

As per the invitation extended to all interest parties, in the meeting of the OEWG on Gender Equality and Women's and Girls' Empowerment, CFS, the Office of the High Commissioner for Human Rights (OHCHR) is pleased to provide the following comments to the draft Voluntary Guidelines on Gender Equality and Women's and Girls' Empowerment in the Context of Food Security and Nutrition. Thank you very much for this opportunity to contribute to the process and for sharing information about the negotiations. We sincerely appreciate the efforts that the Chair of the UN Committee on World Food security and co-chairs of the OEWG have made to facilitate inclusion and participation, including through hybrid meetings of the Group of Friends (of the Chair) and calls for written feedback, to which we now respond.

We would like to echo the Civil Society and Indigenous Peoples' Mechanism (CSIPM) message of support for a document that guides countries towards transformative policymaking centred on human rights.

OHCHR appreciates the huge potential that the guidelines could have to renew countries' commitments to their human rights obligations and to ensure all relevant efforts address gender equality. Discrimination against women remains a major obstacle to sustainable progress for fulfilment of human rights in all areas of life, as well as for national development. The universal, interdependent and interrelated nature of human rights entails that discrimination in family, cultural and sexual and reproductive rights, are as much an issue of women's empowerment and participation in public affairs as well as towards the achievement of the 2030 Agenda for Sustainable Development. Persistent discrimination in the areas of family, cultural and sexual and reproductive rights have a debilitating impact on women's capacity to claim equal standing in all aspects of life. There will be no lasting progress in any field as long as the indivisibility of human rights is overlooked.

Please find below the comments on the draft text as well as a list of additional statements and information.

- **“Peasants”:**

Suggest keeping the term “peasants” with footnote to the definition of the term provided in the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas.

United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (A/RES/73/165) defines “a peasant” as “any person who engages or who seeks to engage, alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the land.” (Art. 1 (1))¹ The term “peasants” can be used in the international voluntary guidelines with the definition provided in the Declaration.

¹ The Declaration was adopted by the UN General Assembly in December 2018, **with support of the majority of UN Member States, with the voting record of 121 (yes), 8 (no), 54 (abstention), 10 (non-voting), among 193 total voting membership** (<https://digitallibrary.un.org/record/1656160?ln=en>)

In 2022, 9 UN human rights special procedure mandate holders² issued a joint statement and urged States “to show leadership and implement the [UN Declaration on the Rights of Peasants and Other People Working in Rural Areas] by incorporating its norms and standards into national laws and policies.] and called on the United Nations agencies “to systematically apply the UNDROP in their programmes and activities, as well as to support and empower peasants and rural workers in throughout their work, both at policy and operational levels.”³

In its report, the Working Group on discrimination against women and girls stated that, in line with their human rights obligations, countries should ensure informal and non-standard workers have access to workplace rights and entitlements, including access to social protection, health care, paid leave and occupational health and safety provisions, in particular providing protection in the context of economic and environmental shocks. Countries should also ensure women’s equal rights to own, control and access land, credit and other productive resources and the enjoyment without discrimination by peasant women and other women working in rural areas of all the human rights and fundamental freedoms set out in the United Nations Declaration on the Rights of Peasants and other People Working in Rural Areas, including decent employment, equal remuneration and social protection benefits, access to income-generating activities and freedom from all forms of violence.⁴

- **“multiple and intersecting forms of discrimination”**

Support the proposed action to include the term “multiple and intersecting forms of discrimination”.

The Committee on Economic, Social and Cultural Rights recognized, in its General Comment No. 20, “multiple discrimination” as “discrimination on more than one of the prohibited grounds”, for example women belonging to an ethnic or religious minority. The Committee suggests that “Such cumulative discrimination has a unique and specific impact on individuals and merits particular consideration and remedying.” In the same General Comment, the Committee also recognizes “intersectional discrimination” as “the intersection of two prohibited grounds of discrimination”, e.g. where access to a social service is denied on the basis of sex and disability.⁵ **The Committee clarifies that non-discrimination, including the prohibition of multiple and intersectional discrimination, “is an immediate and cross-cutting obligation” in the International Covenant on Economic, Social and Cultural Rights and that States parties are required “to guarantee non-**

