offers the genetic variation necessary to protect against diseases, pests, and weather events that threaten to wipe out food supplies.

36. Meanwhile, global agribusiness and biotechnology corporations have transformed the global commercial seed market into a multi-billion dollar industry<sup>39</sup> and four companies alone account for 50% of this market.<sup>40</sup> With such lucrative monopolies at stake, these international corporations have actively exercised the IPR regime to secure exclusive access to, and thus royalties from, patented seeds.

37. As a result of IPR laws, seeds that would have once been saved and shared are now the intellectual property of corporations. Recent litigation demonstrates that corporations are willing to appeal to the law to protect their property. Since 1997, Monsanto reports that it has filed 147 lawsuits against those farmers who failed to “honor this agreement,” i.e. Monsanto’s intellectual property rights.<sup>41</sup>

38. The fact that 73% of the world’s seed supply is owned and patented by these corporations and are therefore non-renewable<sup>42</sup>, presents women with a major dilemma being. They are accustomed to seed saving and sharing, and would have to choose between discontinuing the traditional practice of saving and exchanging seeds or risk punishment for an intellectual property crime.

## IV. Economic barriers

### A. Changing global economic policy and the rise of corporate models of agriculture

39. 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.<sup>43</sup>

<sup>36</sup> F. Akhter, Reflections on Empowerment, in *Seeds of Movements: On Women’s Issues in Bangladesh*, Dhaka: Naringrantha Prabantana, (F. Akhter ed., 2007);

<sup>37</sup> Vandana Shiva, Day 3: Seeds in Women’s Hands, OXFAM Int’l GROW Blog Channel, (Nov. 21, 2012) <https://blogs.oxfam.org/en/blogs/seeds-in-womens-hands>

<sup>38</sup> id.

<sup>39</sup> ETC Group, Putting the Cartel Before the Horse...and Farm, Seeds, Soil, Peasants, Etc.: Who Will Control Agricultural Inputs, 2013 No. 111 (2013) at 7.

<sup>40</sup> Op.Cit.

<sup>41</sup> Why Does Monsanto Sue Farmers Who Save Seeds? Monsanto <http://www.monsanto.com/newsviews/pages/why-does-monsanto-sue-farmers-who-save-seeds.aspx>

<sup>42</sup> Vandana Shiva, Day 3: Seeds in Women’s Hands, Oxfam Int’l grow blog channel, (Nov. 21, 2012) <https://blogs.oxfam.org/en/blogs/seeds-in-womens-hands>;

<sup>43</sup> FAO “The State of Food and Agriculture Women In Agriculture – Closing the Gender Gap for Development”, 2011, p 13.

40. 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,” most of which are designed to help support small scale and subsistence women farmers.<sup>44</sup>

41. Agricultural trade liberalization is generally premised on export-promotion policies that benefit men and larger-scale farmers. Liberalization has also opened smaller markets to subsidized imports, thus displacing the farmed products of local women, and encouraging the production of export crops over subsistence agriculture. Women are struggling to maintain household incomes due to increased competition with imported agricultural goods, reduced prices, and declining commodity prices in international markets.

42. The trade liberalization policies heavily favor large corporate agribusinesses and a large-scale model of agricultural production, at the expense of the most vulnerable and marginalized small-scale agricultural producers. Women tend to engage in agricultural production on a scale that is not compatible with a large, corporate model of farming, holding smaller plots than men, which are, on average, 20 – 30 percent less productive than plots managed by men.<sup>45</sup>

43. Agro-biotechnology is also a large part of the corporate model of agriculture, and it poses specific challenges for women. Women generally lack necessary training in technology and experience “time poverty” that prevents them from accessing relevant education. As a result, women are less likely to understand the negative impacts of technological developments and the effective and safe use of technology.<sup>46</sup> Women also have limited participation in the development of agro-biotechnology, so such technologies often fail to account for needs of women.

## **B. The extra burdens on female farmworkers**

44. 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.<sup>47</sup> Yet, women face difficulty in engaging in market behavior when cultural norms make it socially unacceptable for women to interact with men.

