

**La Via Campesina International Conference on Peasant Rights
Jakarta, Indonesia
20-25 June 2008**

Day 2 (22 June 2008): Session 2

The struggle of different groups for recognition of their Human Rights:

The struggle for women's rights and the United Nations Convention on the Elimination of All Forms of Discrimination against Women

Amy Locklear, Programme Officer
International Women's Rights Action Watch Asia Pacific

I. Introduction

Good morning.

I have been asked to talk with you about the struggle for women's rights. This is a broad topic and so I will focus on one tool my organization uses in assisting women in Southeast Asia, as well as other parts of the world, to secure their human rights. That tool is the United Nations Convention on the Elimination of All Forms of Discrimination against Women or CEDAW. I will be referring to this convention frequently in my presentation. For the benefit of the translators, CEDAW is spelled C, E, D, A, W and it's an acronym.

During the next two days of this conference, you will be discussing how to move forward with plans for a United Nations convention on peasants' rights. In light of this objective, I will provide some background on the reasons women fought for their own treaty to protect their rights. I want to focus on these reasons because some of them are similar to the reasons that peasants are seeking their own treaty. In addition, it will be important for you to explain the reasons you need your own treaty to gain support for the idea from other social movements and from UN member countries.

I will also describe the long process leading up to the adoption of CEDAW by the UN General Assembly so you can get a sense of what lies ahead for your campaign.

CEDAW protects the rights of all women. In addition, CEDAW includes protections specifically addressed to rural women. Some of these protections may also be important to peasant women and therefore, they could be more fully developed in a convention on peasant rights. For this reason, I will describe protections under CEDAW for rural women. Through this presentation, I hope to add to the discussion on the important and unique rights of peasant women.

To summarize, one of the objectives of my presentation is share with you the reasons why women sought their own treaty and to describe the process that led to the UN adopting the treaty. In addition, another objective is to share with you the protections for women under CEDAW and how you might build and expand on those protections to protect the rights of peasant women in an international convention protecting peasants' rights.

II. Overview of presentation

In my presentation, I will cover the following topics: (1) a brief summary of what CEDAW says; (2) the reasons women sought an international treaty to protect their rights and how they are similar to the reasons why peasants are seeking their own convention; (3) the history leading up to the UN General Assembly's adoption of CEDAW; (4) some of the important issues that have arisen in connection with CEDAW and rural women in Southeast Asia; and (5) the rights that the peasant women at this conference have identified as important to them.

III. Overview of CEDAW

CEDAW is an international treaty. It came into effect in 1981. It has been ratified by 185 countries, including all countries in Southeast Asia. After ratifying CEDAW, a state is obliged to take a variety of steps to protect and promote women's human rights. For example, CEDAW requires states to, among other things:

- (1) Condemn and eliminate all discrimination against women;
- (2) Take all appropriate actions to bring about equality between women and men in all areas, including political, social, economic, and cultural;
- (3) Adopt temporary special laws and policies to bring about equality between women and men, such as giving women priority in employment and education;
- (4) Modify social and cultural practices that promote stereotypes about the role of women and men or that are based on the idea that women are inferior to men; and
- (5) Take actions to eliminate discrimination against women in the areas of employment, education, health care, economic and social life, marriage and family life.

The Committee on the Elimination of Discrimination against Women (Committee) monitors a country's progress in meeting its obligations under CEDAW. A country is required to submit an initial report to the Committee within one year of ratifying CEDAW. Thereafter, a state must submit periodic reports every four years. In these reports, the country explains how it has met its obligations or the reasons why it has been unable to meet its obligations under CEDAW. The country must appear in person before the Committee and answer questions regarding the report.

This process of reporting to the Committee provides an opportunity for non-governmental organisations to submit their own reports, called shadow or alternative reports. These reports contain information on the status of women in the country that may not be reflected in the country's report. In addition to submitting an alternative or shadow report, non-governmental organisations can meet with the Committee before the Committee members review the country report. During this meeting, NGOs can suggest questions for the Committee members to ask during the country's in person review by the Committee. After the Committee completes its review of the country, the Committee issues what are known as Concluding Observations. These

Concluding Observations provide recommendations to the state on how it can meet its obligations under CEDAW.¹

IV. Why CEDAW was necessary: failure of international human rights law to adequately protect women's human rights

As I mentioned earlier, as you advocate for an international convention on peasants' rights, it will be very important for you to be able to explain why general international human rights law does not do enough to protect your rights. I will now turn to the reasons why international law before CEDAW did not provide enough protection for women's rights, which led women to fight for their own convention. In this discussion, I will draw parallels to the situation of peasants' rights when relevant. Please note that not all of the reasons why the two groups have sought their own conventions are the same.