² [Special Rapporteur on the right to food](#); [Special Rapporteur on the right to development](#); [Special Rapporteur on toxics and human rights](#); [Special Rapporteur on human rights and the environment](#); [Working Group on the issue of human rights and transnational corporations and other business enterprises](#); [Special Rapporteur on extreme poverty and human rights](#); [Special Rapporteur on the human rights to safe drinking water and sanitation](#); [Special Rapporteur on the promotion and protection of human rights in the context of climate change](#); [Independent Expert on human rights and international solidarity](#)

³ <https://www.ohchr.org/en/statements/2022/12/un-declaration-rights-peasants-un-experts-call-action-ahead-anniversary>

⁴ Women's human rights in the changing world of work A/HRC/44/51

⁵ E/C.12/GC/20

discrimination in the exercise of each of the economic, social and cultural rights enshrined in the Covenant”, which include the right to adequate food.

The Committee on the Elimination of Discrimination against Women consistently address intersecting forms of discrimination women and girls face, including in its General Recommendations on [Indigenous women](#) (No. 39), [Gender-Related Dimensions of Disaster Risk Reduction in a Changing Climate](#) (No. 37), [gender-based violence](#) (No. 35), [rural women](#) (No. 34), in [conflict prevention, conflict and post-conflict situations](#) (No.30), [core obligations of CEDAW](#) (No. 28), [women migrant workers](#) (No. 26), among others.

The Committee on the Rights of Persons with Disabilities, in its General Comment No. 6, on Article 5 of the CRPD on “Equality and Non-Discrimination” clarified that “Discrimination can be based on a single characteristic, such as disability or gender, or on multiple and/or intersecting characteristics. “Intersectional discrimination” occurs when a person with a disability or associated to disability suffers discrimination of any form on the basis of disability, combined with, colour, sex, language, religion, ethnic, gender or other status. Intersectional discrimination can appear as direct or indirect discrimination, denial of reasonable accommodation or harassment. For example, while the denial of access to general health-related information due to inaccessible format affects all persons on the basis of disability, the denial to a blind woman of access to family planning services restricts her rights based on the intersection of her gender and disability. In many cases, it is difficult to separate these grounds. States parties must address multiple and intersectional discrimination against persons with disabilities. “Multiple discrimination” according to the Committee is a situation where a person can experience discrimination on two or several grounds, in the sense that discrimination is compounded or aggravated. Intersectional discrimination refers to a situation where several grounds operate and interact with each other at the same time in such a way that they are inseparable and thereby expose relevant individuals to unique types of disadvantage and discrimination.”⁶

In its General Comment No.3 on Article 6, women and girls with disabilities, the same Committee clarified that ““Multiple discrimination”” refers to a situation in which a person experiences discrimination on two or more grounds, leading to discrimination that is compounded or aggravated. 3 “Intersectional discrimination” refers to a situation where several grounds interact with each other at the same time in such a way as to be inseparable.4 Grounds for discrimination include age, disability, ethnic, indigenous, national or social origin, gender identity, political or other opinion, race, refugee, migrant or asylum seeker status, religion, sex and sexual orientation.”⁷

The Committee further clarified that “intersectional discrimination recognizes that individuals do not experience discrimination as members of a homogenous group but, rather, as individuals with multidimensional layers of identities, statuses and life circumstances. It acknowledges the lived realities and experiences of heightened disadvantage of individuals caused by multiple and intersecting forms of discrimination, which requires targeted measures to be taken with respect to disaggregated data collection,

⁶ [Committee on the Rights of Persons with Disabilities, General comment No. 6 \(2018\) on equality and non-discrimination](#) para. 19

⁷ [Committee on the Rights of Persons with Disabilities, General comment No. 3 \(2016\) on women and girls with disabilities](#), para. 4

consultation, policymaking, the enforceability of non-discrimination policies and the provision of effective remedies.”⁸

The term “multiple and intersecting forms of discrimination” has been used in 26 resolutions in 2022 (16 GA resolutions, 8 Human Rights Council resolutions, 2 ECOSOC resolutions), including 9 resolutions on gender equality and women’s rights.⁹

- **Core principles: Country ownership**

The current draft para 23 defines the principle of country ownership as one of the core principles of the Guidelines. As each State has both national and international legal obligations, the principle of country ownership cannot be limited only to its national law. Considering the principle of non-discrimination is a core of the international human rights law, including under UDHR, the right to non-discrimination and equality, including gender equality, cannot be understood only under their national law. **Suggest the following modification:**