45. Even without formal prohibitions to market access, structural barriers may challenge women’s ability to produce in sufficient volumes, establish relationships with buyers, or market their goods. Women may also not have sufficient time to engage in market activities as a result of their unpaid work burdens. As a result, women are particularly disadvantaged by “free” markets. Female farm-workers are often excluded from the benefits of the contract farming arrangements central to the agro-industrial model of contemporary agriculture. Men largely control the contract arrangements while women perform much of the waged agricultural labour.<sup>48</sup>

<sup>44</sup> mita Narula, *Reclaiming the Right to Food as a Normative Response to the Global Food Crisis*, 13 *YALE HUM. RTS. & DEV. L. J.* 403, 409 (2010)

<sup>45</sup> Villareal – *Gender and Food Security* at p. 5

<sup>46</sup> UNCTAD “*nclusive and gender-sensitive development paths*” –, TD/456, 4 (2012).

<sup>47</sup> TNI/FIAN/IGO/FDCL (2014) *Women agricultural workers and the right to adequate nutrition* (Heidelberg: FIAN) [insert web link here] at pp. 6, Biswas, N. 2013. Note from the Editor. Yemaya 42 (March): 1.

<sup>48</sup> FAO “*The State of Food and Agriculture Women In Agriculture – Closing the Gender Gap for Development*” p 13.

46. 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. Women are also most often engaged on a piecework basis, which motivates them to put their health at risk to complete as much work as possible.<sup>49</sup> In Guatemala, allegations of serious breaches of this kind were received by the UN Country Office in 2014, referring to the widespread practice of tying wages to productivity goals, which in turn affected women proportionally more, as they were often forced to work in an unrecognized manner, helping the men reach those goals.<sup>50</sup> Women agricultural workers also face rights violations related to their reproductive roles. Exposure to certain chemicals used in agriculture can cause spontaneous abortions, premature births and affect child and infant development through exposure to toxic chemicals in utero and also by way of breastmilk.<sup>51</sup> As a result of discriminatory hiring practices, women often hide their pregnancies and employers often hire women on short-term contracts in order to avoid paying maternity benefits.<sup>52</sup>

47. Much of the discrimination against women agricultural workers is partly due to the fact that women are absent from supervisory structures and unions. Women involved in unions can face retaliation from their employers. Migrant women workers with precarious immigration status are particularly vulnerable and may prefer not to engage in activities potentially challenging employer-authority, including joining unions and reporting sexual abuse.<sup>53</sup>

48. The food security of women in farming households and landless labourers is dependent on the adequacy of their wages.<sup>54</sup> Rural labour markets are highly gender-segregated and women are more likely to work in low-wage sectors, with inadequate social protection, in temporary, seasonal and casual work, and in activities that require relatively unskilled labour.

49. Many food producers and agricultural labourers are unable to feed their families as commercial farmers “relentlessly” try to save on labour costs through the casualization of the labour force.<sup>55</sup> State support intended to ameliorate this problem is also lacking.

50. Similarly, fisherwomen contribute significantly to the work carried out at the different stages within the fishing industry the role they play is largely undervalued. Despite their direct contribution to fishing economy, women fishers are categorically excluded from state-sponsored benefits, facilities and services.

<sup>49</sup> Op. Cit, TNI/FIAN/IGO/FDCL (2014) Women agricultural workers and the right to adequate nutrition (Heidelberg: FIAN) [insert web link here] at p. 9.

<sup>50</sup> A/HRC/28/3/Add.1, para 69-70

<sup>51</sup> IUF. 2007. A Gender Equality Guide for Trade Unionists in the Agriculture, Food, Hotel and Catering Sectors: All for One =One for All. [http://www.inclusivecities.org/wp-content/uploads/2012/07/Mather\\_IUF\\_All\\_for\\_One.pdf](http://www.inclusivecities.org/wp-content/uploads/2012/07/Mather_IUF_All_for_One.pdf) (accessed 20.04.2014).At 14.

<sup>52</sup> Longley, S. 2013. “Decent Work for Rural Women Workers – Essential for Ensuring their Right to Food” in The Right to Food and Nutrition Watch. 2013: 36-39. [http://www.rtfnwatch.org/fileadmin/media/rtfn-watch.org/ENGLISH/pdf/Watch\\_2013/Watch\\_2013\\_PDFs/Watch\\_2013\\_eng\\_WEB\\_final.pdf](http://www.rtfnwatch.org/fileadmin/media/rtfn-watch.org/ENGLISH/pdf/Watch_2013/Watch_2013_PDFs/Watch_2013_eng_WEB_final.pdf) (accessed 22.04.2014) at p. 38

<sup>53</sup> Human Rights Watch. 2012. Cultivating Fear: The Vulnerability of Immigrant Farmworkers in the US to Sexual Violence and Sexual Harassment. (May 12 2014). <http://www.hrw.org/reports/2012/05/15/cultivating-fear> (accessed 20.04.2014). p. 84.

