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Justice access for rural women

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Introduction

One-fourth of all people in the world are rural women.¹ They make up a sizable section of the agricultural labour force, produce most of the food harvested, particularly in subsistence farming, and do the majority of the unpaid care work in rural regions.² Their efforts are crucial to the growth of regional and global economies as well as to the prosperity of their families and communities.

While certain nations have made strides toward encouraging gender equality, in many others, particularly in rural and agricultural regions, the condition of women is substantially worse than that of males. Rural women still struggle to access economic and productive resources like land. Fewer than 5% of people own agricultural land in North Africa and West Asia, compared to an average of 15% of women owning agricultural property in Sub-Saharan Africa.³ They are still less likely than men to be able to access rural wage employment; for instance, in Malawi, Guatemala, and Bangladesh, their participation in rural wage employment is equivalent to less than 15, 10, and 5%, respectively, as opposed to men, who represent more than 25, 30, and 20% respectively.⁴ Rural women sometimes have little to no access to decision-making, public services, education, and violence protection. For instance, just 39% of rural girls and boys worldwide enrol in secondary education, compared to 45% of rural males, 59% of urban girls, and 60% of urban boys.⁵

On the other hand, there has been a shift in how women's legal rights have been seen throughout the past century. 187 countries have ratified the Convention on the Elimination of All Forms of Discrimination Against Women to end continued discrimination against women (CEDAW). It is imperative that State Parties



recognize the substantial economic and social contribution that women make, not just to their families but also society as a whole. Article 14 of the CEDAW specifically addresses the plight of rural women and ensures they are protected by all of the provisions of the Convention about the defence of their human rights. It is strongly recommended that state parties take measures to ensure that rural women have equal access to marketing resources, agricultural financing and loans, and contemporary technology. In addition, state parties must take any efforts necessary to ensure that rural women receive equitable treatment in land and land resettlement plans, access to social security programs, appropriate health care facilities, and training and education programs.

Article 11 of the Convention on the Elimination of All Forms of Discrimination in Employment states that both men and women have the right to seek employment and that states parties are committed to putting an end to discrimination against women in the workplace. Its provisions are essential for rural women of all ages since they are frequently employed in part-time, seasonal, low-paying, or unpaid employment that falls beyond the scope of labour laws⁶; women have extra limitations because of their unpaid reproductive duties.

It is strongly recommended that State Parties take preventative actions following Articles 2 and 15 of the CEDAW to ensure that women subjected to discrimination based on their gender have access to remedies and the same legal rights as men to manage a property and enter into contracts. They provide women with the same legal standing as men, including access to courts, justice administration systems, and maybe "decision-making bodies," as well as the opportunity to appear before them as claimants,



witnesses, or defendants, according to a wide interpretation.

139 nations' constitutions at the national level ensure equality between men and women.⁷ Rural women sometimes have little to no access to decision-making, public services, education, and violence protection. For instance, just 39% of rural girls and boys worldwide enrol in secondary education, compared to 45% of rural males, 59% of urban girls, and 60% of urban boys.⁸

Access to justice, an effective legal remedy, and reparation if a given right has been violated are all necessities for rural women to achieve true equality in access to resources and services, decent employment and working conditions, social protection in civil and family matters, and the decision-making processes at all levels. All of these criteria need to be satisfied for women and those dependent on them to live with dignity, exercise their right to food and take an active part in society to the fullest extent possible.

The following sections try to demonstrate the key common hurdles that limit access to justice for rural women in rural regions, independent of the specific right violation or lack thereof that rural women face, and how these barriers are linked. They accomplish this by drawing inspiration from previous works as well as the field experience of the FAO (I). Various programs and models of good practice are utilized to address the issue of expanding access to legal services for women (II).

