Deconstructing CEDAW’s Article 14: Naming and Explaining Rural Difference

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DECONSTRUCTING CEDAW'S ARTICLE 14: NAMING AND EXPLAINING RURAL DIFFERENCE

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The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the first human rights instrument to recognize explicitly rural-urban difference. It does so by enumerating specific rights for rural women in Article 14 and also by mentioning their needs in relation to Article 10 on education. This article’s goals are modest: to examine the Travaux Préparatoires to better understand the forces and considerations that led to the inclusion of Article 14; to assess Article 14’s particular mandates in light of both its drafting history and CEDAW’s other provisions; and to consider the assumptions implicit in this expression of rural exceptionalism. I offer some thoughts on the expressive significance of both the explicit acknowledgment of rural women—and, by extension, rural populations—in this widely ratified human rights treaty and the particular rights it accords to rural women. That is, I discuss what CEDAW implies about the character of rurality and rural-urban difference. I also argue that CEDAW provides a framework for spatial equality, in concert with the more obvious and comprehensive structure for gender equality. I thus seek to fill a void in the legal scholarship on CEDAW, which often mentions Article 14 in inventories of the Convention’s provisions, but which has largely ignored both its meaning and significance.2


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I. A SHORT PRIMER ON CEDAW

Drafting of CEDAW began in the 1970s, and the U.N. General Assembly adopted the Convention in 1979. Upon ratification by twenty member states, the Convention entered into force in 1981. Among the 192 United Nations members, 186 have ratified CEDAW. Notable among nations that have not ratified the Convention is the United States.


4. Short History of CEDAW Convention, supra note 3.


for women,” all terms that refer to women’s notable absence from pre-CEDAW international human rights instruments. The Convention’s mandate is extraordinarily broad, calling for member states to eliminate direct or indirect discrimination in both the public and private spheres of life, to improve women’s de facto position within society, and “[t]o modify the social and cultural patterns . . . based on the idea of the inferiority or the superiority of either of the sexes.” The Convention’s definition of discrimination against women is similarly broad:

[A]ny distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

The phrase “on a basis of equality of men and women” is repeated in many Articles of the Convention. Article 5 even challenges member states to take steps to end gender stereotyping.
In addition to its general goal of equality between men and women, CEDAW specifies a range of civil and political rights for women, as well as some that would be best characterized as socio-economic rights. These include the right to good quality education; the right to comprehensive health services, including family planning; the right to have equal access to jobs, benefits, and social security; the right to be free from all forms of trafficking and prostitution; the right to vote, run for election and hold public office; the right to represent the country internationally; and the right to participate in recreational activities such as sports. CEDAW thus enumerates a series of “rights” that often have the ring of opportunities and public services that women may have a history of struggling to get, or that may be denied (or historically have been denied) them on the basis of their gender. That is, the items listed presumably stem from identified common challenges that women, past and present, face. It also serves as a list of that which is deemed important, from a fundamental human rights perspective.

Article 14 of CEDAW evinces a concern about gender as it intersects with rurality. Recent human rights instruments permit “a growing number of types of individual persons [to] press for their human rights: women, children, ethnic minorities, indigenous peoples, etc.”

17. Darren Rosenblum has analyzed extensively whether CEDAW’s goal is or should be gender equality or women’s equality. Darren Rosenblum, Unsex CEDAW, 20.1 COLUM. J. GENDER & L. (forthcoming 2011).
18. CEDAW, supra note 1, art. 10.
19. Id. art. 12.
20. Id. art. 11.
21. Id. art. 6.
22. Id. art. 7.
23. Id. art. 8.
24. CEDAW, supra note 1, art. 13(c).
25. See Afra Afsharipour, Empowering Ourselves: The Role of Women’s NGOs in the Enforcement of the Women’s Convention, 99 COLUM. L. REV. 129, 130 n.4 (1999) (writing that “women’s human rights arose out of the need for women to argue for the universality of their rights as defined by them, highlighting those aspects of women’s experiences which are universal or find their roots in universal patterns of discrimination against women”).
26. Indeed, the list is quite similar to the list of capabilities developed by Martha Nussbaum. See MARTHA C. NUSSBAUM, WOMEN AND HUMAN DEVELOPMENT: THE CAPABILITIES APPROACH 78-80 (2000) [hereinafter NUSSBAUM, WOMEN AND HUMAN DEVELOPMENT] (listing capabilities, including bodily health, education, autonomy); id. at 106-07 (telling story of Vasanti, which illustrates women’s need for access to credit); id. at 302 (listing the goals of a women’s collective in Andhra Pradesh, India).
27. See Marsha A. Freeman, Women, Development and Justice: Using the International Convention on Women’s Rights, in OURS BY RIGHT: WOMEN’S RIGHTS AS HUMAN RIGHTS 93, 98 (Joanna Kerr ed., 1993) (calling Article 14 “unique as a statement of human rights because it emphasizes the rights of a particular sub-group to which special attention should be paid”).
gays and lesbians, the elderly, the disabled, and the imprisoned.” 28 CEDAW adds geography or place to the list of types or categories recognized as a basis for disadvantage or discrimination. 29

Some of the needs and rights enumerated in Article 14 appear to be related to rurality itself, as well as to associated livelihoods such as agriculture. 30 Some appear to recognize the less developed and perhaps more patriarchal character of rural places. 31 Still others repeat and/or tailor for rural women rights articulated elsewhere in the Convention for all women, such as education. 32 Indeed, Article 14 sometimes appears to scale back or diminish for rural women the robustness and detail of a right recognized elsewhere in CEDAW, perhaps setting a lower or different standard for these same rights in rural contexts. 33

In part because of its explicit attention to rural women, CEDAW has been labeled “visionary” in its approach to “addressing the systemic inequities facing women.” 34 Another commentator has called Article 14 “a more realistic approach to the whole question of women’s rights at the international level,” and suggested that it evinces a “flexible attitude” in defining “the scope of women’s rights.” 35 Further,
Article 14’s inclusion of rural women has been hailed as “a milestone in the development of legal provisions which aim to improve the situation of the bulk of the world female population.”