A. Lack of understanding of interrelatedness between rights

Two important international human rights treaties are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The first reason that general international human rights law did not provide sufficient protections for women's rights is because it failed to recognize the important relationship between civil and political rights on the one hand, and economic, social and cultural rights on the other. Without adequate protection for economic and social rights, many of the civil and political rights under the ICCPR were of limited importance to women. For example, the equal opportunity to run for public office is of little value if a woman does not have time to serve as a representative in local government or a local organization because she is preoccupied with earning enough money to feed her children.

Like women, economic and social rights are also important to peasants, both male and female. Without security in ownership and control over land, peasants are unable to pursue their economic and social rights to earn a living and obtain access to food, health care and education. These economic and social rights are also crucial to the ability of peasants to exercise their civil and political rights, such as the right to peaceful protest. In the fight for economic and social rights, the civil and political rights of peasants must be respected. The unlawful unrest and detention of peasants' rights activists as a result of demonstrations and protests demanding respect for peasants' rights is an example of how violations of civil and political rights are closely related to the ability to fight for economic and social rights. La Via Campesina's 2006 Annual report: Violations of Peasants Human Rights documents numerous instances of the arrest and in some cases, murder, of activists who engaged in public demonstrations to fight for the economic and social rights of peasants.

Related to the failure of general international human rights law to deal with the close relationship between the civil and political rights and the economic, social and cultural rights, is the concern general international human rights law did not promote women's human rights in a

¹ There is a separate treaty called the Optional Protocol to CEDAW. For state parties that have ratified the treaty, the Optional Protocol establishes a mechanism through which individual women can submit communications to the Committee alleging violations of the rights protected under CEDAW.

comprehensive way. In addition, there was concern that the general human rights regime was not, in fact, working to protect and promote the rights of women. These issues are similar to peasants' concerns.

B. Formal equality versus substantive equality in opportunities, access and results

The second reason why existing international treaties did not adequately protect women's rights is because the treaties only guaranteed formal equality, that is, it only required state parties to guarantee the same treatment for women and men under the law. Because of long-standing discrimination against women, formal equality often failed to bring about real equality between men and women in terms of opportunities, access to services or employment and results. For example, while a woman's right to participate in public life by serving in government or in a labour organization is protected under the ICCPR, discriminatory beliefs and stereotypes limiting a woman to what was considered her proper role as a mother in the context of the family meant that women did not seek and if they did seek, were not elected to political office. Thus, even if the law provided that a woman could run for political office, this was no guarantee that she would actually seek or be elected to public office unless the state took additional steps. These additional steps could include the state undertaking public awareness campaigns to combat the stereotypical ideas that interfered with women participating in public life or the state adopting laws that reserved a certain number of seats for women in local government or other decision making bodies.

In addition, the idea that if women's rights were recognized on the same basis as the rights as men, that women would be free from discrimination did not acknowledge that some human rights violations against women are motivated by gender.² General international human rights law only protected against state laws that treat men and women differently.³ There was no recognition of the rights violations women face simply because they are women, such discrimination based on pregnancy status, or the violations of rights women experience more frequently than men, such as domestic violence, sexual harassment, and rape.⁴

C. Private v. public sphere

The third reason why existing international human rights law did not adequately protect women's rights is because private actors frequently commit human rights violations against women in the private sphere. For example, domestic violence is inflicted by family members at home, out of view the government and public at large. Private employers discriminate against

² Johanna E. Bond, 'International Intersectionality: A Theoretical and Pragmatic Exploration of Women's International Human Rights' (2003) 52 *Emory Law Journal* 71, 83.

³ For example, art 2 of the ICCPR, the non-discrimination provision, requires state parties 'to undertake to respect and to ensure to all individuals' the rights protected in the ICCPR without regard to sex. Article 2 of the ICESCR requires state parties to 'undertake to guarantee that the rights' protected by ICESCR are exercised without discrimination based on sex. Article 3 of the ICCPR requires state parties 'to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.' Article 3 of ICESCR similarly requires state parties 'to ensure the equal right of men and women to the enjoyment of all economic, social cultural rights set forth in the present Covenant.'

