



LEGISLATING TO GUARANTEE THE RIGHTS OF RURAL WOMEN IN LATIN AMERICA AND THE CARIBBEAN

'States Parties should adopt effective laws, policies, regulations, programmes, administrative procedures and institutional structures to ensure the full development and advancement of rural women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.'

Committee on the Elimination of Discrimination against Women, General Recommendation No. 34 on the Rights of Rural Women (2016).

This Legal Brief is based on the study titled *"La protección de los derechos de las mujeres rurales en América Latina y el Caribe"* (Protecting the rights of rural women in Latin America and the Caribbean) undertaken by the Food and Agriculture Organization of the United Nations (FAO) and the Spanish Agency for International Development Cooperation (AECID) through the Spanish Cooperation Training Centre in La Antigua, Guatemala.

The Brief addresses the international and regional regulatory framework that establishes the rights of rural women, and the constitutional and legislative progress that has been made in this domain in the region. Specific laws that have been adopted are presented, along with examples of laws adopted in various countries of the region that protect the right to productive resources and services, and rural women's right to participation.

It highlights the work of the Parliamentary Front against Hunger in Latin America and the Caribbean (PFH LAC) - a network of over 400 legislators supported by FAO, AECID and the Mexican Agency for International Development Cooperation (AMEXCID) and the role of

national parliaments in strengthening the protection of rural women's rights. It concludes with recommendations for possible parliamentary actions to contribute towards achieving Sustainable Development Goals 2 and 5 (SDG2 and SDG5), and to guarantee the rights of rural women more robustly.

BACKGROUND

While women farmers produce between 60 percent and 80 percent of all food in developing countries, legal and customary laws and practices have historically hindered their ability to access and control land and natural resources (FAO, 2020).

In Latin America and the Caribbean, rural women represent approximately 10 percent of the total population (FAO, 2013; FAO, 2017). Their characteristic diversity is manifested by their way of life, with women of all generations inhabiting fields, forests, jungles and riverine areas; by their social organization, encompassing peasant, indigenous and Afrodescendent women; and by the activities they engage in - some are farmers,

gatherers, fisherfolk or wage labourers, while others engage in non-agricultural rural activities such as handicrafts (FAO, 2017).

Rural women suffer double discrimination – as women and because they inhabit rural areas – which is manifested in the gender disparities that prevail in the region:

- In Latin America and the Caribbean, women are over-represented in poor and extremely poor households (FAO, 2017; ECLAC, 2019 and 2021). This is particularly true of indigenous women, especially those living in rural areas (ILO, 2019).
- The work of rural women goes unrecognized. Most of the rural women who are classified as inactive in traditional employment surveys undertake work that is invisible to official statistics – as unpaid workers or producers for household consumption (ECLAC, 2019).
- Gender inequalities persist in terms of access to productive resources, key assets and markets: (i) the proportion of women who own land in the region varies from 7.8 percent in Guatemala to 30.8 percent in Peru; and the land managed by women tends to be smaller and of lower quality for agro-pastoral production, than that managed by men (Brito Bruno and Ivanovic Willumsen, 2019); (ii) female-led farms have relatively less access to technical assistance and rural extension services (FAO, 2017); (iii) rural women face greater difficulties and barriers in gaining access to financial inclusion (FAO, 2017) and to markets and marketing channels for their production (FAO, 2016).
- Food insecurity affects women to a much greater extent than men; as do problems of overweight and obesity (FAO, IFAD, PAHO, WFP and UNICEF, 2020; FAO, IFAD, WHO, WFP and UNICEF, 2021).
- In Latin America, about 67 percent of employed rural women earn less than the national minimum wage (ECLAC, 2017). Moreover, although the proportion of rural women over 15 years of age with no income of their own has decreased¹, it remains very high and significantly above the male equivalent (FAO, 2018). Rural women also face particularly rigid restrictions on access to social protection (Brito Bruno and Ivanovic Willumsen, 2019).
- Rural women suffer from various forms of violence, which reflects the persistence of traditional attitudes towards female subordination in many rural communities (UN, 1992; UN, 2016). They must also overcome numerous obstacles in order to access protection policies against violence, as these tend to have an urban bias (FAO, 2017).

As expressed by the Committee on the Elimination of Discrimination against Women, "Inclusive and sustainable development must uphold the rights of rural women, underscoring their role as key actors and fully acknowledging the economic value of their paid and unpaid work" (UN, 2016).