By naming rural women as a distinct population, CEDAW might be thought of as an example of rural exceptionalism. It moves beyond the implicit focus on urban populations that characterizes a great deal of contemporary law making. In fact, the drafters’ decision to enumerate rights for rural women as a group may have been an implicit recognition of our world’s increasing metrocentricity. While the world’s population only became more rural than urban in 2008, the urban migration juggernaut has been in process, gaining force, for decades. Indeed, a 1977 document that influenced the inclusion of rural women’s concerns within CEDAW articulated the need to stem migration to urban areas as a principal reason for integrating women into rural development. Worldwide, almost 800

36. Id. Elsewhere Burrows writes: “For most women, what it is to be human is to work long hours in agriculture or in the home, to receive little or no remuneration, and to be faced with political and legal processes which ignore their contribution to society and accord no recognition of their particular needs.” Noreen Burrows, International Law and Human Rights: The Case of Women’s Rights, in HUMAN RIGHTS: FROM RHETORIC TO REALITY 80, 82 (Tom Campbell et al. eds., 1986).


39. A/32/269, supra note 30, ¶ 19. The paragraph states in part:

Among the many measures recommended for the incorporation of women in active economic, political, social and cultural life were the need to formulate and execute integrated government planning policies that provide for effective integration of women in rural development with a view to reducing their migration to urban areas, which only worsens the problem of marginality; the need to draw up government development plans that include training and vocational education courses for women in rural and urban areas; to promote the increased participation of women in agricultural co-operative activities thus contributing to a more effective role of women in food production, higher community earning, larger self-help programmes and improved standards of living; to include in development plans provisions for programmes to train women in the techniques of the production, processing and marketing of rural products; to furnish women of rural and indigenous areas with meaningful apprenticeship for meeting the priority needs of the community.

Id.


42. See Marc Mormont, Who is Rural? or, How to be Rural: Towards a Sociology of the Rural, in RURAL RESTRUCTURING: GLOBAL PROCESSES AND THEIR RESPONSES 21, 28 (Terry Marsden et al. eds., 1990) (writing that “[i]t was taken for granted” in rural sociology “that its subject was the least developed regions and least integrated areas”). But see Lisa R. Pruitt, Gender, Geography & Rural Justice, 23 BERKELEY J. GENDER L. & JUST. 338, 344-48 & nn.43-44 (2008) [hereinafter Pruitt, Gender, Geography] (discussing the contested meaning of “rural” and rurality in relation to development) (citing Stephens v. Raleigh Cnty. Bd. of Educ., 257 S.E.2d 175, 180 (W. Va. 1979); but see also A/32/269, supra note 30, ¶¶ 5, 13, 15 (linking rural women with poor urban women in terms of their needs); Burrows, supra note 2, at 447-48 (noting Article 14’s relevance to countries at different stages of development); Welch, supra note 2, at 555-56 (noting the de facto barriers to women’s equality in rural places in Africa, as well as the serious problems women face “due to traditional land tenure systems, inheritance practices, and lack of capital,” but observing that “conditions are not significantly better” in urban areas in Africa). Indeed, during the drafting of Article 14, Argentina proposed that it be more comprehensive to cover “both women in rural areas and disadvantaged population groups in rural and urban areas.” LARS ADAM REHOF, GUIDE TO THE TRAVAUX PRÉPARATOIRES OF THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN 156 (1993) (citing U.N. Secretary-General, United Nations Decade for Women: Equality, Development and Peace: Draft Convention on the Elimination of Discrimination against Women: Rep. of the Secretary-General: Addendum, ¶ 44, U.N. Doc. A/32/218/Add.1 (Oct. 12, 1977)); Hungary, on the other hand, thought it should be limited to rural women. Id. (citing U.N. Secretary-General, United Nations Decade for Women: Equality, Development and Peace: Draft Convention on the Elimination of Discrimination against Women: Rep. of the Secretary-General: Addendum, ¶¶ 15-16, U.N. Doc. A/32/218/Add.2 (Oct. 28, 1977)).

the world’s rural population lives in the developing world. Setting apart women in the developing world—as opposed to rural women—for the rights enumerated in Article 14 might not have been as politically palatable as singling out rural women. This is because the former designates women in a certain type of nation state, while the latter exist in virtually all nation states. Nevertheless, some documents related to CEDAW’s drafting suggest that one of Article 14’s goals was to narrow the gap between the developed and developing world. The relationship between underdeveloped/developing and rural implicates the expressive significance of including an entire article about rural women in a major human rights treaty, as well as what Article 14’s detailed provisions suggest about the meaning or character of the rural. I take up these matters more fully below.

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45. See Andrew C. Byrnes, The “Other” Human Rights Treaty Body: The Work of the Committee on the Elimination of Discrimination Against Women, 14 YALE J. INT’L L. 1, 3 (1989) (observing that “[t]he most sustained interest in the Convention and the Committee has been among those . . . interested in the human rights of women or the role of women in development”) (citing Rebecca Cook, The International Right to Nondiscrimination on the Basis of Sex, 14 YALE J. INT’L L. 161 (1989)); see also Pruitt, India’s Rural Remnant, supra note 41 (discussing universal human rights in relation to India’s rural development).

46. REHOF, supra note 42, at 153. Rehof states that “[w]omen’s involvement in development (. . . narrowing the gap between developed and developing countries . . .) was discussed relative to the preamble and subsequent articles,” but he does not specify whether he refers to CEDAW’s preamble or something else. Id. The language he quotes is not included in the Preamble to CEDAW, which makes reference to development only twice. In paragraph 7, it refers to the fact “that discrimination against women . . . is an obstacle to . . . the full development of the potentialities of women in the service of their countries and of humanity.” CEDAW, supra note 1, pmbl. ¶ 7. In paragraph 12, the Preamble states: “Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields[.]” Id. pmbl. ¶ 12.

47. See infra Part V.
The following part examines the drafting history to determine how rural women came to be featured in CEDAW. It also assesses the Travaux Préparatoires’ insights into the rights enumerated for rural women and how those rights relate to the broader array of rights featured in the Convention.