⁴ Johanna E. Bond, 'International Intersectionality: A Theoretical and Pragmatic Exploration of Women's International Human Rights' (2003) 52 *Emory Law Journal* 71, 83.

women in the workplace. Sexual harassment can also occur in the private workplace. Because the ICCPR and ICESCR did not protect against violations that occur in the private sphere by private individuals, general international human rights law was an inadequate tool for protecting women rights.

In reviewing the materials documenting the struggle for peasants' rights, I noticed the parallel between women, who, as I just noted, experience rights violations at the hands of private individuals or employers, and peasants, who are subjected to human rights violations by private enterprises seeking their lands to pursue large scale agriculture or for other development. These private enterprises often commit human rights violations against peasants with impunity, with the state either condoning or complicit in the violations. The same was true for women before CEDAW: the state had no obligation to take action against violations of women's human rights perpetrated by private actors.

La Via Campesina's 2006 Annual report: *Violations of Peasants Human Rights* documents the case of a peasants' rights activist in Brazil, who was murdered by private individuals opposed to land reforms. This activist had appealed to the federal government complaining about the conflicts between large landowners and those who favored land reform. One could argue that the government had an obligation to act on these appeals and its failure to do so contributed to the violation of the activist's right to life.

D. Social norms

The last reason why general international human rights law protections were inadequate to protect women's rights is because they failed to address social beliefs and ideas that regard women as inferior to men, which is one of the root causes of discrimination against women.⁵ Even where countries enacted laws requiring equal treatment for men and women, social attitudes still affected the way women are treated. In other words, general international human rights law did no attempt to directly address the cultural and social values that perpetuated discrimination against women and undermined their rights.

V. CEDAW's response to the limitations of international human rights law

CEDAW responds to many of these failures of general international human rights law that I just described. CEDAW requires that states hold both public (i.e. government) and private actors accountable for violating women's rights. It acknowledges that formal equality under law may not ensure equality between men and women in terms of opportunities, access and results. Consequently, it permits and encourages countries to adopt what are called temporary special measures that promote women in attaining equality. CEDAW also addresses human rights violations uniquely felt by women by protecting them against, for example, discrimination based

⁵ Johanna E. Bond, 'International Intersectionality: A Theoretical and Pragmatic Exploration of Women's International Human Rights' (2003) 52 *Emory Law Journal* 71, 82-91. See also Thio Li-ann 'The Impact of Internationalisation on Domestic Governance: Gender Egalitarianism & the Transformative Potential of CEDAW' (1997)1 *Singapore Journal of International and Comparative Law Singapore Journal of International and Comparative Law* 278, 287-88; Renu Mandhane 'The Use Of Human Rights Discourse To Secure Women's Interests: Critical Analysis Of The Implications' (2004) 10 *Michigan Journal of Gender and Law* 275, 294-303.

on pregnancy status. Furthermore, it requires that countries address the social norms and beliefs that perpetuate discrimination against women.

VI. The process of obtaining an international convention on women's rights

The process of obtaining adequate international protections for the human rights of women dates back to 1946. At that time, the UN General Assembly created what later became known as the Commission on the Status of Women or CSW. After six years, CSW was successful in lobbying for several instruments that addressed issues specific to women, including the Convention on the Political Rights of Women, adopted by the General Assembly on 20 December 1952, the Convention on the Nationality of Married Women, adopted on 29 January 1957, the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, adopted on 7 November 1962, and the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, adopted on 1 November 1965.

Initially, it was thought that general international human rights law would address the other rights of women. In fact, and as explained above, the international laws were not having their intended effect, in part because they failed to deal with discrimination against women in a comprehensive way. In 1963, the UN General Assembly requested that the CSW study a declaration on women's rights. Four years later, the General Assembly adopted such a declaration. But the declaration did not have legally binding force and therefore, was of limited effect in protecting women's rights. Consequently, in 1974, work began on drafting an international convention. In 1979, the UN General Assembly adopted the convention and in 1981 CEDAW came into effect. Thus, from 1963 until 1981, women's rights activists worked first on a declaration and then on a comprehensive convention to protect their human rights. Needless to say, it was a long process.