INTERNATIONAL AND REGIONAL FRAMEWORK

Full recognition of women's human rights is a pillar of both the universal and Inter-American systems for the protection of human rights.

The **Universal Declaration of Human Rights** (1948) proclaims the equal rights of men and women as a principle, with Articles 2 and 7 recognizing the right to equality and non-discrimination. The **International Covenant on Civil and Political Rights** (1966) and the **International Covenant on Economic, Social and Cultural Rights** (1966) oblige States parties to guarantee men and women equality in the enjoyment of civil, political, economic, social and cultural rights (Article 3).

In the Inter-American domain, the **American Declaration of the Rights and Duties of Man** (1948) and the **American Convention on Human Rights (San Jose Pact)** (1969) explicitly prohibit discrimination on the basis of sex (Article II and Article 1, respectively).

The **Convention on the Elimination of All Forms of Discrimination against Women** (CEDAW) (1979) is the key international instrument for the protection of women's rights. The convention has been signed and integrated into the laws of all Latin American and Caribbean countries. Article 14 of this convention is the most important legal provision of international origin referring to the rights of rural women and the government measures required to guarantee them.

In addition to CEDAW, another legal instrument that is important for the protection of rural women's rights is the **Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará)** (1994).

In 2016, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) issued **General Recommendation No. 34 on the Rights of Rural Women**. This provides details of the obligations on CEDAW States Parties to uphold the rights of rural women (obligations of a general nature and obligations related to specific dimensions of rural women's rights).

The CEDAW Committee emphasizes the following specific dimensions of the rights of rural women: the right to participate in rural development and its benefits; health-care services; economic and social life; education; employment; political and public life; land and natural resources, including water, seeds, forests and fisheries, and the effective guarantee of the right to food and nutrition for rural women; and adequate living conditions.

¹ The proportion dropped from 54 percent in 2002 to 39 percent in 2014.

General Recommendation No. 34 also underscores the need to remove legal obstacles that undermine the rights of rural women, and to make progress toward substantive material, real and structural equality.

Other instruments established through human rights treaties are also highly relevant for a better understanding and interpretation of the rights of rural women².

It is important to note that the rights of indigenous women are protected by a special legal framework³.

CONSTITUTIONAL AND LEGISLATIVE PROGRESS IN PROTECTING THE RIGHTS OF RURAL WOMEN IN LATIN AMERICA

The specific legal framework for guaranteeing the rights of rural women has advanced steadily in the region – along with progress on general guarantees for women’s rights, gender equality and the right to development – and continues to be developed and strengthened.

The Plurinational State of Bolivia, Brazil, Ecuador and Paraguay have established constitutional protections for the rights of rural women⁴, while other countries protect these rights through specific laws.

SPECIFIC LAWS FOR THE PROTECTION OF THE RIGHTS OF RURAL WOMEN IN LATIN AMERICA

Scope of protection	Type of protection	Country and law	Regulation
Specific law	Broad protection of rights	Colombia Law No. 731 of 2002, which establishes provisions benefiting rural women.	Decree No. 2.998 of 2003 and Decree No. 2.145 of 2017.
		Paraguay Law No. 5.446 of 2015, on public policies for rural women.	Decree No. 3.678 of 2020.
	Affirmative measures to guarantee the right to productive resources and services	Nicaragua Law No. 717 of 2010, creating the Gender Equality Land Purchase Fund for Rural Women.	Executive Decree No. 52–2010.
		Honduras Decree No. 110–2015, Law on the National Solidarity Credit Programme for Rural Women.	Executive Agreement No. 014–2018.
		Perú Law No. 31.168 of 2021, promoting the empowerment of rural and indigenous women.	Pending.

Source: Prepared by the author based on current national legislation.