II. THE DRAFTING HISTORY

Rural women were first mentioned in CEDAW in Draft 4, in 1974, in what became Article 10, applying educational rights to women “in rural as well as in urban areas.” Additionally, an early version of Draft 3 of the Convention, also in 1974, had alluded to rural women by specifying that the provision applied to “women . . . who are gainfully employed in . . . other organizations in agriculture and on plantations.” But the idea of an article dedicated to rural women arose relatively late in the process of drafting CEDAW—specifically, the idea arose in 1976 during the 26th Session of the Commission on the Status of Women. An unnamed representative of the Food and Agriculture Organization (FAO) introduced the discussion of rural women and the challenges they face. She noted other contemporary instances of United Nations’ attention to rural women. The Mexico Conference had adopted a resolution on women in agriculture, and the General Assembly had adopted two resolutions at its thirtieth session, one regarding “women in rural areas” and the other regarding “improvement of the economic status of women for their effective and speedy participation in development.” In addition, a 1974 World Food Conference resolution had highlighted the need for women’s involvement in rural development.

50. REHOF, supra note 42, at 153 (discussed in Pruitt, Migration, Development, supra note 2, at 729 n.149); see also Burrows, supra note 2, at 446-47 (relating the history of specifically incorporating rural women into the Convention draft).
51. Burrows, supra note 2, at 446 (noting that the FAO official particularly hoped “to improve the situation of agricultural workers”).
52. Id.
53. Id.
55. Burrows, supra note 2, at 446. The United Nations’ attention to rural women has increased over the years since CEDAW was drafted. See, e.g., WomenWatch: International Day of Rural Women, WOMENWATCH: INFO. & RES. ON GENDER EQUAL. & EMPOWERMENT
Beyond the FAO representative’s role in getting rural difference on the Commission’s agenda, a representative from India is widely credited with rural women’s inclusion in CEDAW. She organized an informal working party (hereinafter “working party” or “working group”) of several states that produced a draft article. Ultimately, seven nations sponsored the amendment proposing what became Article 14: Egypt, India, Indonesia, Iran, Pakistan, Thailand, and the United States. All except the United States were developing nations. Indeed, one commentator saw Article 14 as “a manifestation of the impact of delegates of women from the Third World on the Commission on the Status of Women.” Professor Noreen Burrows characterizes Article 14 as “perhaps an inevitable culmination of the work of the United Nations linking questions of development with those of women.”

The initial draft of what became Article 14, dated September 28, 1976, read:

Insert the following article in the text of the draft Convention between Articles 10 and 11, or after Article 11.

States Parties shall take all measures to eliminate discrimination against women in rural areas in order to guarantee them equality as participants and as beneficiaries of agricultural and rural development and particularly the right to:

(a) Participate fully in the formulation and implementation of development planning from the local to the national levels;


56. Burrows, supra note 2, at 446.


58. Somewhat ironically, two of these sponsoring nations—Iran and the United States—are among the handful of nation states that have yet to ratify CEDAW. See Ratification, supra note 5 (not listing Iran as a party to CEDAW and showing the United States has not ratified CEDAW).

59. Burrows, supra note 2, at 447.

60. Id.
(b) Receive adequate medical and health facilities, including family planning advice and services;
(c) Obtain all types of training, formal and non-formal, as well as community and extension services;
(d) Participate equally in all community activities including co-operatives;
(e) Obtain equal access to credit and loans; marketing facilities; and equal treatment in land and agrarian reform as well as land resettlement schemes.

Noteworthy is the fact that this initial draft was even more focused on agriculture than the final version. The draft closely links “agriculture with rural development,” but in a way that does not suggest they are perfectly synonymous. The most significant aspect of Article 14 that did not appear in this draft is (2)(h), which calls for member states to provide adequate infrastructure in rural areas, including water, sanitation, electricity, transport, and housing. The right to social security was also not included until a later version. It is interesting that this initial draft does not use the term “education,” but refers instead only to training and extension services, thus suggesting something less formal for rural women.

“In presenting the draft article,” its sponsors noted “two thirds of women in the World lived in rural areas,” and that for women in the developing world, “this meant isolation from political, social, cultural and economic activities.” They also noted the importance of community and extension services that would empower women to help themselves. The proposal to include this article about rural women found “immediate support from all delegates”; the Soviet Union, for example, labeled it a “wonderful initiative.”

Delegates then debated how to acknowledge rural women in the Convention. Representatives of France and Hungary “thought it might be more logical, as well as more effective . . . to insert each

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62. See infra notes 227-41 and accompanying text.

63. Burrows, supra note 2, at 446; see also Bond, supra note 2, at 515 (noting that implementation of a national inheritance law in Ghana has been “spotty, particularly in rural areas”); id. at 515 n.194 (noting that knowledge of an international human rights treaty is limited in rural parts of Africa); Pruitt, Migration, Development, supra note 2, at 750-52 (noting the absence of law and legal actors in rural places).

64. Burrows, supra note 2, at 446.

65. Id. (quotation marks omitted).
subparagraph of the proposed text in the appropriate chapter (training, medical services, credit facilities, etc.) in order to stress, in each chapter, that a special effort should be made on behalf of rural women.”66 Ultimately, however, the working group decided that “the situation of rural women was so disturbing that it should be the subject of a special article,”67 and that an “article devoted to rural women would carry greater weight.”68 In the end, the Commission unanimously adopted the proposal of the Indian-led working group, with minor amendments.69

Within the working group that drafted Article 14,70 a few representatives noted that some paragraphs repeated prior articles, while other representatives “stressed [the provisions’] importance within the context of rural women.”71 The working group’s chairman acknowledged the redundancies between Article 14 and the earlier articles, but emphasized that Article 14’s “main purpose was to draw attention to all aspects of the situation of women in rural areas.”72

All of this suggests, of course, that Article 14 should be read in the context of CEDAW as a whole. In cases in which Article 14’s specific provisions are less expansive and detailed than other, similar CEDAW provisions, interpretation is more difficult, as discussed below.