Similarly, the work on the draft Declaration on the Rights of Indigenous Peoples spanned 20 years, beginning in 1985. It was not until September, 2007 that the UN General Assembly adopted the Declaration. Quite recently, the UN adopted the Convention on the Rights of Persons with Disabilities. This process began with the UN adopting the Standard Rules on the Equalization of Opportunities for Disabled Persons in 1993. It should be noted that non-governmental organisations played a significant role in the process of drafting these international instruments.

VII. Special protections for rural women

My preceding comments sought to briefly describe the provisions and unique features of CEDAW, explain the reasons why CEDAW was necessary and to explain the long process of advocating for international instruments. I will now turn to a provision in CEDAW that is of particular relevance to peasant women: Article 14.

Article 14 of CEDAW requires that state parties to the treaty:

take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to

ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

The Committee has elaborated on the meaning of Article 14 in its General Recommendations, which are the Committee's authoritative interpretations of CEDAW's provisions.⁶ The Committee has also provided guidance on Article

⁶ The General Recommendations are important to understanding the full scope of Article 14 of CEDAW. This footnote provides a brief overview on some of the relevant General Recommendations.

- In General Recommendation No. 16, issued in 1991, the Committee notes the high number of women in rural and urban areas who perform work for family enterprises without pay, social security or other social benefits. The Committee deems this situation a form of women's exploitation and directs state parties to include in their reports to the Committee information on the legal and social situation of women performing unpaid work for family enterprises and take steps to guarantee payment for work, as well as other benefits.
- In General Recommendation No. 19, issued in 1992, the Committee addresses violence against women and observes that the definition of discrimination under CEDAW includes gender-based violence, which is violence directed against a woman because she is a woman or which disproportionately impacts women. The Committee notes that rural women are particularly at risk for gender-based violence because of the persistence in rural communities of traditional attitudes regarding the subordinate role of women. In addition, girls from rural communities are at risk of violence and sexual exploitation when they leave rural areas to seek employment in urban areas. In light of these findings, one specific recommendation of the Committee is that state parties ensure that rural women have access to services for victims of violence and that special services be provided to isolated communities, when necessary.

14 to state parties in Southeast Asia through the reporting process and in Concluding Comments on state reports. Because of time constraints, I will only describe the Concluding Comments.

As I mentioned earlier, the Committee is responsible for monitoring if the state is meeting its obligations under CEDAW. The Committee reviews the state's reports and provides feedback on how the state can better meet its obligations to secure and promote women's human rights. This feedback takes the form of written Concluding Comments.⁷ These Concluding Comments begin with a statement in which the Committee expresses concern about the situation of women in different areas of life, such as education, health or employment. This statement of concern is followed by recommendations to the State on improving the status of women.

In the past four years, the Committee has reviewed and issued Concluding Comments to many countries in Southeast Asia. I will now examine the recommendations to Lao, Viet Nam, Cambodia and Thailand related to the state's obligations to improve the status of rural women.

A. Lao People's Democratic Republic

In 2005, the Committee issued Concluding Comments after reviewing Lao's state report. Many of these Concluding Comments relate to rural women, as 80% of the country's population lives in rural and remote areas.⁸ The Committee expressed concern about the pervasive poverty and underdevelopment of women, particularly women from rural areas and ethnic minority communities. The Committee noted that women perform one-half of total agricultural production in every field and have primary responsibility for housework and child-rearing. The Committee noted with concern that land titling reforms are limited to only nine provinces in the country.⁹ The Committee highlighted the fact that rural women are not fully represented in decision-

-
- In General Recommendation 24, issued by the Committee in 1999, the Committee examines Article 12, the right to access health care, and identifies the particular barriers women face in seeking health care. One barrier is the distance of women from health facilities or the absence of convenient and affordable public transportation, which is particularly relevant to women in rural areas. The Committee notes the intersection between the right of rural women to adequate health care and the other rights of rural women set out in Article 14, including adequate living conditions, housing, sanitation, electricity and water supply, transport and communications, all of which are integral to preventing disease and promoting health.
 - In General Recommendation 25, issued in 1999, the Committee seeks to more clearly describe the meaning of a state party's obligation to use temporary special measures in achieving equality between men and women. A temporary special measure is a law, policy or programme that, for example, establishes a quota reserving a certain number of seats in parliament or targeting women with regard to recruitment, hiring and promotion. These measures are intended to accelerate meaningful equality between men and women. The Committee notes the specific need for state parties to adopt measures that address the situation of women subject to multiple forms of discrimination, including rural women.