I SPECIFIC OBSTACLES FOR RURAL WOMEN'S ACCESS TO JUSTICE

In general, and especially in rural regions, access to justice shouldn't be confined



to only having access to attorneys and courts. It also ensures that formal and informal legal systems recognize rights and the safeguards accompanying them. In addition to this, it necessitates having access to institutions, such as customary and conventional ones, as well as to procedures that are uncomplicated, inexpensive, and open to public scrutiny. Access to a trustworthy remedy if one's rights have been infringed or abused is another component of this right. Access to justice also requires that the appropriate authorities uphold laws and regulations, that everyone is aware of their rights, and that everyone has the means and authority to assert those rights and seek redress when violated. In addition, access to justice necessitates everyone being aware of their rights. In other words, it entails reducing the complexity of legal and judicial processes so that everyone, especially the most vulnerable individuals, can use them.

The legal system and the laws themselves are based on the premise that everyone is created equal and has a fair chance at receiving legal protection. But in reality, this is not the case since the administration of justice and the content of the law is usually impeded for the weaker and less fortunate, typically rural women. Although women generally have less time, less money, and lower levels of education than males, gender-based capacity inequalities in the legal system are made worse because these disadvantages affect all of the system's users. Inadequate or discriminatory legal frameworks, complicated legal systems, a lack of information and understanding, sociocultural barriers, and inadequate or discriminatory legal frameworks continue to be the primary impediments to women's access to justice and the fair enjoyment of their rights and entitlements.



1. Discriminatory and inadequate legal frameworks

The laws that define these rights and govern the procedures for asserting them significantly impact one's capacity to exercise those rights and seek redress. While there have been advancements in many nations over the past 20 years in creating and implementing more gender-equitable legislation and regulatory frameworks, there are still certain nations where overt discrimination against women is practised. As a result, there are still significant disparities in access to land and other natural resources, to employment, to services and social protection, to opportunities to engage in the political and economic life of the community/nation, and to rights and obligations in marriage and family matters, among other areas.

For instance, discriminatory legislative restrictions still exist in land rights concerning access, ownership, and control of land, homes, and commercial properties. Fewer than 20% of landowners are women, and in North Africa, the Near East, and Western and Central Africa in general, less than 10% of landowners are women. Only somewhat more people live in Asia. Women are occasionally limited to having what is known as secondary land rights, which include obtaining land-related rights through male family members.⁹ When women become widows or divorce their husbands, they run the risk of losing their land, which serves as the foundation of their incomes and wellbeing, as well as their home and other possessions. The stolen property cannot be reclaimed without clear and robust legal protections for women's land rights.

Even gender-neutral policies frequently have an unfavourable effect on women since they do not consider the current disparities. Women frequently suffer in



terms of accessing employment opportunities and the quality of their jobs due to labour legislation that does not include incentives and specific measures that address the daily requirements and difficulties that rural women face. This is because women are currently at a disadvantage in the labour markets compared to their male counterparts¹⁰. In many countries, the rules governing employment do not apply to those who work in agricultural or informal labour. This is especially true for employment in rural regions, where most working-age persons are engaged in the informal sector. This is especially true for employment in rural areas. In most developing areas, women tend to be employed under informal, low-productivity, and casual contracts more frequently than males⁹. They are usually concentrated in the most exploitative aspects of informal labour.

Rural employment refers to any activity, occupation, business, or service carried out by rural people for pay, profit, social advancement, or by force, in cash or kind, including under a written or oral contract of hire, expressed or implied, and regardless of whether the activity is carried out independently, on a part-time, full-time, or casual basis. It consists of non-agricultural employment, which includes *non-farm* self-employment and wage employment and agricultural employment, which includes both *on-farm* self-employment and wage work in the agricultural sector.

Decent work refers to opportunities for work that is productive and delivers a fair income; the freedom for individuals to express their concerns, organize, and take part in choices that influence their life; security in the employment and social protection for families; greater opportunities for personal growth and social integration; equality of opportunity and treatment for all women and men.¹²



Discriminatory clauses and legal loopholes negatively impact other aspects of women's lives in rural areas. For instance, women encounter greater challenges in joining and participating in rural institutions¹³ and producer organizations and gaining access to markets and credit. They are also more likely than men to be left out of official social assistance programs.

Even when gender-equitable legislation exists, it may not always be put into practice due to a lack of secondary laws, regulations, and processes for their implementation and enforcement or because the government has not allotted enough money in its budget.