III. GENDER EQUALITY AND SPATIAL EQUALITY

While CEDAW’s principal focus is gender equality, its recognition of rural women might also be seen as reflecting an aspiration to spatial equality—or at least an acknowledgment of spatial inequalities.73

67. Id. ¶ 8.
68. Id. ¶ 9. Whether having a separate article has led to the provision’s substance carrying greater weight is debatable. In any event, it seems noteworthy that subsequent mentions of rural populations in relation to human rights have used a more pervasive approach to inclusion of rural concerns. See supra notes 37-46 and accompanying text.
69. Burrows, supra note 2, at 447.
73. Spatial inequality is “place stratification or inequality within and between territorial units.” Linda Lobao, Continuity and Change in Place Stratification: Spatial Inequality and Middle-Range Territorial Units, 69 RURAL SOC. 1, 1 (2004); see also NEIL
That is, CEDAW is concerned not only that women gain equality with men, it seeks to some extent rural women’s equality (or perhaps parity)\textsuperscript{74} with urban women. It implicitly recognizes variations in access to services based on geography, suggesting that rural populations are often underserved in comparison to their urban counterparts.\textsuperscript{75} Thus CEDAW is at least implicitly concerned with all rural populations, not only with women.

Indeed, CEDAW has been touted as manifesting a feminist character because of its attention to socio-economic rights,\textsuperscript{76} and nowhere is this more evident than in Article 14. In an extensive and detailed list that one commentator has labeled “impressive,”\textsuperscript{77} Article 14 calls for provision of infrastructure and basic needs,\textsuperscript{78} including not only education and health care as stipulated elsewhere in CEDAW, but also water, sanitation, electricity, transport, and communications infrastructure.\textsuperscript{79} Indeed, Article 14 is one of the lengthiest articles of the Convention, comparable in its detail only
to Article 10 on education, Article 11 on employment, and Article 16 on women’s rights in relation to marriage and the family. In the Part that follows, I discuss further Article 14’s implicit attention to spatial inequality and how compliance with its provisions would ameliorate uneven development.

IV. THE LANGUAGE

In this part, I consider closely the language of Article 14 to assess the meaning of each subsection in the context of CEDAW as a whole.

Article 14(1): States Parties shall 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.80

This provision calls attention to rural women broadly speaking, and it indicates that they should enjoy all of the rights stipulated elsewhere in the Convention.81 This part also makes certain assumptions about rural women, for example, that they play economic roles—and not only nurturing ones—in relation to their families. Indeed, it assumes that rural women have families. Both assumptions are present elsewhere in CEDAW with respect to all women.82

Second, Article 14’s reference to the “non-monetized sectors of the economy” associates both women and rurality with the informal economy (i.e., self-provisioning, bartering of goods and services).83

80. Id. art. 14(1).
81. This follows a form proposed by the Cuban representative who suggested “an introductory phrase be drafted guaranteeing rural women the rights recognized in all the provisions of the Convention, and specifying in the subparagraphs those the Working Group wanted to emphasize.” A/34/60, supra note 71, ¶ 132.
82. CEDAW’s Article 11 on work, for example, guarantees women “the right to work as an inalienable right,” CEDAW, supra note 1, art. 11(1)(a), and prohibits “dismissal on the grounds of pregnancy or of maternity leave,” id. art. 11(2)(a), and provides “special protection . . . during pregnancy,” id. art. 11(2)(d). Article 12 on health stipulates the right to “appropriate services in connexion with pregnancy, confinement and the post-natal period” and “adequate nutrition during pregnancy and lactation.” Id. art. 12(2). Articles 5 and 9 also address aspects of women’s roles as parents. Id. art. 5(b), 9(2).
83. See Welch, supra note 2, at 552 (noting that rural women are a majority of the female population of Rwanda, and that these women work in the non-monetized sector, e.g., “cooking, gathering wood, grinding cereals, fetching water, maintenance work, educating children” (quoting Rwanda’s third report under the Convention on the Elimination of All Forms of Discrimination against Women, U.N. Doc. CEDAW/C/RWA/3)). Elsewhere CEDAW similarly associates rural women with a lower degree of formality, e.g., “non-
On the one hand, this association is beneficial for rural women because it acknowledges in a very positive way the significance of an economic sector little attended to in national or international legal systems. Rural women exist principally outside "official statistics relating to GDP and employment, and have very often been ignored in development planning." On the other hand, it might be seen as negative to the extent it suggests that rural populations—including women—do not suffer deprivation in the way that urban populations do because the well-being of the former cannot be measured strictly in monetary terms (i.e., the international poverty standard of one dollar per day). That is, the informal economy may be seen as ameliorating poverty as measured in strictly monetary terms. While that suggestion could lessen the perceived need to assist rural women,

formal" education. CEDAW, supra note 1, art. 14(2)(d).

Since CEDAW’s ratification, the CEDAW Committee has adopted two General Recommendations about topics related to the informal economy. These are General Recommendation 16 regarding “[u]npaid women workers in rural and urban family enterprises,” and General Recommendation 17 on the “[m]easurement and quantification of the unremunerated domestic activities of women and their recognition in the gross national product.” Farha, supra note 9, at 556 (citing U.N. Doc. A/46/38 at 1-2 (1993)). These General Recommendations assist States Parties with preparation of their periodic reports.

84. Indeed, this is an aspect of what Amartya Sen and Martha Nussbaum have complained about in articulating their capabilities framework as an alternative to measuring well-being based on, for example, GDP. See Martha Nussbaum, Frontiers of Justice: Disability, Nationality, Species Membership 164-68 (2006); Nussbaum, Women and Human Development, supra note 26, at 6, 60 (referring to “[d]efects in standard GNP-and utility-based approaches” being well illustrated by looking at the situation of women in the developing world and arguing for the need to look at the individual level of well-being, not that of the nation as measured by GNP; Amartya Sen, Development as Freedom 3 (1999) (writing that growth of GNP can be a very important “means to expanding the freedoms enjoyed by” citizens, “freedoms depend also on other determinants, such as social and economic arrangements . . . as well as political and civil rights”); see also A/32/269, supra note 30, ¶ 11 (noting the lack of data on the “nature and the socio-economic conditions” of rural women’s “work-participation” in “food production both for export and subsistence,” even though it “is known to be very high”).

85. Burrows, supra note 2, at 447 (citing U.N. Doc. A/Conf. 94/8). See also Rural Women in a Changing World, supra note 55, at 7-10 (discussing the importance of agriculture in developing nations, as well as women’s significant participation in this sector).

86. See Pruitt, Gender, Geography, supra note 42, at 352, 362 (discussing the association of rural women with the informal economy in the context of the United States).

the remainder of Article 14 makes clear the particular needs of this group, and it indicates how member states should respond to them.

