



Presentation by the International Fund for Agricultural Development (IFAD), the Food and Agricultural Organisation (FAO) and the International Land Coalition (ILC)

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On behalf of IFAD, FAO and ILC, I would like to thank the Committee for giving us the opportunity to present the findings of the publication entitled *Rural Women's Access to Land and Property in Selected Countries*. This study, which has been made available to you in this room is a joint initiative of the three organisations. The study was first published in May 2004 and is based on the analyses of select initial and periodic country reports submitted to CEDAW between 1997 and 2003. The selected reports include specific reference to women's access to land and property, and their inheritance rights and legal capacity, as related to CEDAW Articles 14, 15 and 16. The countries reviewed for the study are either low-income, food-deficit countries (LIFDCs) or countries that have recently completed or are currently undertaking land or agricultural reforms.

The study examines the extent to which women's rights have been respected in those reforms and looks at measures that have been adopted to ensure women's access to land and property, their inheritance rights and their legal capacity. The work presents sex-disaggregated statistics on rural populations and the rural labour force, and information on gender units or focal points in technical ministries. It also makes a number of conclusions and recommendations and encourages stakeholders and institutions working to advance the cause of rural women to make more effective use both of the Committee's reports and its concluding observations, particularly those relating to CEDAW Articles 14, 15 and 16. We are currently seeking ways to update and translate the study, which has already proved to be a useful advocacy tool for many of our partners (to the extent that it has been translated into local languages by some partner NGOs).

I would like to mention some of the main issues emerging from the reports analysed in the study:

1. Most countries have included the principle of equality and non-discrimination in their constitutions or basic laws. Many have also harmonized their civil and family codes with the Convention. Nonetheless, women often suffer from discrimination, even in countries where equality is enshrined in the law. The Committee's insistence on *de facto* equality is therefore all the more important and helps to reveal ongoing discrimination. Facts and data are valuable tools to demonstrate how discrimination persists.

2. The question of who heads a household and what powers he or she actually has is central to marriage and family relations, and to legal interaction with actors outside the family (legal capacity) in general. Some countries do not acknowledge the right of *de jure* or *de facto* married women to own an equal share of property and to split that property should the marriage or relationship end. The need to designate a legally recognised household head is critical in some countries.

3. Countries that have undergone or that are introducing land or agricultural reforms often make an effort to take gender equality into consideration. However, many obstacles arise, the first being the dearth of women in positions of authority, and the lack of information on women's roles and contribution to society. In some countries the absence of women in decision-making structures is a contributing factor in women's lack of involvement in the land reform programme.

4. Most land-use certificates are issued in the name of the husband, who is customarily considered to be the household head. Thus, women cannot use them to apply for a mortgage or credit. In most cases, a woman cannot legally use jointly owned property certificates issued in her husband's name in a civil transaction or as collateral for a bank loan.

5. Secure access to land by women is not only critical for achieving gender equality, but also a basic factor in food security. However, customs and common practices often prevent women from gaining or sharing household rights to land. It is therefore important to foster an understanding of the benefits that women's secure access to land can bring to the population as a whole. In particular, support should be provided to the Committee to increase its focus on the situation of rural women.

6. Under the Convention's Articles 2 or 3, States parties report on the establishment, composition and functioning of national mechanisms to implement equal opportunity policies and gender mainstreaming. However, under Article 14 (rural women), only a small number of States parties provide detailed information on policies, programmes and institutions for rural women. We suggest that this be rectified.

To conclude, the study notes that the reporting procedure under CEDAW provides a unique momentum in a country to take stock of *de jure* and *de facto* gender equality. It should therefore be used as an opportunity to investigate the discrimination that still persists in various areas and to formulate recommendations for redressing this inequality. As the only human rights treaty that deals specifically – in its article 14 – with rural women, CEDAW offers a powerful tool to use in advocating for rural women and in formulating and rural development programmes that involve them.