The inconsistency of laws is a significant barrier to justice for rural women. This may be particularly true if civil and family law restricts women's ability to do activities that have legal consequences, such as signing contracts and bringing lawsuits. Therefore, in certain nations, women must obtain a male guardian's permission to create a bank account or launch a company.¹⁴ In nations with several legal systems, this interconnectedness and coherence of laws take on a special significance.

2. The complexity of legal systems

"Legal pluralism," or the existence of many legal systems (statutory, customary, religious, or a mix of them) that apply to the same region, is one of the main obstacles to the administration of justice in nations where it is practised. Certain rules are used to organise and regulate the relationships between various legal systems in particular situations when they coexist independently of one another and have no connection to one another.¹³ Because of the existing legal diversity,



complex legal frameworks are produced that have overlapping rights, several levels of authority (including state, non-state/customary, and hybrid institutions), and frequently conflicting laws ¹⁵. Navigating the various systems may be particularly challenging for women.

Legal pluralism and women's land rights, For instance, inheritance is the most common way land is transferred ownership in Latin America. Yet, females are significantly less likely to receive property than sons are. Although several nations in the area have implemented legislative reforms to increase married women's property rights, efforts to promote putting both husbands' and wives' names on land titles have not always been successful. In Asia, women frequently struggle to defend their legal rights to land ownership. When allocating land, both in terms of amount and quality, community leaders frequently favour men over women in the regions of sub-Saharan Africa where customary property systems are the norm.¹⁷

Women frequently use traditional court systems to preserve their rights when a conflict develops. Customary justice mechanisms are often more affordable than formal ones ¹⁸and may be easier for women to access than formal justice systems. Additionally, they are more inclined to give women greater room to settle disputes in a way acceptable to males and the larger society. However, the laws imposed by customary institutions may not always adhere to the principles of equality and non-discrimination. This is crucial in rural places where the importance of traditional legal systems is greater.

On the other hand, formal courts or other alternative formal dispute resolution bodies (human rights commissions, ombudsperson or others) are frequently far



away from rural areas, and women's access to these institutions may be hampered by their lack of access to childcare support facilities or by the social norms that are currently in place. Aside from their disadvantageous time and financial restrictions, rural women frequently struggle to get legal counsel and successfully defend their claims. The court procedure can also be drawn out and expensive. Judges might not always be ready to uphold legal requirements that conflict with local traditions and customs.

3. Lack of information and knowledge, and socio-cultural constraints

The most fundamental societal structures and challenges closely linked to the administration of justice are among the obstacles that make it the most difficult for women to access justice.¹⁹ These obstacles result from the vulnerability of rural poor people in general, women in particular, their subordinate status in society, and their lack of awareness of their rights and the procedures for asserting them. In particular, poor rural women are more likely to be victims of violence than men.

It is very uncommon for women who live in rural areas to be ignorant of their legal rights. These women might not even be aware that they have the legal right to ask for protection, let alone know how to exercise this right. Most rural women do not view the challenges they face daily from the point of view of their rights. A lack of self-assurance usually mars their assertion of their claims to resources and rights. Consequently, many individuals do not even consider filing a complaint with a tribunal a second thought. The capacity of rural women to defend their rights is hindered by practices such as female seclusion and other societal conventions. In many rural areas, social and cultural norms position



women in inherently subordinate roles in public and private spheres. These norms have a huge influence on women since they apply to all facets of their life, including the work they do and the jobs they have. For instance, when a rural woman seeks to establish her rights in a judicial matter involving male community members, her family and community may put pressure on her, which may result in domestic abuse or social marginalization.²⁰. Women are afraid of being punished or shunned because of these socio-cultural norms if they pursue land claims or ask for protection from abuse. Women are, therefore, more likely than males to be denied access to justice and entirely denied justice.

II STRATEGIES FOR ENHANCING ACCESS TO JUSTICE FOR RURAL WOMEN

A comprehensive strategy that tackles the aforementioned structural barriers is required to ensure rural women's access to justice. This implies that transformation efforts need to address many societal actors and aspects. Among these are the enhancement of awareness-raising, information and communication, developing legal literacy and empowerment, and enhancing legal frameworks and enforcement.