Country ownership. The Guidelines are to be implemented taking into account each country’s development priorities and specific context. They are intended to be interpreted and applied in accordance with national legal systems and their institutions **as well as legal obligations under international law applicable to the country**, taking into account different national realities, capacities and levels of development and respecting national policies and priorities, **and international commitments each country has made in line with the paras 17 and 20 of the Guidelines.**

- **Core principles: Multidimensional approaches/ Reference to “all forms of discrimination”**

When there is a reference to the prohibited grounds of discrimination, the list must be kept as open-ended, such as with reference to “other status”¹⁰, and by making the reference encompassing, such as by referring to “all forms of discrimination”.

The nature of discrimination varies according to context and evolves over time. A flexible approach to the ground of “other status” is thus needed in order to capture other forms of differential treatment that cannot be reasonably and objectively justified and are of a comparable nature to the prohibited grounds of discrimination explicitly recognized international human rights treaties and instruments.”¹¹

- **“Gender-transformative approach” or “transformative and gender-responsive” (policies, programmes, approaches):**

⁸ Ibid, para. 16

⁹ A/HRC/RES/49/20, A/HRC/RES/51/31, A/HRC/RES/49/14, A/HRC/RES/49/12, A/HRC/RES/51/10, A/HRC/RES/51/18, A/HRC/RES/32/17, A/HRC/RES/49/17, A/RES/77/196, A/RES/77/203, A/RES/76/148, A/RES/77/160, A/RES/77/181, A/RES/77/202, A/RES/77/193, A/RES/76/136, A/RES/76/141, A/RES/76/140, A/RES/76/154, A/RES/76/266, A/RES/77/194, A/RES/77/189, A/RES/76/304, A/RES/77/201, E/RES/2022/7, E/RES/2022/18.

¹⁰ UDHR, ICCPR, ICESCR, CRC, CRPD Art.2.

¹¹ CESCR GC 20, para 27.

Support proposed alternative solutions: “transformative and gender-responsive” approach

Transformative approach is a core of the 2030 Agenda for Sustainable Development. The Sustainable Development Goals, including SDG 1 (zero hunger) and SDG 5 (gender equality), are “transformative” goals¹² setting out a supremely ambitious and transformational vision.¹³ Furthermore, all the SDGs, including the means of implementation, are universal, indivisible and interlinked.¹⁴ Thus, it is imperative for the CFS GEWE Guidelines to adopt transformative approach, including in ensuring food and nutrition security and in advancing gender-equality, in order to support FAO Member States to attain the Sustainable Development Goals.

The term “gender-responsive” approach has been adopted in a number of GA, ECOSOC and HRC resolutions,¹⁵ including in the **GA resolution on the improvement of the situation of women and girls in rural areas (2021).**¹⁶ The resolution urged UN Member States, “in collaboration with the organizations of the United Nations system and civil society, as appropriate, to continue their efforts to implement the outcome of and to ensure an integrated and coordinated follow-up to the relevant United Nations conferences and summits, including their reviews” to adopt “gender-responsive” financial strategies, budgeting, infrastructure, and strategies on mitigation and adaptation to climate change.¹⁷

The term “gender-responsive approach” is also adopted in the ILO Convention No. 190 (Violence and Harassment Convention) (2019).¹⁸

- **“sexual and reproductive health and reproductive rights, as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.”:**

Agree with the alternative suggestion to use the language “sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences”.

The term “sexual and reproductive health and reproductive rights” is agreed language contained in the Beijing Declaration and Platform of Action and ICPD outcome in 1994 and it is used in some recent Human Rights Council resolutions.¹⁹

The term “sexual and reproductive health and reproductive rights, as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.” Has also been used in recent GA resolutions on rural women

¹² Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1), para 2.

¹³ Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1), para 7.

¹⁴ Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1), para 71.

¹⁵ Women’s Human Rights App (<https://womenshumanrights.ch/>) allows search of resolutions referring to “gender-responsive” in the UN governing bodies.

¹⁶ A/RES/76/140

¹⁷ A/RES/76/140, Ops 2 and 8.

¹⁸ ILO Convention No. 190, Art 4(2) and PP 12.