The use of the word “appropriate” to modify member states’ commitment under Article 14 might be read as giving member states flexibility with respect to actually achieving CEDAW’s mandates regarding to rural women. The *Travaux Préparatoires*, however, indicate that the United Kingdom suggested the word “appropriate” here in order that “nothing extreme, like violence, could be used to eliminate discrimination against women in rural areas.”

**Article 14(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[

The first clause of this sentence tracks standard CEDAW language (regarding member states taking measures to eliminate sex discrimination), adding only “in rural areas” to modify women and define the protected class. This part of Section 14(2), the prefatory statement to more specific and substantive rights, notes the critical importance of development to rural populations. The provision’s second clause emphasizes the perceived need for and significance of development to rural populations, a focus that is reinforced in part (2)(a). The concerns enumerated in the subsections that follow refer to a variety of aspects of development, from investment in physical infrastructure, including sewage systems and telecommunications lines; to economic development, including access to credit and marketing facilities; to enhancement of human capital, including education and health care. These provisions regarding rural women are primarily programmatic, setting forth aspirational “future policy for governments to follow in their development planning.” Only one—land reform—clearly implicates law or legal change. I take up other aspects of CEDAW’s focus on development in the next section.

89. CEDAW, *supra* note 1, art. 14(2).
90. *Id.* art. 14(2)(a) (reading, “[t]o participate in the elaboration and implementation of development planning at all levels”).
91. *Id.* art. 14(2).
92. Pruitt, *Migration, Development, supra* note 2, at 735; see also Burrows, *supra* note 2, at 447 (stating that Article 14 “is intended to serve as a programme of action for the developing countries”).
94. CEDAW, *supra* note 1, art. 14(2)(g).
Article 14(2)(a): To participate in the elaboration and implementation of development planning at all levels.95

This provision’s emphasis on development seems somewhat redundant of both the provision that precedes it and of some of the substantive and detailed sub-sections that follow. The “at all levels” language adds something new, however. It suggests that women should have a say in development planning not only at the community level (via self-help groups, co-operatives, community activities and such, as suggested in other parts of 14(2)),96 but that they should also be integrated and included at higher levels, such as those of the region and even the nation state.97 This CEDAW provision seems to contemplate decentralization, which international donors have identified as a positive force in rural development.98

A number of U.N. documents and reports appear to have influenced the inclusion of Article 14(2)(a). Some of these documents are listed in the Secretary-General’s 1977 Report on Women in Rural Areas,99 and two other preliminary reports are also evidence of the

95. Id. art. 14(2)(a).
96. See infra notes 167-90 and accompanying text.
97. This is consistent with Articles 7 and 8 regarding women’s political participation at all levels. CEDAW, supra note 1, art. 7, 8. Again, this Article 14 language suggests that participation in development is akin to political or other public sector participation in non-rural areas. The initial draft of what became Article 14 specifies the local and national scales. E/CN.6.L/687, supra note 57.
98. See WOLZ, supra note 87, at iv-v (noting importance of action at “global, national and local” levels); see also A/32/269, supra note 30, ¶ 12 (discussing the goal of women’s involvement “in decision-making concerning water and other local services’ management”).
99. A/32/269, supra note 30, ¶ 2 n.1. These documents are:
   (a) ECA annual report (1 March 1976-3 March 1977) (Official Records of the Economic and Social Council, Sixty-third Session, Supplement No. 7 (E/5941), paras. 111-114);
   (b) ECLA annual report (7 May 1976-6 May 1977) (Official Records of the Economic and Social Council, Sixty-third Session, Supplement No. 11 (E/5945), paras. 29, 30 and 38);
   (c) ESCAP annual report (3 April 1976-30 April 1977) (Official Records of the Economic and Social Council, Sixty-third Session, Supplement No. 8 (E/5909), paras. 195, 196, 200, 201 and 369);
   (d) Report of the Executive Board of UNICEF (Official Records of the Economic and Social Council, Sixty-third Session, Supplement No. 12 (E/6014), paras. 100, 125, 127 and 129-132);
   (e) Report of FAO (E/5949 and Corr.1), paras. 29, 36, 170, 171, 179 and 180; and “Summary programme of work and budget 1978-1979” submitted to the FAO Council at its seventy-first session (CL 71/3, pp. 13 and A.7);
   (f) “Report of the ILO on its activities of special interest to women”, submitted to the Commission on the Status of Women at its twenty-sixth session (E/CN.6/603, paras. 3, 19-21 and 24-30);
   (g) “Report of UNESCO on its activities of special interest to women”, sub-
U.N.’s view of rural women in relation to development planning. These were (1) the Secretary-General’s proposal to the General Assembly, at its thirty-first session, of further research discussing “the extent to which women participate in fields such as agriculture, industry, trade and science and technology,”100 and (2) a questionnaire that the Secretariat (the staff of the Secretary-General) sent to member states in order to evaluate progress related to the United Nations’ International Development Strategy for its Second Development Decade and for International Women’s Year.101 These reports were preceded by General Assembly Resolution 3523 on “Women in Rural Areas,”102 and Resolution 31/175 on the “Effective Mobilization of Women in Development.”103 The questionnaires and resolutions focused on facilitating women’s equal participation

with men in all development efforts and, in particular . . . equal access to political parties, trade unions, training, especially in agriculture, co-operatives, and credit and loan systems, as well as equal opportunities to participate in policy-making in the economic field, in commerce and trade and in the advanced efforts of industry[].104

Similar areas of concern are mentioned in CEDAW’s Article 14, sections (2)(e) (self-help groups and co-operatives), (2)(f) (community activities), and (2)(g) (agriculture and economics).105 Section (2)(a) might thus be seen as an umbrella for the subsections that follow it, as those subsections elaborate on different aspects of development.

This focus on development in Article 14 assumes that rural places are in need of development, which might be read as suggesting that they should become urban—or at least more urban-like. After all, urban places are necessarily more developed than rural ones by some measures. On this basis, Article 14 might be seen in its entirety as reflecting an urban bias.106 Arturo Escobar’s critique of develop
ment would thus presumably see at least some aspects of CEDAW’s Article 14 as problematic in that it risks articulating a false consciousness for rural populations. Escobar challenges the assumption that “peasants” desire development as manifest, for example, in production for the market. 107 He expresses offense that the development community sees development as “about growth, about capital, about technology, about becoming modern,” 108 which may be inconsistent with the wishes of villagers themselves. 109 Article 14, then, appears to mandate what Escobar believes rural residents do not necessarily seek because it effectively makes choices for rural populations by suggesting what the good life entails, for example, increased production and production for the market.