1. Improving legal frameworks and enforcement, including through incentives for change.

To improve rural women's access to justice, sectoral discriminatory or unsuitable laws must be revised following the pertinent international norms and agreements. A general promise of equality is insufficient; what is needed instead are specific legislative measures that take into account the disadvantages that women face and



provide them with a strong legal platform on which to stand when they exercise their rights. Consequently, for instance, in addition to expanding labour laws²¹, Equally important are measures that encourage rural women's access to formal labour markets, the formalization of informal labour markets through improved legal and social protections for those working in the informal sector, and measures that specifically prohibit direct and indirect employment discrimination based on gender, sex, pregnancy, marital status, and family responsibility (including the formalization of farm and off-farm agricultural jobs). It may also be required to provide incentives for eliminating discriminatory conduct in practice, such as designated monies, outreach initiatives, and targeted recruitment of women into the legal system. Finally, it is important to clearly define who is in charge of enforcing the law and who is responsible for violations or noncompliance.

Box. 1. FAO's support to engendering rural employment policies in Malawi and Tanzania

The FAO is helping the governments of Tanzania and Malawi build their skills for promoting gender-equitable decent rural employment (DRE). Over 30 national policies, initiatives, and programs connected to agriculture and employment have received technical assistance from FAO. Additionally, about ten capacity-building activities (workshops and training) have been completed. Through these efforts, FAO assists governments in establishing the circumstances that allow rural women to have access to an increased number and quality of job opportunities within an enhanced policy and legal framework that is gender sensitive. The organisation took into account the proposals for new policies that



the FAO produced during its first two years of operation. A new National Fisheries Policy was developed in Malawi, for example, and it strongly emphasises gender equality and the promotion of women's decent employment in small-scale fisheries and aquaculture. This policy was developed as part of Malawi's overall effort to improve its fishing industry. This policy recognizes the FAO's proposal for social development and decent work as essential to ensuring sustainable livelihoods in the fisheries sector, with a special emphasis on disadvantaged groups such as rural women. Specifically, this policy acknowledges that social development and decent work are essential to ensuring sustainable livelihoods in the fisheries sector.²²

Special consideration must be given to the situation when implementing legal reform in nations with multiple legal systems. Legal recognition of rights and justice systems derived from customary or traditional regimes must leave room for custom to continue successfully addressing the evolving needs of community members and include safeguards against those practices that uphold discrimination and inequity. This requires both leaving room for custom to continue successfully addressing evolving needs of community members and including safeguards.²³ The recognition of women's rights (in areas like family law, employment in rural regions, and access to land and natural resources) causes alterations in power relations, which alters the way decisions are made and dismantles labour stereotypes that are based on gender.²⁴ As a result, in addition to recognizing equal rights for men and women, the relevant legislation should also include conflict management and enforcement mechanisms, clearly defining the functions of formal courts and other dispute resolution methods, and including appropriate mechanisms to



make these systems easier for everyone to access and use²⁵.

More specific rules, procedures, or instructions will make it easier for implementers to fulfil their duties in practice. Guidelines for thematic legal drafting may be particularly helpful²⁶. Specific guidelines would enhance the effectiveness of these laws and regulations to ensure consistency among the various sectoral laws and regulations affecting rural women's rights and access to justice (i.e., in the areas of land and other natural resources, family and civil matters, legal aid, health, education, and social protection services, including child care facilities, women's collective action, and employment).

Box 2. FAO support to gender-equitable and participatory law-making in Mozambique.