<sup>54</sup> Sen, A. (1982). Poverty and Famines: An Essay on Entitlement and Deprivation. Oxford: Oxford University Press.

<sup>55</sup> Id p. 60.

51. However, the broad category of female-headed households should be differentiated further, as households face different socio-economic circumstances, resulting in different outcomes regarding their livelihoods and food and nutrition security. Research among South African farmworkers revealed that certain female-headed households, although having less access to earned income compared to male-headed households, achieved greater food and nutrition security than comparable households with male headship. This was due to women having better access to social grants, remittances, and income obtained through informal work. This highlights the crucial role of women's access to resources and power relations within households for greater food and nutrition security<sup>56</sup>.

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

52. 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 – 70 percent of working age men are in the labour force compared to only 40 percent of working age women<sup>57</sup> and the labour force participation rates have stagnated around the world in the past two decades.<sup>58</sup>

53. 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.<sup>59</sup> International Labour Organization (ILO) data shows that occupational segregation is significant, with women over-represented in clerical and support positions and in service and sales roles compared to managerial occupations, skilled work in agriculture and fisheries and in craft and trade occupations.<sup>60</sup> Unfortunately, this occupational segregation does not reduce with new economic development. Instead, occupational segregation results in a lower quality of work accessible to women, as well as a “stubbornly persistent” wage gap outside of the agricultural sector, which affects women's income and their ability to purchase food.<sup>61</sup>

54. Even when women successfully earn income to support their families, men often respond by withdrawing their contribution to the household budget in order to purchase luxuries.<sup>62</sup> A recent study in Nicaragua showed that if mothers contributed considerably to household income the likelihood of moderate and severe food insecurity decreased by 34

<sup>56</sup> Lemke and Bellows 2016, Chapter 5 in Bellows et al. 2016; see also Lemke S, Bellows AC, Heumann N 2009. Gender and Sustainable Livelihoods: Case Study of South African Farm Workers, *International Journal of Innovation and Sustainable Development*, 4 (2-3): 195-205.

<sup>57</sup> Op Cit. FAO, *The State of Food and Agriculture Women In Agriculture – Closing the Gender Gap for Development*,”

<sup>58</sup> UN Women (2015) *Progress of the World's Women Transforming economies, realizing rights 2015 – 2016* <http://progress.unwomen.org>, at p 71.

<sup>59</sup> ILO 2015c. “Key Indicators of the Labour Market (KILM) Database.” Accessed January 2015. [http://www.ilo.org/empelm/what/WCMS\\_114240/lang--en/index.htm](http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm)

<sup>60</sup> ILO 2015c. “Key Indicators of the Labour Market (KILM) Database.” Accessed January 2015. [http://www.ilo.org/empelm/what/WCMS\\_114240/lang--en/index.htm](http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm).

<sup>61</sup> World Bank 2011. *World Development Report 2012: Gender Equality and Development*. Washington, DC: World Bank p. 205.

<sup>62</sup> The World Bank, FAO, IFAD, *Gender in Agriculture Sourcebook*, Washington, 2009 p. 90.

percent, and, if mothers were the main decision-makers over household income this decrease amounted to 60 percent.<sup>63</sup>

55. In the absence of additional support for care work at home, women dependents – children and the elderly – may be further disadvantaged by women working outside the home to earn an income. Daughters, for example, may dropped off from school to fill the care gap. Clearly, this speaks to the discrimination of women in participation in the labour market, if care work remains the main or sole responsibility of women.

## V. Ecological Barriers - Climate Change

56. 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.<sup>64</sup>

57. It is widely acknowledged that climate change impacts are not gender-neutral. As already marginalized individuals in virtually every society, women face discrimination and are subject to human rights abuses at a disproportionate rate, further accelerated by climate change.

58. 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.

59. 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. It took a long time for international climate change policy makers to address gender dimensions of 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. It remains uncertain how the gender perspective to climate change policies will be acknowledged in the upcoming document of the climate change agreement.