² These instruments include the [United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas \(2018\)](#) (Article 4); the [Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security \(2004\)](#) paragraphs 2.5, 3.5, 3.8, 3.9, 7.4, 8.6, 8.10, 13.4, 17.5); the [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security \(2012\)](#) (paragraphs 5.4 and 5.5); the [Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication \(2015\)](#) (part 2, chapter 8); the [Voluntary Guidelines on Food Systems and Nutrition of the Committee on World Food Security \(2021\)](#) (chapter 3.6); and the [2030 Agenda for Sustainable Development](#) (Target 5.a, indicators 5.a.1 and 5.a.2). The latter indicator measures the percentage of countries in which the legal system guarantees women’s equal rights to own and/or control land. To evaluate the progress of this indicator, six proxies have been defined, along with the [methodological guide for reporting on SDG indicator 5.a.2](#). Other relevant instruments are the [Sendai Framework for Disaster Risk Reduction 2015–2030 \(2015\)](#); the [Gender Strategy for the FNS-CELAC Plan \(2016\)](#); the [Regional Strategy for Disaster Risk Management in the Agriculture Sector and Food and Nutrition Security in Latin America and the Caribbean \(2018–2030\)](#); the [Gender Action Plan of the United Nations Conference on Climate Change COP25 \(2019\)](#); and the [FAO Gender Regional Strategy for Latin America and the Caribbean 2019–2023](#).

³ The main legal instruments that comprise it are the following: [International Labour Organization \(ILO\) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries \(1989\)](#), the [International Convention on the Elimination of All Forms of Racial Discrimination \(1965\)](#), the [United Nations Declaration on the Rights of Indigenous Peoples \(2007\)](#) and the [American Declaration on the Rights of Indigenous Peoples \(2016\)](#).

⁴ [Political Constitution of the Plurinational State of Bolivia \(2009\)](#), Articles 395 and 402; [Constitution of the Federative Republic of Brazil \(1988\)](#), Article 189 sole paragraph; [Constitution of the Republic of Ecuador \(2008\)](#), Articles 57, 282, 324; [National Constitution of the Republic of Paraguay \(1992\)](#), Article 115.

Moreover, many countries include specific measures guaranteeing the rights of rural women in legislation on various issues, such as land, agricultural development, family farming, gender equality and others.

EXAMPLES OF LAWS PROTECTING THE RIGHT OF RURAL WOMEN TO PRODUCTIVE RESOURCES AND SERVICES IN LATIN AMERICA

Scope of protection	Type of protection		Country and law
Protection of the right to productive resources and services in both specific and sectoral laws.	Land	Joint registration of land (Proxy A indicator 5.a.2)	Guatemala Decree No. 24-1999, Land Fund Law, Article 20; Decree No. 41-2005, on the Cadastral Information Register, Article 72.
		Creation of funds for land purchase, creation of land banks (Proxy D indicator 5.a.2)	Costa Rica Law No. 9036 of 2012, Transformation of the Agrarian Development Institute (IDA) into the Rural Development Institute (INDER), Article 5 (e), Article 39 and Article 41 (e).
		Prioritization of rural women for access to land (Proxy D indicator 5.a.2)	Bolivia (Plurinational State of) Law No. 1.715 de 1996, on the National Agrarian Reform Service, Article 3; Law No. 300 of 2012, Framework Law on Mother Earth and Comprehensive Development for Living Well, Article 28.
	Access to technical assistance, rural extension, training and technologies		Brazil Law No. 12.188 of 2010, which establishes the National Policy on Technical Assistance and Rural Extension for Family Farming and Agrarian Reform, and the National Programme of Technical Assistance and Rural Extension in Family Farming and Agrarian Reform, Article 3.
	Access to funding		Honduras Decree No. 110-2015, Law on the National Solidarity Credit Programme for Rural Women.
	Marketing support		Uruguay Law No. 19.685 of 2018, on the promotion of development with gender equity.
Protection of the right to productive resources and services in both specific and sectoral laws.	Protection of the right to water		Argentina Law No. 27.118 of 2014, on the historical reparation of family farming, Article 29.
	Protection of the right to seeds		Ecuador Organic Law of the Food Sovereignty Regime, Official Gazette (Registro Oficial) Supplement 583 of 2009, Article 8.

Source: Prepared by the author based on national legislation currently in force and working documents produced to prepare the questionnaire for presentation of the report on indicator 5.a.2 of Colombia, Costa Rica, Guatemala, Nicaragua, Paraguay, Peru and Uruguay.