FAO has been actively supporting the development and implementation of progressive land and natural resource legislation by the Mozambican government. These laws have received assistance from FAO. It did this by assisting the nation in setting its national priorities and determining, in collaboration with all relevant stakeholders and actors, the kind of assistance necessary to guarantee its execution. This helped ensure that the nation and the local communities felt ownership over the Land Policy and Law. The primary objective was to cultivate national capacities for formulating, carrying out, and overseeing the execution of the Land Policy and related legislation. This experience highlighted how important it is to design gender-equitable land policies and regulations, which means that they involve men and women, in addition to any other relevant stakeholders, so that a greater understanding of their requirements and concerns can be achieved. Most intriguingly, the participation



of women's groups in the process led to the inclusion of significant legal provisions to limit the potentially negative impact of these practices where they conflict with fundamental constitutional principles such as the equality of women and men. This is even though acknowledging the importance of customary norms and practices in managing land and natural resources is a key component of the resulting policy and land law.²⁷

The creation and upkeep of a gender-disaggregated database for rural employment, natural resource usage, and agriculture is a helpful instrument for better informed and effective policy and lawmaking.²⁸ It is crucial to collaborate with and involve all relevant parties, including government officials, traditional leaders, and community leaders, in the processes of legislation reform, implementation, and enforcement at both the national and local levels (see Box 3).

2. Improving knowledge, legal literacy and empowerment.

It is important but insufficient to have appropriate legal frameworks that recognize equal rights for men and women, provide legal protection, and prescribe effective remedies and reparations. Its effectiveness is largely dependent not only on the knowledge and abilities of the personnel responsible for their interpretation and execution but also on those individuals' understanding of issues about gender equality (e.g. public officials from government at national and local levels, magistrates, judges, police officers, traditional authorities and leaders). To accomplish this goal, it is of the utmost importance to provide officials in the ministries of agriculture and employment and other relevant organizations at the national and local levels with specialized tools and guidance



on gender aspects of relevant legislative frameworks. The personnel of the several institutions that carry out and enforce rights related to land, fishing, forestry, employment, and social protection are also required to undergo relevant training. These institutions include: Second, for gender-equitable legislation to be successful, rural women themselves need to have a working knowledge of the law so that they may make claims and hold the proper institutions accountable for protecting and defending their rights. In this regard, the development of gender-sensitive tools and the incorporation of gender-related content into national agricultural extension programs are both crucial (see Box 4).

Box 3. Legal and social empowerment through FFLS approach.

Farmer Field and Life School (FFLS), a learning process aimed at enabling farmers to comprehend the greater socio-economic and cultural environment and elements which impact their lives and livelihoods, is based on the participatory agricultural extension strategy of Farmer Field School (FFS). The first attempt at applying this strategy to increase farmers' understanding of legal concerns and improve their ability to use the legal system and legal services was made in Kenya's Coastal Province. A variety of legal concerns were effectively incorporated in the participation training of the FAO Farmer Field School-Reproductive Health (FFS-RH) project, which was carried out in four coastal areas in conjunction with the Association of Women's Lawyers (FIDA Kenya). They cover property rights, gender-based violence, children's, and reproductive rights. The paralegal training had some beneficial effects, including the formation of networks by trained individuals who began advising neighbouring communities on matters of agriculture and law (such as the property rights of



widows) and the provision of support for village orphans by ensuring their attendance at school and securing their property. In a few instances, greater knowledge of legal rights and the availability of legal assistance has protected widows from being evicted. Given that food production in the region has grown despite the drought, the effect was also felt on the side of food security for rural communities.²⁹.

Paralegal classes that take gender into account are another helpful strategy. To assist women in addressing their concerns, paralegals apply their knowledge of the formal court system and the customary system, in addition to alternative strategies for dispute resolution, such as mediation. They are members of the communities they serve, working and making their homes there. In some circumstances, paralegals may work alongside attorneys who, if necessary, can represent their clients in legal procedures and provide guidance. Not only to individuals but also to entire groups and communities, paralegals are in an excellent position to offer solutions, particularly gender-equitable ones, because they have a comprehensive understanding of the communities in which they work. This enables them to offer solutions to individuals (see Box 5). Paralegal services can be provided at little cost to a community to investigate issues about food security, co-create local solutions, and aggressively demand accountability and openness while having realistic expectations of what can and cannot be done. It is a cooperative method of establishing recourse in situations where litigation is either prohibitively expensive, insurmountably difficult to access, or simply inappropriate in the cultural tradition of a nation that recognizes rights but fails to grant its citizens access to them through its legal system.