⁷ In line with efforts to harmonize the working methods of the human rights treaty bodies, the Committee recently changed the title of its "Concluding Comments" to "Concluding Observations". See Results of the fortieth session of the Committee on the Elimination of Discrimination against Women, UN Doc E/CN.6/2008/CRP.1. Nevertheless, the Committee's recommendations prior to January, 2008 are called "Concluding Comments."

⁸ Committee's Concluding comments on Lao People's Democratic Republic's combined initial, second, third, fourth and fifth periodic report, 19/1/2005, ¶ 2 (32nd Session, UN Doc. No. CEDAW/C/LAO/CC/1-5, 15 February 2005).

⁹ Committee's Concluding comments on Lao People's Democratic Republic's combined initial, second, third, fourth and fifth periodic report, 19/1/2005, ¶ 21 (32nd Session, UN Doc. No. CEDAW/C/LAO/CC/1-5, 15 February 2005).

making on development programmes or in local village councils.¹⁰ More particularly, the Committee noted that less than 1% of village chiefs are women and that only one member of the Lao Women's Union¹¹ represents women in the village council.

The Committee recommended that Lao take several steps to improve the living conditions of rural women. The Committee urged the state to accelerate poverty reduction among rural women by seeking international assistance, applying gender perspectives in development programmes and including women in decision-making on development programmes. The Committee recommended that reinvestigation and reregistration of land titles be carried out in all provinces so as to eradicate discrimination against women in land titling. The Committee further recommended that the State take steps to ease the burden of women in regard to responsibilities in farming, housework and childrearing by introducing new technologies for women farmers and educating men on their sharing of family responsibilities. The Committee also urged the State to take measures to increase women's representation in village government and that empower village women so they can equally participate in village matters.¹²

B. Viet Nam

In its Concluding Comments on Viet Nam's CEDAW report, the Committee urged the State to take steps to remove administrative obstacles that prevent the issuance of joint land use certificates (which provide rights to use land) to husband and wives, especially in rural areas.¹³ The Committee expressed concern about the high number of girls in rural and remote areas that lack full access to education and urged the state to address the obstacles girls face in trying to obtain an education.

The Committee recommended that Viet Nam examine the impact of economic restructuring on women, including women in rural and remote areas. The Committee noted its concern that women in rural and remote areas and ethnic minority women lacked sufficient access to health services, educational opportunities, employment and credit facilities. The Committee urged the State to pay special attention to the needs of rural and ethnic minority women and ensure their access to health care, education, social security, income-generation opportunities and participation in decision-making processes at all levels, increase awareness among these groups on CEDAW and Viet Nam's gender equality laws. The Committee also asked Viet Nam to provide in its next report information and data providing a complete picture of the situation of rural and ethnic minority women and an assessment of the impact of the actions the state has taken to improve their status.

¹⁰ Committee's Concluding comments on Lao People's Democratic Republic's combined initial, second, third, fourth and fifth periodic report, 19/1/2005, ¶ 31 (32nd Session, UN Doc. No. CEDAW/C/LAO/CC/1-5, 15 February 2005).

¹¹ The Lao Women's Union is a NGO that works closely with the Government in promoting women's rights.

¹² Committee's Concluding comments on Lao People's Democratic Republic's combined initial, second, third, fourth and fifth periodic report, 19/1/2005, ¶¶ 22, 24, 32 (32nd Session, UN Doc. No. CEDAW/C/LAO/CC/1-5, 15 February 2005). The Committee also expressed concern and recommended that the State take action to address the discrepancy between urban and rural women's education, the low level of literacy among ethnic minority women, and high maternal and infant mortality rates and high fertility rates among rural women.

¹³ Committee's Concluding comments on Viet Nam's fifth and sixth periodic report, ¶ 9 (32nd Session, UN Doc. No. CEDAW/C/VNM/CO/6, 2 February 2007).