60. 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.

<sup>63</sup> Schmeer KK, Piperata BA, Rodríguez AH, Torres VMS, Cárdenas FJC 2015. Maternal resources and household food security: evidence from Nicaragua. *Public Health Nutrition* 18(16): 1-10, doi:10.1017/S1368980014003000.

<sup>64</sup> See Report of the Special Rapporteur on the right to food to the General Assembly, July 2014, A/70/S/lot 36200

61. 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.

## **A. Why women matter in climate change policies?**

### **1. Disaster Management**

62. One area of concern is disaster management because climate change is likely to impact the number and severity of extreme weather events. Researches show that in societies where men and women should be impacted indiscriminately in disasters women and girls, as a result of gender based inequalities, are up to 14 times more likely to die in the event of a disaster.<sup>65</sup> This is especially true of elderly women, those with disabilities, pregnant and nursing women, and those with small children, who may have lack of, or limited mobility and resources, and therefore remain most at risk in cases of emergency.<sup>66</sup>

63. Women remain more vulnerable than men in post-disaster situations, as their household responsibilities increase while access to resources decreases. The daily work involved in providing food, water, and fuel for households after a disaster requires intensive labour, the bulk of which is borne by women. Moreover, marketing interference with breastfeeding initiation and long-term prolongation jeopardizes women's ability to safely feed their infants and young children due to unreliable quality and quantity of safe drinking water, particularly in post-disaster situations.

64. Climate change itself intensifies psychological stress associated with disasters, increasing women's risks of situations of violence, sexual harassment and trafficking. Some women are forced into prostitution and research has shown increased HIV prevalence in drought-ridden areas of rural Africa.<sup>67</sup>

65. In Central America and the Caribbean, women assume leadership roles in food distribution during emergencies, yet emergency decision-making processes after disasters often exclude women. Women's limited participation restricts their engagement in political decisions that impact their specific needs and vulnerabilities, and relief workers often view women as victims rather than potential agents of change, thus reinforcing gender inequalities.

### **2. Women's livelihoods and household responsibilities**

66. In rural areas, women and girls spend the majority of their time engaged in subsistence farming and in the collection of water and fuel. As a result of flooding, droughts, fires and mudslides, these tasks become more difficult. Water shortages and depletion of forests require women and girls to walk longer distances to collect water and wood. In Senegal and Mozambique, women spend 17.5 and 15.3 hours respectively each

<sup>65</sup> Lorena Aguilar, <http://www.capwip.org/Phillipinas%20presentacion%20-%20Lorena%20Aguilar.pdf>, [http://countryoffice.unfpa.org/zimbabwe/2015/07/11/12467/when\\_disaster\\_strikes\\_women\\_and\\_girls\\_are\\_the\\_backbone\\_of\\_resilience](http://countryoffice.unfpa.org/zimbabwe/2015/07/11/12467/when_disaster_strikes_women_and_girls_are_the_backbone_of_resilience) (2008)

<sup>66</sup> HLPE Report, Climate Change and Food Security, June 2012 Committee of Food Security Report

<sup>67</sup> Burke, Gong, Jones, "Income shocks and HIV in Africa, in *The Economic Journal*", Vol 125, Issue 585, 2015, pp 1157-1189.

week collecting water. In Nepal, girls spend an average of five hours per week on this task. In rural Africa and India, 30 percent of women's daily energy intake is spent in carrying water. Depletion of land and water resources may place additional burdens on women's labour and health as they struggle to make their livelihoods in a changing environment.<sup>68</sup>

67. The impact of environmental degradation and biodiversity loss on common property resources threatens household food security and livelihoods. Women who lack land tenure depend on common resources, for subsistence. This decreases the time available for food production and preparation, and threatens women's safety, with consequences for household food security and nutritional well-being.