Box 4. FAO support to paralegals at a local level in Mozambique and Sierra Leone

In *Mozambique*, in 2010, FAO launched a new initiative focusing on the gender gap and women's land rights. Follow-up is provided for the paralegals after they have returned to the communities in which they work and begun the challenging task of changing attitudes and, where possible, seeking to adjust local practices to bring them in line with overarching constitutional principles on the equal treatment of women regarding access to land and resources. Changing attitudes is difficult, and adjusting local practices can be difficult. These initiatives were developed with women's nonprofit organizations in mind especially. Soon after the initiative was initiated, a group of paralegals with training from CFJJ and FAO who were working with the regional non-governmental organization AMUDEIA successfully obtained the first three land titles in favour of disadvantaged women authorized by the right authorities. However, rather than focusing on the actual issuance of titles, the initiative aims to alter attitudes within communities so that the customary system better safeguards women's land rights.³⁰

In *Sierra Leone*, the FAO trialled an alternate method of settling conflicts between a local resident or community and public authorities or the public system. The pilot program began with a community organization, an explanation of the paralegals' responsibilities, and a rights awareness campaign. Mobile paralegals from the law centre were also available to take cases and perform mediation. Complicated or unresolved conflicts were submitted to the law centre's supervising attorney. Additionally, it supported the following: a) the



availability of the mobile paralegals to accept cases, b) the availability of the mobile paralegals to take cases, and c) the availability of the movable paralegals to take cases. After removing complaints that were related to domestic violence or other types of violence, there were a total of 11 occurrences that were documented that also involved some component of food security. In every incident, an attempt at mediation was made. Communities have expressed a desire for more assistance due to the initiative's success in increasing awareness of their responsibilities. For example, people are now more aware of what can be done locally to promote their right to food and food security, such as filing a complaint or pursuing a claim. Additionally, community people are now empowered to speak up about previously ignored concerns that have an impact on their livelihoods.³¹.

It is essential to have an open and inclusive approach to increasing knowledge, legal literacy, and empowerment. Bringing together NGOs, women's cooperative and association representatives, local government officials, and important public sector figures from the executive and judicial branches—both men and women—during training sessions encourages discussion, builds self-assurance, and dissolves the barriers that might separate these various groups. Additionally, organized training seminars and courses ensure that all parties are informed about laws, women's rights, and the processes for putting them into effect. Ideally, these courses and seminars come from a reliable source, like the national institution in charge of legal and judicial training (CFJJ) in Mozambique. After the training, effective monitoring and follow-up visits are equally crucial. To guarantee that trained paralegals have the greatest possible practical impact at the community level and to aid them in implementing pertinent legislation, trained paralegals



should receive fieldwork assistance when they return to their communities.

3. Strengthening awareness-raising, information and communication.

Key cross-cutting concerns for any change include increasing awareness, providing information, and communicating. Women's rights fulfilment and access to justice are issues shared by their communities and society. To change the socio-cultural norms, beliefs, and behaviours that frequently form the basis of gendered power relations in the agricultural sector, particularly about land, rural employment, and access to services, there must be accessible and appropriate information and communication.

Effective information and communication in support of women's access to justice have both "supply" and "demand" dimensions. On the supply side, communication is required among formal and informal institutions, including government officials, customary authorities, and community leaders, to forge alliances and networks that will improve services for women and raise awareness of their rights. On the demand side, it's important to engage and enlighten rural men and women, local communities, and civil society since they may have diverse opinions and experiences. While printed materials such as booklets and pamphlets are essential for training and sensitization efforts, other strategies are frequently required for empowering rural women and communities. Community radio is a medium that may reach rural communities that are wide apart and can be an effective instrument for raising awareness and boosting women's self-confidence, skills, and capabilities to assert their rights (see Box 6).³⁰