C. Philippines

In its Concluding Comments on the Philippines' report, the Committee expressed concern regarding the adverse impact of trade liberalization on the living and working conditions of Filipino women, especially those in rural areas.¹⁴ The Committee directed the State to analyse the impact of free trade agreements on the socio-economic conditions of women, address high unemployment among women by creating new employment opportunities for those negatively impacted by free trade agreements, enhance the conditions of women in the informal economy and assess and monitor the effectiveness of the State's efforts to address these conditions.¹⁵

D. Cambodia

The Committee's Concluding Comments on Cambodia's report noted high levels of poverty among rural women, who are the majority of women in the country.¹⁶ The Committee also noted the Cambodia Land Law giving preference to female head of households in land distribution, but expressed concern that the law was not being enforced and implemented.¹⁷ The Committee observed that women lack awareness about their rights and the process for land registration.¹⁸ The Committee noted particular concern about female heads of households, who have lost their livelihoods because private companies are confiscating their land and because they are excluded from decision-making processes on land distribution.¹⁹ In its recommendations, the Committee suggested that Cambodia pay close attention to the circumstances of rural women and their access to education, health services, credit, increase the presence of women in decision-making processes, disseminate information on the Land Law, take steps to eliminate discrimination against women with regard to ownership and administration of land and prioritise the eradication of poverty among rural women.²⁰

So these are some of the issues that the Committee has identified with regard to women living in rural areas. I will now turn to what I have learned over the past few days regarding peasant women.

VIII. Unique situation of peasant women

Over the past several days, I have learned a lot about the concerns of peasants that have led to their decision to seek an international convention to protect their rights. I have also learned about

¹⁴ Committee's Concluding comments on Philippines' combined fifth and sixth periodic report, 15/8/06, ¶ 25 (36th Session, UN Doc. No. CEDAW/C/PHI/CO/6, 25 August 2006).

¹⁵ Committee's Concluding comments on Philippines' combined fifth and sixth periodic report, 15/8/06, ¶ 26 (36th Session, UN Doc. No. CEDAW/C/PHI/CO/6, 25 August 2006).

¹⁶ Committee's Concluding comments on Cambodia's combined initial, second and third periodic report, 19/1/06, ¶ 31 (35th Session, UN Doc. No. CEDAW/C/KHM/CO/3, 25 January 2006).

¹⁷ Committee's Concluding comments on Cambodia's combined initial, second and third periodic report, 19/1/06, ¶ 31 (35th Session, UN Doc. No. CEDAW/C/KHM/CO/3, 25 January 2006).

¹⁸ Committee's Concluding comments on Cambodia's combined initial, second and third periodic report, 19/1/06, ¶ 31 (35th Session, UN Doc. No. CEDAW/C/KHM/CO/3, 25 January 2006).

¹⁹ Committee's Concluding comments on Cambodia's combined initial, second and third periodic report, 19/1/06, ¶ 31 (35th Session, UN Doc. No. CEDAW/C/KHM/CO/3, 25 January 2006).

²⁰ Committee's Concluding comments on Cambodia's combined initial, second and third periodic report, 19/1/06, ¶ 32 (35th Session, UN Doc. No. CEDAW/C/KHM/CO/3, 25 January 2006).

peasant women and their specific circumstances. Peasant women have a strong sense of community and responsibility. The declaration that the peasant women prepared during the Women's Assembly notes their responsibility for looking after the family and especially the children. It also says that women work long hours for low wages because of the uncertainty about health care and education for their children. They also talk about how, because of the global agricultural policies of the World Bank, IMF and WTO, male farmers are forced to go to urban areas to find work, leaving the woman to take care of the farm. Finally, the declaration says that peasant women are suffering from violence at the hands of their husbands, partners, or employers.

These are the kind of issues that could be addressed in an international convention on peasants' rights. Although CEDAW is designed to protect the rights of all women, peasant women face different challenges and barriers to enjoying their rights. The international convention on peasants' rights is needed to secure the collective rights of peasants to land, the right to use their own seeds, and the right to make decisions about how they produce food. But the drafting of the convention also offers an opportunity to create solutions for the problems facing peasant women and I hope that this opportunity is taken as you move forward in your struggle for recognition of peasants' rights.

IX. Summary

I will now turn to a summary of the main points of this presentation.

1. Woman struggled for a long time to gain an international convention to protect their human rights. Indigenous groups and disabled people also faced a long struggle to obtain recognition of their rights at the international level.
2. There are parallels between women's struggle and the struggle of peasants. Like women, general international human rights law is not doing enough to protect peasants' rights. That law does not comprehensively address the problems facing peasants and it fails to adequately recognize the close relationship between civil and political rights and economic, cultural and social rights. In addition, general international human rights law did not recognize that women's rights were violated by private actors. Similarly, peasants' rights are violated by private corporations that unlawfully confiscate their lands.
3. CEDAW protects all women's rights, but it also has specific provisions on rural women. The Committee has issued Concluding Comments recommending that countries act to protect the rights of rural women in the areas of land titling, education, health care, political participation and rural development policies. In addition, the Committee has noted the negative impact of trade policies on rural women.
4. Peasant women have particular challenges that are different than the problems faced by other women. Although CEDAW has some protections for rural women, an international convention on peasants' rights provides the opportunity to build on existing protections, but go further to comprehensively address the concerns of peasant women.