68. Impacts of decreased water quality as a result of climate change are also gender differentiated. Children and pregnant women are more physically vulnerable to waterborne diseases and their role in supplying household water and performing domestic chores makes them more vulnerable to developing diseases, such as diarrhea and cholera, which thrive in degraded water. Decreased water resources may also cause women's health to suffer as a result of the increased work burden and reduced nutritional status. For instance, in Peru following the 1997–98 El Niño events, malnutrition among women was a major cause of peripartum illness.<sup>69</sup>

### **3. Challenges to women farmers**

69. Insecure land tenure reduces rural women's and men's incentives to make long-term investments in soil rehabilitation and conservation, which are crucial to agricultural land management in era of climate change and resource scarcity. A reduction of agricultural productivity and more competition for productive land leave women with the more marginal and fragile lands. Tools are often reserved for men's plots of land and women may not use technological adaptation techniques.<sup>70</sup> In a Sub-Saharan African county, women, have limited access to irrigation or other farm technology, such as motorized tillers that would increase productivity and offset negative impacts of climatic shocks.<sup>71</sup>

70. Crop failure caused by slow-onset disasters such as land degradation and drought has resulted in the increase of men's out-migration in developing world. Women are often left behind to struggle to feed their families to take on men's traditional roles and responsibilities. This increases women's work, but does not grant women equal access to financial, technological, and social resources to lessen the burden.

### **4. Mitigation Strategies**

71. A gendered approach to climate change adaptation and mitigation is necessary to combat the vulnerabilities women face because of existing social, economic and political inequalities. Mitigation activities aim to decrease greenhouse gas emissions through support for technology development and capacity building. These activities also provide important opportunities to improve women's health and livelihoods by creating new opportunities for

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<sup>68</sup> The World Bank, FAO, IFAD, *Gender in Agriculture Sourcebook*, Washington, 2009 p. 455 – 456.

<sup>69</sup> Id at 143 – 145.

<sup>70</sup> S. Saulière, , *Climate change and women farmers in Burkina Faso*. Oxfam Research Reports, (2011), Retrieved from [www.oxfam.com/grow](http://www.oxfam.com/grow).

<sup>71</sup> Beaman & Dillon

The Diffusion of Agricultural Technologies within Social Networks: Evidence from Composting in Mali, [http://womenandclimate.ifpri.info/files/2014/09/PN\\_2014\\_GCC\\_04\\_replaced\\_web.pdf](http://womenandclimate.ifpri.info/files/2014/09/PN_2014_GCC_04_replaced_web.pdf), IFPRI e-library.



women particularly in the renewable energy sector.<sup>72</sup> Development programs that support the distribution of clean cook-stoves have had a significant impact on reducing emissions and limiting premature deaths and illness linked to indoor air pollution, particularly benefiting women and children.<sup>73</sup>

72. Despite women's role in collecting biofuels for household use, women are often excluded from energy plans and policies because energy is associated with electricity and fossil fuels and is therefore considered to be within men's domain.

73. More needs to be done to improve opportunities for women to participate in the green economy, notably through ensuring that women benefit equally from employment opportunities arising from development projects focusing on clean technology and renewable energy.<sup>74</sup>

## 5. Adaptation Strategies

74. Adaptation strategies are adjustments made to ecological, social or economic systems in response to actual or expected effects or impacts of climate change. In general, adaptation policies and measures need to be gender sensitive, taking into account women's lack of control and access to land, resources, transportation, information, technology, and ultimately decision-making.<sup>75</sup> Data from several countries suggest that men and women have different needs, priorities, and preferences for adaptation and, indeed, men and women tend to report engaging in different adaptation strategies. Women tend to adopt certain practices more readily than men, including cover cropping with legumes to increase soil fertility and improve food security and feed management practices for livestock.<sup>76</sup>

75. Oxfam researchers found that adaptation projects aimed at women created under Burkina Faso's National Action Programme for Adaptation (NAPA) sought to diversify the ways that women can generate income to offset income lost by harvests damaged by climate change.<sup>77</sup> In order to rectify these consequences, individuals and organizations need to be better educated on the different vulnerabilities that men and women face in disasters, and local women's organizations need to be consulted in order to understand region-specific contexts. Moreover, such attempts could have ancillary positive effects, as developing credit systems to aid families during times of famine, strengthening women's organizations that promote adaptation measures, and addressing larger issues could prevent gender inequality.<sup>78</sup>

<sup>72</sup> UNDP, *Powerful Synergies. Gender Equality, Economic Development, and Environmental Sustainability*. (2012) <http://www.undp.org/content/undp/en/home/librarypage/womens-empowerment/powerful-synergies.html>

<sup>73</sup> See Justice, Human Rights, and Climate Change: A Conversation with Mary Robinson, UN Secretary-General's Special Envoy for Climate Change, 39 *Flecher F World A Letcher F. World AFF.* 9, 10 (2015)