Box 5. Community Listeners' Clubs for women's empowerment

The FAO has established community radio as a participatory platform for information and communication that emphasizes action. Members of the Community Listeners' Clubs (CLC) might be either males or women.³¹ It operates democratically by ensuring that all viewpoints are heard and looking for discussion and agreement. Due to the way they are set up, the clubs have evolved into citizen groups where men and women gather to debate and analyze their issues, get knowledge otherwise unavailable, and take action together. Women in a hamlet in Niger acquired land thanks to the listeners' club's work in Borobon village (in the Tillabéry area). The Club agreed to have a special meeting to debate and come up with solutions to the issue of land access in response to requests from women. Discussions were broadcast on a local radio station. After much deliberation, it was decided to seek some cultivable property through negotiations with the village head, the other male landowners, and official authorities. Following talks, a group of women who sought it received a 99-year lease on 2.75 hectares of property.³²

Lastly, bolstering formal and informal producer groups, especially women's organizations, may help advance women's rights, elevate their position in the community, and increase the likelihood that their complaints will be taken seriously.

III CONCLUSIONS AND RECOMMENDATIONS

Rural women must have access to rights relating to land and other productive resources, rural jobs, services, and social protection, in addition to chances to



participate in the political and economic life of their community and nation for them to be able to live with dignity. They must also have rights and responsibilities regarding marriage and family issues. They serve as the basis for rights that can provide an adequate standard of living, financial independence (such as access to credit, involvement in farmers' associations, and the launch of a firm), and, thus, personal liberty. Their other human rights, like the right to food, health care, housing, and education, are all severely compromised due to this situation. It is crucial to guarantee that rural women have access to justice for them to fulfil their rights, address gender inequality in agriculture, and promote change that will eventually support sustainable economic growth and the decrease of poverty throughout the world.

States parties and local Governments should thus be invited to:

- 1 Create and maintain gender-disaggregated datasets and M&E systems about women and men in agriculture as a crucial step in ensuring that laws and policies are informed and effective;
- 2 Coordinate efforts and actively include representatives of women's groups and cooperatives, rural men's associations, and other important stakeholders in the law-making processes from the outset;
- 3 Make sure that national formal legal frameworks have explicit, gender-sensitive clauses that prohibit discrimination against women, guarantee their rights to land and other natural resources, to social protection programs, and contain provisions that encourage their access to services, markets, and credit, as well as to decent employment for rural



women in all work age groups, in both the formal and informal economy;

- 4 Create gender-specific policies to inform and educate authorities and staff in charge of upholding the appropriate laws;
- 5 Recognize the importance of local, customary, and informal judicial systems in rural areas and connect these systems to constitutional principles to guarantee that everyone may exercise their fundamental human rights;
- 6 Increase the proximity and accessibility of formal and informal conflict settlement processes for rural women;
- 7 Collaborate with traditional leaders to educate them about women's rights and get them to approach conflicts from a rights-based viewpoint;
- 8 Provide community members and local NGO personnel with gender-sensitive paralegal and dispute resolution training;
- 9 Arrange training on gender-related topics that include both men and women from the government, NGO/CSOs, and community leaders;
- 10 Include legal considerations relating to gender in national agricultural extension programs (such as FFS, FFLS, and JFFLS);
- 11 Increase rural women's understanding of their legal rights and ability to defend themselves through supportive legal services, such as paralegals, proper training, and the dissemination of easily available information.



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12 In rural areas, mix conventional and cutting-edge gender-sensitive communication techniques with straightforward and easily accessible communication structures like community listeners' groups.”



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NOTES

1. Economic and Social Council, 24th February 2012, Press release. Commission on the Status of Women to focus on rural women, their contributions - Challenges during fifty-sixth session at Headquarters, 27 February – 9 March 2012 - Economic and Social Council, 24th February 2012, Press release
2. FAO The State of Food and Agriculture, 2010-11. Women in agriculture: closing the gender gap for development
3. FAO, 2011 Rural Women and the Millennium Development Goals.
4. Ibid, FAO elaboration.
5. Ibid
6. UN WOMEN, 2011-12. Progress of the World's Women: In Pursuit of Justice
7. Ibid
8. See World Bank/FAO/IFAD, 2010. Gender in Agriculture Sourcebook.
9. FAO, 2010. Gender and Land Rights Understanding complexities; adjusting



policies <http://www.fao.org/economic/es-policybriefs/briefsdetail/en/?nocache=-1&uid=40497>