Nevertheless, Article 14(2)(a) may have some redeeming qualities in relation to the otherwise hegemonic nature of development. Specifically, Article 14(2)(a)’s call for the engagement of rural women in development “at all levels” 110 aspires for rural women to have a say in the path of development, thereby endowing them with the power to reject certain development courses, should they so choose. Indeed, the CEDAW working group stressed “the need for the participation of people at the grass-roots level, so as to ensure that actual conditions in rural areas are taken into account in the planning process.” 111

Interestingly, rural places are not the only objects of CEDAW’s development agenda. Article 3, which broadly calls for member states to take action, calls for the development of women themselves. It states in relevant part:

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men. 112

108. Id. at 162.
109. Id. (discussing how development programming often does not view rural living as a “viable . . . way of life”).
110. CEDAW, supra note 1, art. 14(2)(a); see also supra notes 95-105 and accompanying text (echoing concerns about women’s integration into development that were expressed in a 1977 U.N. document. A/32/269, supra note 30, ¶¶ 5, 8, 12, 15, 19, 22).
111. A/32/269, supra note 30, ¶ 22.
112. CEDAW, supra note 1, art. 3.
CEDAW thus assumes women are subjects to be acted upon—to be developed—in the same way rural people and places are to be acted upon and improved.

The parallel between women and rurality suggested by CEDAW’s use of the term “development” regarding both reflects a pervasive and long-standing association between the feminine and the rural.113 Both rurality and women have also long been associated with the private sphere, with that which is beyond the law’s reach.114 CEDAW challenges this latter association by bringing both to the law’s attention and within the purview of international law. In doing so, however, it fails to mainstream either. Instead, it reinforces the feminine/private/rural association, and marginalizes both women and rurality.115 On a more positive note, CEDAW sees women’s autonomy as critical aspects of both types of development, and it attends to issues such as education and health care as key to fostering that autonomy.

The concerns which led to (2)(a)’s stipulation that women be included in development planning at all levels clearly persist. A 2008 United Nations Report, Rural Women in a Changing World, reveals that rural women’s situation has changed too little.116 India, for example, is among countries that have taken concrete steps to increase women’s participation in local government.117 In some Indian states, this has resulted in increased government spending on council-women’s priorities, such as drinking water and health care.118 But while some efforts to increase women’s participation in local government have proved effective, significant barriers still impede women’s involvement.119 These include women’s second shift, the fact that their private sphere responsibilities (e.g., the household family and child rearing)120 are typically greater than those of men. This leaves women

113. Pruitt, Gender, Geography, supra note 42, at 369-71.
114. Id. at 366-69; Pruitt, Migration, Development, supra note 2, at 750-51.
115. Rurality is often also a site for intersection with indigeneity. See Martínez, supra note 2, at 216-17 (discussing allocating resources to indigenous rural populations). On a more positive note, CEDAW sees women’s autonomy as a critical aspect of both types of development, and it attends to issues such as education and health care as key to fostering that autonomy.
116. RURAL WOMEN IN A CHANGING WORLD, supra note 55, at 35.
117. Id. (noting that a 1993 amendment to India’s constitution “included a measure to reserve one third of seats in panchayats (local governing councils) for women”). Many scholars have discussed the consequences of these quotas. See, e.g., Raghabendra Chattopadhyay & Esther Duflo, Women as Policymakers: Evidence from a Randomized Policy Experiment in India, 72 ECONOMETRICA 1409 (2004).
118. RURAL WOMEN IN A CHANGING WORLD, supra note 55, at 36.
119. Id.
120. Id. at 35.
with less time to participate in policy-making roles.\textsuperscript{121} Entrenched attitudes regarding gender roles also continue to hinder women’s opportunities for higher-level policy making positions.\textsuperscript{122}

\textbf{Article 14(2)(b).} To have access to adequate health care facilities, including information, counseling and services in family planning.\textsuperscript{123}

This “access to adequate health care facilities” clause came to be included in Article 14 because U.N. research “showed that a great part of the health expenditures intended for the most needy, especially for rural women, did not reach them and remained at the middle levels.”\textsuperscript{124} Article 14(2)(b) echoes Article 12, which is entirely about health care.\textsuperscript{125} Article 12, however, is more comprehensive than 14(2)(b). Specifically, Article 12 grants women “access to health care services, including those related to family planning . . . [and] appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.”\textsuperscript{126}

That Article 12 is more comprehensive than section (2)(b) of Article 14 might be seen as suggesting that less is due to rural women than to their urban counterparts, despite Section 14(1)’s broad statement applying “the provisions of the present Convention to women in rural areas.”\textsuperscript{127} Other differences in language between the two provisions support this construction. Whereas Article 12 talks of achieving women’s equality with men in terms of access to health care services, 14(2)(b) articulates the goal of “adequate health care facilities.”\textsuperscript{128} The latter provision’s use of the term “adequate” does not suggest rural-urban parity, but rather a sort of minimal standard.\textsuperscript{129} Thus, Article 12 is about equality between men and women,

\begin{itemize}
  \item \textsuperscript{121} \textit{Id.}
  \item \textsuperscript{122} See \textit{id.} (noting that in Central and South American countries, “grassroots acceptance of women’s participation is difficult and slow,” so that women are rarely involved in farmers’ organizations, and when they are, it is typically “only as members,” and rarely in leadership roles).
  \item \textsuperscript{123} CEDAW, \textit{supra} note 1, art. 14(2)(b).
  \item \textsuperscript{124} A/C.3/33/L.47/Add.1, \textit{supra} note 70, ¶ 149. This is consistent with the situation in India, for example. \textit{See} Pruitt, \textit{India’s Rural Remnant, supra} note 41, at Part II (discussing the situation in India).
  \item \textsuperscript{125} CEDAW, \textit{supra} note 1, art. 12.
  \item \textsuperscript{126} \textit{Id.}
  \item \textsuperscript{127} \textit{Id.} art. 14(1).
  \item \textsuperscript{128} \textit{Id.} art. 14(2)(b).
  \item \textsuperscript{129} \textit{See} Pruitt, \textit{India’s Rural Remnant, supra} note 41, at Part III.B (discussing the adequacy versus equality debate in the context of the capabilities framework developed by Amartya Sen and Martha Nussbaum, as well as in relation to spatial inequality across the rural-urban axis); \textit{see also} Pruitt, \textit{Spatial Inequality, supra} note 73, at 88 & n.573
\end{itemize}
while Article 14(2)(b) suggests mere adequacy—a minimal standard of health care—for rural women. In addition, pursuant to Article 12, rural women would enjoy equal access with men to the “adequate” rural facilities and services.