¹⁹ E.g., A/HRC/RES/47/15 (2021) and A/HRC/RES/41/6 (2019) on violence against women

(A/RES/76/140, 2021) and on universal health coverage (A/RES/74/2, 2019) and in some Human Rights Council resolutions²⁰ and used consistently in CSW agreed conclusions²¹ in relation to issues pertinent to the Guidelines, such as participation in decision-making, climate change, social protection and rural women.

The Special Rapporteur on the right to health used the term “sexual and reproductive rights” and clarified its contents as “sexual and reproductive rights include the right to a pleasurable, satisfying and safe sex life free from discrimination, coercion and violence; and the freedom to decide whether, when and how often to reproduce, as well as the right to have the information and means to make this decision, in addition to the right to sexual and reproductive health.” The Special Rapporteur further pointed out that the right to sexual and reproductive health is recognized in article 12 of the International Covenant on Economic, Social and Cultural Rights and regional instruments and that sexual and reproductive rights are also grounded in the right to life, to dignity, to education and information, to equality before the law and non-discrimination; the right to decide on the number and spacing of children; the right to privacy; the right to health; the right to freedom of opinion and expression; the right to consent to marriage and equality in marriage; and the right to be free from gender-based violence, harmful practices and torture and ill treatment as well as the right to an effective remedy for violations of fundamental rights.²²

- **“Gender-based violence”**

Support keeping the term “gender-based violence”.

The Committee on the Elimination of Discrimination against Women clarified that **discrimination against women, as defined in article 1 of the Convention on the Elimination of All Forms of Discrimination against Women, included gender-based violence**, that is “violence which is directed against a woman because she is a woman or that affects women disproportionately”, and that it constituted a violation of their human rights.²³

Furthermore, the Committee clarified that **gender-based violence “is a critical obstacle to the achievement of substantive equality between women and men and to the enjoyment by women of their human rights and fundamental freedoms, as enshrined in the Convention.”**²⁴ This underlines clear relevance of the elimination of gender-based violence in women’s equal enjoyment of the right to adequate food.

Beijing Declaration and Platform for Action uses the term “sexual and gender-based violence”²⁵ and defines that ““violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of

²⁰ E.g. . A/HRC/RES/47/25 (2021) and A/HRC/RES/39/10 (2018) on maternal mortality, A/HRC/RES/41/6 (2019) on the elimination of discrimination against women, A/HRC/RES/38/8 (2018) on HIV

²¹ E.g. those in 2022 (on political participation), 2021 (on climate change), 2019 (on social protection) and 2018 (on rural women)

²² A/76/172

²³ CEDAW/C/GC/35, para 1.

²⁴ CEDAW/C/GC/35, para 10.

²⁵ Beijing Declaration and Platform for Action, para 99

liberty, whether occurring in public or private life.”²⁶ It also recognizes that “violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms.”²⁷

The term “gender-based violence” is also adopted in the ILO Convention No. 190 (Violence and Harassment Convention) (2019).^{28,29} The Convention defines “gender-based violence and harassment” as “violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.”

- **“sexual violence and GBV” “Gender based violence”**

Suggest using the term “gender-based violence, including sexual violence”.

According to CEDAW general recommendation No. 35 (2017), gender-based violence is violence directed towards, or disproportionately affecting, someone because of their gender or sex. Such violence takes multiple forms, including acts or omissions intended or likely to cause or result in death or physical, sexual, psychological or economic harm or suffering, threats of such acts, harassment, coercion and arbitrary deprivation of liberty. Examples include sexual violence, trafficking, domestic violence, battery, dowry related violence, coerced or forced use of contraceptives, violence against LGBTI persons, femicide, female infanticide, harmful practices and certain forms of slavery and servitude. Therefore, it would be more accurate to say “gender-based violence, including sexual violence”.

- **Specification of GBV in the context of agriculture and food systems (e.g. Guidelines para 98 (i) and 99 (i))**

As clarified by the CEDAW General Recommendation No. 35 and the Beijing Declaration and Platform for Action, gender-based violence violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms.

Therefore, in order to “advance gender equality, women’s and girls’ rights, [...] to eradicate hunger, food insecurity and all forms of malnutrition, towards the progressive realization of the right to adequate food in the context of national food security” (para 8, objective of the guidelines), gender-based violence will need to be eliminated not only in the context of agriculture and food systems, but also in other contexts that may be relevant to hunger, food insecurity and all forms of malnutrition, such as in participation in decision-making, education, social protection and unpaid care and domestic work. (Guidelines 3.3, 3.6, 3.7, and 3.8, for example)

²⁶ Beijing Declaration and Platform for Action, para 113

²⁷ Beijing Declaration and Platform for Action, para 112

²⁸ ILO Convention No. 190, Arts 1 (a) and (b), 7, 10 (e), 11 (b).