EXAMPLES OF LAWS THAT PROTECT RURAL WOMEN'S RIGHT TO PARTICIPATION IN LATIN AMERICA

Scope of protection	Type of protection	Country and law
Protection of the right to participation in both specific and sectoral laws.	Promotion of rural women's organization and participation	Perú Law No. 28.983 of 2007, on equal opportunities between women and men, Article 6 (e); Law No. 30.982 of 2019, amending the General Law on Rural Communities, sole Article; Law No. 31.030 of 2020, amending provisions in the electoral law to guarantee gender parity and male-female alternation on the list of candidates.
	Creation of entities to coordinate policies on rural women	Paraguay Law No. 5.446 of 2015, on public policies for rural women, Article 24.
	Requirement for women's participation in land administration and management institutions/ agencies. (Proxy F indicator 5.a.2)	Colombia Law No. 731 of 2002, which establishes regulations benefiting rural women, Article 20; Law No. 581 of 2000, which regulates adequate and effective participation by women at the decision-making levels in the different branches and agencies of government, Article 4.

Source: Prepared by the author based on national legislation currently in force and working documents produced to prepare the questionnaire for presentation of the report on indicator 5.a.2 of Colombia, Costa Rica, Guatemala, Nicaragua, Paraguay, Peru and Uruguay.

LIST OF PARLIAMENTARY ACTIONS

The interest and commitment of the Parliamentary Front against Hunger in Latin America and the Caribbean (PFH LAC) towards promoting and protecting the rights of rural women has been expressed on many occasions through various declarations and legislative initiatives with a gender perspective. The fact that the PFH LAC has joined the **Mujeres rurales, mujeres con derechos** [Rural Women, Women with Rights] campaign, led by the FAO Regional Office for Latin America and the Caribbean, is an important milestone.

National parliaments have a key role to play in strengthening the effective protection of rural women's rights. This institutional domain is responsible for passing legislation, allocating budgets to implement laws and policies, holding governments accountable and fostering intersectoral dialogue. In addition, regional networks of lawmakers are playing an increasing role in enhancing agendas for guaranteeing human rights.

In order to strengthen the work done in pursuit of gender equality and rural women's empowerment, the following actions, among others, are suggested:

- Recommend that parliamentarians who are interested in advancing SDG2 and SDG5 approach their country's PFH and join the work of this national network;
- propose legislative and other measures aimed at ensuring the respect, protection and realization of rural women's rights, strengthening the gender approach in the work of the PFH and its main partners, such as the executive branch, civil society and academia;

- promote the development of regulations that guarantee the right of rural women to participation; ownership and control of land; access to technical assistance, rural extension, training and technologies; and protection against gender-based violence in rural areas, addressing various situations such as physical and patrimonial violence, among other key rights;
- help ensure that sufficient budgetary funding is allocated to strengthen the application of existing laws that protect the rights of rural women; and promote the necessary regulations, taking into account their importance in achieving substantive equality;
- ensure parity in the governance mechanisms linked to the PFH LAC, fostering participation by rural, indigenous and/or Afrodescendent women parliamentarians, to the extent possible;
- participate in global governance mechanisms, underscoring the need for parliaments to legislate in favour of SDG2 and SDG5. The mechanisms in question include the World Conferences on Women, the Ibero-American Summits of Heads of State and Government, and the Committee on World Food Security (CFS), among others. Also contribute to regional and international standards and to the development of the CFS Voluntary Guidelines on Gender Equality and the Empowerment of Women and Girls in the Context of Food Security and Nutrition;
- follow up on commitments linked to rural women's empowerment and the role of parliaments, emanating from the Declarations of the PFH LAC Regional Forums, the first Global Parliamentary

Summit against Hunger and Malnutrition of Spain (2018), and the United Nations Food Systems Summit (2021);

- work through regional parliaments to promote the development of model or framework laws to guarantee the rights of rural women. These should include the most advanced guidelines and affirmative measures that have already been implemented, so that they can serve as a reference for other countries in this area; and
- ascertain their country's progress in monitoring the achievement of the SDG2 and SDG5 indicators, especially indicator 5.a.2; and support governments in setting national priorities and targets for achieving full compliance with the six proxy indicators, related to the legal guarantee of women's rights to ownership and/or control of land.

In summary, it is recommended that a gender approach be incorporated in parliamentary work, mainstreaming this approach in legislation and policies, and establishing affirmative actions to reverse the most significant gender gaps. This should contribute to transforming the cultural stereotyping that affects women, the realization of their rights and their empowerment.

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The preparation, development and dissemination of this publication received support from the Spanish Cooperation Training Centre in Antigua, Guatemala and from the FAO – Spanish Cooperation project to support the Hunger-Free Latin America and the Caribbean Initiative 2025 in times of COVID 19.



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