Article 12’s “as well as adequate nutrition during pregnancy and lactation” clause is an instance where attention to the needs of rural women revealed a concern subsequently elevated out of Article 14 and specified as a wider right for all women. The clause was originally proposed for Article 14(2)(b), but the working group believed the right “should not be limited to rural women.” This drafting history reinforces the construction that Article 12 applies to all women, including rural women. Article 14, then, highlights specific rights that urban women have historically enjoyed to a greater degree than rural women (e.g., access to health care facilities). Article 14(2)(b) thus seeks to obtain for rural women some of what urban women already tend to get. In essence, it draws attention to spatial inequality and rural disadvantage with respect to health care services.
Limited access to health care remains an issue for rural women today, a problem illustrated by the rate of pregnancy-related deaths. In many developing countries, the rate of pregnancy-related deaths is one in sixty-one, but it is higher still in sub-Saharan Africa, at one in fifteen. The rate of child delivery with a skilled attendant is also significantly lower in rural areas than in urban areas. In South Asia, for example, fewer than thirty percent of rural women deliver with the help of a skilled attendant.

Article 14(2)(c): To benefit directly from social security programmes.[136]

As in 14(2)(b), this provision suggests that social security is a right that urban women may have historically enjoyed to a greater extent than their rural counterparts. One reason for the difference in access to social security is the distinction between the formal and informal economies, with benefits such as social security associated with the former. “Social security” is not defined in CEDAW, but Article 11 on employment provides some insights into its intended meaning. It states that women shall enjoy, on a basis of equality with men, “[t]he right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave.”[137]

The FAO’s representative noted the importance of expanding to rural women “social security coverage, in particular as regards

Doc. A/32/218/Add.2 (Oct. 28, 1977). The inclusion of the family planning provision in Article 12 triggered less debate. With regard to Article 12, several delegates “objected to the reference to ‘services’ in connexion with family planning since there are no family planning services in some countries.” Some delegates thought this might lead to some countries’ refusal to ratify the Convention. U.N. Doc. A/C.3/33/L.47, ¶ 115 (Nov. 26, 1978). Others insisted that CEDAW be aspirational in this regard, “that the Convention should reflect the state of affairs desired and should contain guidelines for the future.” Id.

133. RURAL WOMEN IN A CHANGING WORLD, supra note 55, at 23.
134. Id.
135. Id. One consequence of this is obstetric fistula, which can leave women shunned by their partner and their community. Id. According to a United Nations report, “at least 2 million women in Africa, Asia and the Arab region are living with obstetric fistula as a consequence of prolonged obstructed labour, with some 50,000 to 100,000 new cases developing each year.” Id. The report further notes that a number of factors lead to obstetric fistula, including “early childbearing, the lack of skilled attendants at birth, inadequate emergency obstetric services and the lack of transportation facilities to reach such services.” Id. at 24; see also Pruitt, India’s Rural Remnant, supra note 41, at Part II.C.2 (describing rural-urban difference in health care access in India).
136. CEDAW, supra note 1, art. 14(2)(c).
137. Id. art. 11(1)(e).
sickness, disability and old-age pensions.” Other representatives expressed concern that the link between social security and “the non-monetized section of the economy” might preclude rural women’s access to social security benefits because of their association with the informal economy. Specifically, these representatives wanted women to “have access to social security in their own right and not as dependents.”

The inclusion of the clause on social security was one of the most hotly debated in Article 14, and it is one of the only provisions of Article 14 to which a member state has made a reservation. Egypt’s representative noted that “most developing countries were striving to extend social security coverage gradually, to all workers” and that “women in rural areas should have the right to social security on equal terms with men.” Whether she meant all men or only men in rural areas is not known. The U.S.S.R. representative agreed that it was “difficult for developing countries which as yet had no social security systems” to promise to extend social security to rural women. France proposed that rural women enjoy social security “when such a system exists in rural areas, at least for wage earners,” and Japan noted that unemployed urban women are not eligible for social security. Several different phrasing proposals were rejected; some would have granted women “personal rights to social security” or “social security in their own right.” While these rejected proposals do not seem fundamentally different than the language ultimately adopted, “[t]o benefit directly from social security programmes,” this drafting history does suggest that Article 14 was not intended to

138. E/CN.6/L.660/Add.7, supra note 130, ¶ 12 (noting the need for expansion of social security, “in addition to social services”).
139. A/34/60, supra note 71, ¶ 144. Rural women’s association with the informal economy also persists in the developed world. See Pruitt, Gender, Geography, supra note 42, at 349-51 (discussing the association of rural women with the informal economy in the United States).
140. A/34/60, supra note 71, ¶ 144.
141. Declarations, reservations, objections and notifications of withdrawal of reservations relating to the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/SP/2006/2, June 23, 2006, at 12-13 (articulating France’s reservation to Article 14(2)(c) as interpreting the provision as “guaranteeing that women who fulfill the conditions relating to family or employment required by French legislation for personal participation shall acquire their own rights within the framework of social security”).
143. Id. ¶ 25.
144. Id. ¶ 28; A/C.3/33/L.47/Add.1, supra note 70, ¶ 174.
145. See A/C.3/33/L.47/Add.1, supra note 70, ¶¶ 143-46 (recording proposed phrasing and delegates’ responses).
146. Id. ¶ 143.
147. Id. ¶ 146.
148. CEDAW, supra note 1, art. 14(2)(c).
require member states to extend social security to rural women per se. The intention was, rather, that in member states with social security programmes, rural women should benefit from them directly, and not only as the spouses of those working in the monetized sector. “Directly” thus appears to be a key word.