²⁹ ILO Convention No. 190 is currently ratified by 25 States. It was adopted with 439 votes for the Convention, 7 vote for against, and 30 abstention among the Governments, Employers’ representatives and Trade Unions. No Government voted against, and the Governments of 6 States abstained.

(https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_711349.pdf)

Thus the elimination of gender-based violence should not be limited to those occurring in the context of agriculture and food systems. Consideration for “the specificities of agriculture and food systems, local communities and rural areas” should not be understood to justify social norms and stereotypes “based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”.³⁰

- “all women and girls”

Support including reference to “all women and girls” in the context relevant only to women and girls. Suggest keeping the scope of gender equality to encompass all persons who face discrimination based on their gender. In both cases, it is crucial to recognize the impact of multiple and intersecting forms of discrimination people face.

The term “all women and girls” works for sentences / parts that are only about women and girls.

It is important to recognize the diversity among women and girls in the enjoyment of human rights, including the right to adequate food. A GA resolution (A/RES/76/176) adopted in consensus highlighted the importance of including “women in all their diversity”(PP.8).³¹

However, as the scope of the Guidelines is both on “gender equality” and “women’s and girls’ empowerment, the Guidelines cannot be reduced only women and girls. As such, in relation to the broader scope of gender equality, appropriate terms would be: “all persons, without discrimination”, “all persons, including persons facing multiple and intersecting forms of discrimination”, “ensuring that no one is left behind, including persons facing multiple and intersecting forms of discrimination.”, etc. GA resolution (A/RES/76/176) recognizes “sexual orientation and gender identity” in the list of grounds of discrimination in OP 7.

Additional background information including OHCHR and women’s human rights and gender equality:

Office of the High Commissioner for Human Rights

[Opening remarks by Volker Türk, United Nations High Commissioner for Human Rights at the High-Level Discussion celebrating the adoption of the CEDAW General Recommendation 39 on the Rights of Indigenous Women and Girls](#) 09 December 2022

[International Day for Women Human Rights Defenders - Statement by United Nations High Commissioner for Human Rights Volker Türk](#), 29 November 2022

[Exploring the nexus between climate change and violence against women and girls through a human rights lens](#) 27 June 2022

[Human rights-based and gender-responsive care and support systems](#) 27 June 2022

³⁰ CEDAW Art. 5(a)

³¹ This resolution is on election, which is pertinent to women’s participation in decision-making.

[International Day Against Homophobia, Biphobia and Transphobia](#), 17 May 2022

Assistant Secretary-General: [Global Alliance for Care - "The relevance of care work for gender equality – action for sustainability"](#), Side Event in the context of the Sixty-Sixth Commission on the Status of Women, Concluding remarks, 16 March 2022

International Women's Day 2022 [Gender equality for a sustainable tomorrow](#) 08 March 2022

Conference: Peasants' Rights in Europe ["The UN Declaration on the Rights of Peasants' contribution to the 2030 Sustainable Development Agenda and the UN Decade of Family Farming"](#)

United Nations Human Rights Experts

Statement [Global and regional experts call for united efforts to preserve hard-fought gains for women's rights](#) 08 March 2023

Statement [International Day of Peasants' Struggles 17 April 2022 - UN expert applauds vital roles of peasants and rural workers](#) 14 April 2022

Statement [Using the international and regional legal framework to stop all forms of violence against women and girls](#) International Women's Day - 8 March 2022

Statement [International Safe Abortion Day 28 September 2021](#)

Report by the Working Group on discrimination against women and girls: Women's human rights in the changing world of work [A/HRC/44/51](#)

[Statement by human rights experts on the International Day against Homophobia, Transphobia and Biphobia - 17 May 2018](#)

Background IUCN Issues brief [Gender-based violence and the environment](#) which states "Addressing gender-based violence and promoting gender equality are fundamental for environmental work that meaningfully contributes to the UN Sustainable Development Goals." A reference to development in the context of the 2030 Agenda for Sustainable Development could help address footnote 30 of para. 101 of the draft, which is currently pending agreement.