10. FAO, 2010. Gender dimensions of agricultural and rural employment: Differentiated pathways out of poverty. <http://www.fao.org/docrep/013/i1638e/i1638e.pdf>
11. UNRISD. 2010. Gender Inequalities at Home and in the Market
12. More information on decent rural employment is available on the joint FAO-ILO website: <http://www.fao-ilo.org/>
13. This is because ownership over land or different assets (i.e., livestock) is a frequent criterion for membership; other barriers include increased work burden due to women's both productive and reproductive role and responsibilities, illiteracy etc.
14. For example, in Swaziland or Democratic Republic of Congo.
15. For example, some statutory land laws recognize the existing customary land rights (e.g. Mozambique, South Africa, Uganda and Tanzania). In some countries, statutory laws have recognized the geographic domain and policy scope of the customary judiciary system and customary dispute resolution bodies are embedded in the formal body (See: World Bank/FAO/IFAD, 2010. Cit., Module 4)
16. FAO, 2005. Gender and land compendium of country studies.
17. FAO The State of Food and Agriculture, 2010-11. Women in agriculture: closing the gender gap for development



18. A World Bank study found that in Kenya, a land claim in an inheritance case through formal legal systems can cost up to \$780.
19. Abregu, M. 2001. Barricades or Obstacles. The Challenges of Access to Justice
20. Chiongson, R.A. and al., 2011. Rule of Law and Justice in Achieving Gender Equality. World Development Report 2012. Background paper.
21. Such legislation should also be in line with the ILO Declaration and the Fundamental Principles and Rights at Work, and put the concept of ILO's Decent Work Agenda into practice.
22. FAO Integrated Country Approach to the promotion of DRE in Malawi and Tanzania: <http://www.fao-ilo.org/ilo-dec-employ/ica/malawi-and-tanzania/en/>
23. R. Knight, 2010. Statutory recognition of customary land rights in Africa. An investigation into best practices for lawmaking and implementation. FAO Legislative Study 105, p. 7.
24. FAO, 2005. Gender and land compendium of country studies.
25. For example, the Tanzanian Village Land Act (1999) states that "Any rule of customary law or any such decision in respect of land held under customary tenure shall be void and inoperative and shall not be given effect to by any village council or village assembly or any person or body of persons exercising any authority over village land or in respect of any court or other body, to the extent to which it denies women, children or persons with



disability lawful access to ownership, occupation Or use of any such land”(section 20.2). Also, the Village Land Council, competent for dispute settlement, shall consist of seven people, three of whom must be women (section 60). Some states which formally recognize legal pluralism in their constitutions, such as Mozambique, condition the recognition of customary law by phrases such as, “provided that these (various normative systems) do not contradict the values and fundamental principles of the Constitution” (Article 4 of the 2004 Constitution of the Republic of Mozambique).

26. In the field of land, FAO Technical Guide on Governing Land for Women and Men is a useful instrument that can be used by national policy makers when revising land policy and legislation, and drafting regulations and guidelines (available at: <http://www.fao.org/docrep/017/i3114e/i3114e.pdf>).
27. Christopher Tanner 2002: Law Making in an African Context: the Mozambican Land Law. FAO Legal Papers Online, No 26. www.fao.org/legal
28. A FAO Agri-Gender Database includes useful tools and methodologies, which show how gender-sensitive approaches can be incorporated into standard agricultural data collection exercises (<http://www.fao/gender/agrigender/en/>) Another useful tool is the FAO Gender and Land Rights Database (<http://www.fao.org/gender/landrights>).
29. FAO, March 2009. Tackling Legal Empowerment: the Farmer Field and Life School Approach (<http://www.fao.org/fileadmin/templates/dimitra/pdf/flslegalempowerment.pdf>)
30. M.Vidar, D. Bojic, C. Tanner, 2012. Legal Empowerment of Rural Poor: A



Pathway out of Poverty in Innovations in the Rule of Law, The World Justice Project.

31. FAO, forthcoming. Guidance Note: Integrating the right to adequate food into food and nutrition security programmes
32. FAO, 2011. DIMITRA Community Listeners Clubs. Stepping Stones for Action in Rural Areas