In closing, I want to recognise that the struggle for an international convention on peasants' rights will be long and difficult. But over the past few days, I have noticed a strong spirit and solidarity among the people at this conference. I am optimistic that this community spirit and commitment will allow you to overcome the barriers you encounter as you move forward with your struggle to secure your rights. I wish you the best and I invite you to call on the women's movement to support your efforts. Thank you.

Annex to Presentation: Response to question posed during Session 2 regarding advocacy by women's groups at the UN on CEDAW

In the question and answer period after Session 2 of day 2 (22 June 2008) of the La Via Campesina International Conference on Peasant Rights in Jakarta, Indonesia from 20-25 June 2008, I was asked to provide background on the steps women's organizations took in advocating for UN General Assembly's adoption of CEDAW. I indicated to Taufiq (taufiqsadewa@yahoo.com) from La Via Campesina that I would follow up with information after I had undertaken additional research.

Rather than focus on the advocacy around CEDAW, on which documentation is sparse, this Annex provides information on a more recent and highly organized advocacy campaign called the "ESCR Protocol Now! Campaign for international justice for economic, social and cultural rights" (Campaign). The Campaign is led by the NGO Coalition for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (NGO Coalition). IWRAP Asia Pacific has been actively involved with the NGO Coalition and the Campaign. The Campaign is designed to promote the UN General Assembly's adoption of an Optional Protocol to International Covenant on Economic, Social and Cultural Rights (OP-ICESCR). Work on an OP-ICESCR began in 1990. On 18 June 2008, the UN Human Rights Council adopted by consensus, an OP-ICESCR developed by the Open-Ended Working Group on OP-ICESCR in its last session in April, 2008.²¹ In September, the UN General Assembly will vote on the OP-ICESCR adopted by the Human Rights Council.

The NGO Coalition has engaged in a number of activities to promote the Campaign. One activity is the development of an Advocacy Kit for use by other groups interested in promoting the adoption of the OP-ICESCR. This Advocacy Kit (which can be downloaded from <http://www.opicescr-coalition.org/advocacykit.htm>) contains excellent information on what groups can do at the national and international level to advocate for the UN General Assembly's adoption of the OP-ICESCR. The recommendations include a multi-faceted approach to lobbying government officials through meetings, letters, and educational seminars, educating the public, engaging with the media by submitting opinion pieces to newspapers, on-line, and other media outlets, and recruiting other organizations to engage in similar or complementary activities. The Advocacy Kit also contains information on activities for lobbying in Geneva at the Open-Ended Working Group on the OP-ICESCR and engaging in that process. Many of the recommendations for advocacy could serve as models for La Via Campesina's advocacy around an international convention on peasant rights.

Besides the practical information on how to advocate, the Advocacy Kit includes background about the NGO Coalition, its goals, and information on its position regarding what the OP-ICESCR should contain and why these elements are important. Thus, it serves not only as a guide for other groups, but also a document that those groups can use in taking their advocacy efforts forward to government officials and to stakeholders at the international level.

²¹ The UN Commission on Human Rights established the Open-Ended Working Group (OEWG) in 2004. The mandate of the OEWG was to consider options for an OP-ICESCR. The OEWG includes representatives from states, but NGOs, international organizations and experts have attended and contributed to its annual meetings held from 2004-2008.

As it develops strategies to promote an international convention on peasants' rights, La Via Campesina should consider studying the NGO Coalition's Campaign. More particularly, La Via Campesina leadership should consider meeting with the primary coordinators of the Campaign to discuss strategies for approaching the UN and member states on an international convention on peasant rights.

If the UN General Assembly adopts the OP-ICESCR in September, 2008, the NGO Coalition may be wrapping up its work shortly. International Women's Rights Action Watch Asia Pacific and Food First Information and Action Network are both on the Steering Committee for the Campaign. La Via Campesina should consider whether other organizations already part of the NGO Coalition would support a similar initiative led by La Via Campesina and directed to advocacy around an international convention on peasant rights.