<sup>74</sup> ILO, *Green jobs: improving the climate for gender equality too!*, 2008. [http://www.ilo.org/wcmsp5/groups/public/@dgreports/@gender/documents/publication/wcms\\_101505.pdf](http://www.ilo.org/wcmsp5/groups/public/@dgreports/@gender/documents/publication/wcms_101505.pdf)

<sup>75</sup> Röhr, U. *Gender, climate change and adaptation: Introduction to the gender dimensions*. In *Background paper prepared for the Both Ends Briefing Paper Berlin: Genanet.* . (2007). [http://www.unep.org/roa/amcen/Projects\\_Programme/climate\\_change/PreCop15/Proceedings/Gender-and-climate-change/Roehr\\_Gender\\_climate.pdf](http://www.unep.org/roa/amcen/Projects_Programme/climate_change/PreCop15/Proceedings/Gender-and-climate-change/Roehr_Gender_climate.pdf)

<sup>76</sup> E. Bryan, P. Kristjanson and C. Ringler "Why paying attention to gender matters for climate change adaptation", (2015) , IFPRI Blogh, (2015)

<sup>77</sup> S. Saulière. (2011), "Climate change and women farmers in Burkina Faso". *Oxfam Research Reports*, (2011), [www.oxfam.com/grow](http://www.oxfam.com/grow).

<sup>78</sup> UNDP "Resource guide on gender and climate change"(2009).

76. In all adaptation projects women should be granted access to the same level of technology and financing as men. This will help women change agricultural practices as well as preserve livelihoods during times of drought. Addressing issues of resource management and land ownership will also improve women's chances against climate change. Ultimately, communities must take a "bottom-up" approach in order to accurately understand local customs and to incorporate local knowledge; applying a model that relies upon opinions from international institutions or outside groups will not be as effective.

## **6. Agro-ecology**

77. Agro-ecology is a reaction against the agricultural policies promoted by the Green Revolution that have replaced traditional farming with GMO seeds, extreme use of fertilization, and intensive resource use.<sup>79</sup> It offers an important means through which women farmers can adapt to climate change, recognizes women as legitimate actors, and opens spaces for women to become more autonomous and empowered at productive, reproductive, and community levels.<sup>80</sup> At the same time, agro-ecology is a proven alternative farming method to reduce greenhouse gas emissions.

78. With the increased commercialization of agriculture and highly technological improvements, farming systems are overly dependent on external inputs such as agrochemicals. Poor rural women and men farmers often spread risk by growing a wide variety of locally-adapted crops, some of which will be resistant to drought or pests, and livestock breeds that have adapted to the local agro ecological zone. Diversification, an important coping strategy adopted by poor rural households, also protects women against climate change, desertification, and other environmental stresses.

## **B. How to ensure gender sensitive climate change policies?**

### **1. Participation into decision making in an effective manner**

79. In order for adaptation and mitigation strategies to effectively take gender into account, they must provide women with the opportunity to be active members of the planning and implementation of such policies. Helping women participate fully in the process of adaptation will require concerted effort by decision-makers to overcome the multiple barriers of control over resources, lack of access to information, and socio-cultural constraints. Local adaptation policies need to be designed by both women and men in order to build upon existing knowledge and grant women access to the rights, resources and opportunities necessary to surviving climate change in the years to come.

### **2. Integrating gender-disaggregated data and gender perspective to research**

80. Not enough agricultural research and development efforts have focused on options that meet women's specific needs and situations related to childcare, food preparation, and the collection of domestic water and energy resources. New research based on gender-disaggregated data shed light on gender differences in perceptions on climate change and the ability to adopt practices and technologies needed to increase resilience.<sup>81</sup> These data

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<sup>79</sup> See Report of the Special Rapporteur on the right to food to the General Assembly, July 2014, A/70/S/lot 36200

<sup>80</sup> A. Lopes and E Jomalinis Feminist Perspectives Towards Transforming Economic Power: Agroecology, , The Association for Women's Rights in Development (AWID) , (.2011) , <http://www.observatoriodegenero.gov.br/menu/noticias/2fpttec-agroecology-eng1.pdf>

<sup>81</sup> CAFS; IFPRI; ILRI , "Gender Household Survey" , , 2013. <http://hdl.handle.net/1902.1/22584>, Harvard Dataverse, V4

also show that men and women have different preferences, needs, and priorities for the ways in which they respond to climate change. There is also a greater need for using gender-disaggregated data to inform evidence-based policy making as well as integrating a gender perspective into research on climate change and mitigation and adaptation strategies.

### 3. Access to information and technology

83. Women lack access to information about climate change, and this knowledge is critical to support adaptation, promote well-being and increase resilience to climate change. Women are more likely than men to adopt climate-adaptive and resilient practices, but most women do not have access to formal sources of information, such as extension agents.

84. Researchers and breeders often work in isolation from women and men farmers and are sometimes unaware of their needs and priorities beyond yield and resistance to pests and diseases. Moreover, extension agents and research organizations tend to consider many local varieties and breeds to be low-performing and inferior. As a result, national policies that provide incentives such as loans and direct payments for the use of modern varieties and breeds contribute to the loss of genetic diversity and affect traditional gender roles.<sup>82</sup>

### 4. Gender sensitive financial aid

85. Climate-related financial aid is not gender equal. Almost no climate aid goes to women, even though women experience a disproportionate amount of the impacts of climate change.<sup>83</sup> Accelerated efforts are needed to ensure that gender equality is mainstreamed throughout all climate change programs in all sectors, given the primary role that women play in natural resource management, farming, working, raising small livestock, and collecting fuel and water. Overcoming these challenges will require stronger partnerships between research organizations, government agencies and NGOs in order to continue to strengthen capacity of implementing organizations on gender and to build the evidence base on gender and climate change by monitoring and evaluating gender differences in participation in and outcomes of adaptation projects. A key challenge is the lack of gender experts in government climate change adaptation program.<sup>84</sup>

## VI. Why a gender analysis is necessary to address the right to food?

86. 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.<sup>85</sup> Women also face discrimination to access to food as an individual consumer.

<sup>82</sup> The World Bank, FAO, IFAD, *Gender in Agriculture Sourcebook*, Washington, 2009 at p. 433 – 434.

<sup>83</sup> OECD Network on Gender Equality, "Making Climate Change finance work for women: Overview of the integration of gender equality in aid to climate change", (2015).  
<http://www.oecd.org/dac/gender-development/Making-Climate-Finance-Work-for-Women.pdf>

<sup>84</sup> Ragasa et al (2014), <http://ebrary.ifpri.org/cdm/ref/collection/p15738coll2/id/128771>

<sup>85</sup> Op Cit, FAO, "The State of Food and Agriculture Women In Agriculture – Closing the Gender Gap for Development",

87. 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. At the same time, gender analysis should include other social categories such as age, social status, race, ethnicity, and class. Adoption of the right to food approach together with gender base analysis would reveal discrimination and inequality of women in food production cycles and at household level in a more appropriate manner. A person's ability to acquire nutritious food is closely related to other aspects of the capabilities and rights. For women and girls, discriminatory laws, social norms, values and practices further affect access to food and food security. Moreover, unequal power relations between genders, penetrate both the private and the public sphere, and constrain the decision-making power of women and girls. The discrimination is reinforced when gender inequality is compounded with other forms of exclusion related to income, ethnicity or race.

## VII. Conclusions

88. 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 is 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. For instance, while international development has focused on providing technical training and access to new agricultural technologies for women, there has been a lack of focus on providing women with land rights and sufficient financial resources.<sup>86</sup> Moreover, women's responsibility in relation to household food security, simply feeding family and community is totally excluded from such technical and economic solution.

89. 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. Increasing women's access to and control over assets has been shown to have positive effects on important human development outcomes including household food security, child nutrition, education, and women's own wellbeing and status within the home and community. Moreover, providing women with essential tools and resources does not require a major investment of resources but can have a huge impact on the formal economy. Respecting, protecting and fulfilling women's rights will inevitably fix broader problems in food systems in general and can help communities achieve improved development outcomes.

90. The Special Rapporteur provides the following recommendations:

**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.**

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<sup>86</sup> Anna Applefield and Jiwon Jun, Working with Women: An Essential Component of Global Food Security and Agricultural Development, 38 A Letcher F. World AFF. 185, 186 (2014)

- (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 well-being and increase resilience to climate change.
  - (h) Promote accelerated efforts in terms of financial aid, in order to ensure that gender equality is mainstreamed throughout all climate change programs in all sectors.
-