The 2002 United Nations study Women’s Rights in Agriculture\footnote{149. Lorenzo Cotula, Food & Agric. Org. of the United Nations, Gender and Law: Women’s Rights in Agriculture, FAO Legislative Study 76 (2002), available at http://www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/005/Y4311E/Y4311E00.HTM [hereinafter Women’s Rights in Agriculture].} describes obstacles women continue to face in obtaining social security benefits. In South Africa, for example, more women than men are eligible to receive social security due to the lower age requirement; however, fewer women than men actually receive these benefits because the former lack required identity cards.\footnote{150. Id. at 94.} In Tunisia, the general social security regime was extended in 1970 to cover agricultural laborers who are employed with the same employer for more than six months.\footnote{151. Id. at 96.} Women, however, do not easily benefit from this extension, because many women work in seasonal and temporary positions that do not meet the six-month requirement.\footnote{152. Id.}

**Article 14(2)(d):** To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, \textit{inter alia}, the benefit of all community and extension services, in order to increase their technical proficiency[.]\footnote{153. CEDAW, supra note 1, art. 14(2)(d).}

Just as 14(2)(b) regarding health care for rural women echoes Article 12, this subsection of Article 14 echoes another article—the one regarding education.\footnote{154. Id. at art. 10.} Indeed, Section 14(2)(d) germinated in Article 10 (on education), where the working group recognized the importance of access to education “in rural as well as in urban areas.”\footnote{155. U.N. Doc. E/CN.6/AC.1/L.12 (1974).} Article 10’s express applicability to rural women was made as early as Draft 4 in 1974,\footnote{156. See supra note 48 and accompanying text.} and Article 10 still features the only use of the word “rural” outside Article 14.

Thus, two articles address education. Article 10 does so in a very comprehensive fashion, specifying, for example, many contexts and features of education: exams, teachers, books, availability of scholarships, continuing education, and even access to education regarding
family planning. Article 10 also includes the acknowledgment of the rural context in Article 10(a), noting the need for “educational establishments of all categories in rural as well as in urban areas.”

Article 14(2)(d), on the other hand, is much briefer and focused entirely on the rural setting. The presence of these two provisions raises the issue of how to read them in tandem and, specifically, what rights regarding education CEDAW anticipates for rural women. As with access to health care, an apparent conflict exists between Article 14(1)’s language applying “the provisions of this Convention to women in rural areas” and Article 14(2)(d)’s narrower mandate regarding the education of rural women.

The *Travaux Préparatoires* suggest that representatives ultimately agreed that educational parity across the rural-urban axis was not feasible and not to be expected of member states. An early draft of Article 10 provided, “Each State Party . . . [shall] ensure women . . . [equal conditions of] . . . education in educational institutions.”

CEDAW, *supra* note 1, art. 10.

157. CEDAW Article 10 provides:
States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education . . . [suggesting even] revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education . . . particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

CEDAW, *supra* note 1, art. 10.

158. Id. art. 10(a).

159. Id. art. 14(2)(d). “Cuba proposed the inclusion of a reference to rural women’s access to ‘education’ in [Article 14], even though this had already been inferred in adopted Article 10.” REHOF, *supra* note 42, at 159 (citing U.N. Doc. E/CN.6/608, ¶ 122).
of all types, in rural as well as in urban areas, including universities, vocational, technical and professional schools . . . .”160 Some members of the working group expressed reservations about this language. Finland, for example, thought that the phrase “in rural as well as in urban areas” was “too ambitious” and “would imply . . . the establishment of universities all over the country, in rural as well as urban areas.”161 Ultimately, the language in Article 10(a) was changed from “equal conditions of access . . . in rural as well as urban areas” to “the same conditions for career and vocational guidance, for access to studies and or the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas . . . .” The change from “equal” to “same” may have been viewed as critical because the former carries particular meanings—and burdens—in legal contexts. Because Article 14(2)(d) makes no promise of “access to . . . universities,” its expectations thus appear narrower than those of Article 10. This suggests two things. First, the drafters recognized the expense associated with providing the most sophisticated and high-level services to spatially dispersed populations, where economics of scale are very difficult to achieve. Second, it suggests that, Article 14(1) notwithstanding, rural women are not expected to enjoy all of the benefits contemplated by CEDAW for women generally—essentially urban women. These differences between Articles 10 and 14(2)(d), illuminated by the Travaux Préparatoires, suggest that CEDAW’s goal is not, in fact, to provide parity of educational opportunity across the rural-urban continuum.

Further, 14(2)(d) implies that certain types of education are more significant than others to rural women. These include “non-formal” education, “functional literacy,” and “community and extension services” related to “technical proficiency.”162 The inclusion of these terms associates rurality with a lower degree of sophistication, which in turn implicates a lower caliber of educational need or service. Functional literacy suggests a need for adult education, while references to “community and extension services” and “technical proficiency” suggest rurality’s association with agricultural production.

Rural Women in a Changing World reports that, despite women’s gains in access to education, it remains out of reach for many.163 Girls account for three-fifths of the reported 113 million children of primary

162. CEDAW, supra note 1, art. 14(2)(d); see also A/32/269, supra note 30, ¶ 8 (similarly noting the need for rural women’s “vocational training, non-formal education and orientation, etc., to enhance development capabilities of women as well as to prepare them for family reunion” with a migrant spouse).
school age who are not in school, and 82% of children not in primary school in developing countries are in rural areas.\textsuperscript{164} In regards to non-formal education, a 2003 study in south-western Nigeria found that only 55.8% of women are aware of extension services in their area, and only one-third of those women see extension personnel regularly.\textsuperscript{165} Moreover, extension personnel tend to target landowners, leaving many women without advice and training to enhance their farming activities.\textsuperscript{166}

\textbf{Article 14(2)(e):} To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment.\textsuperscript{167}

Subsection 14(2)(e) appears to be the rural equivalent to or complement of Article 11, which discusses women’s rights in the field of employment,\textsuperscript{168} and Article 13, which addresses economic rights,

\begin{itemize}
\item\textsuperscript{164} Id.
\item\textsuperscript{165} Id. at 33.
\item\textsuperscript{166} Id. at 32.
\item\textsuperscript{167} CEDAW, supra note 1, art. 14(2)(e).
\item\textsuperscript{168} Id. art. 11. It provides:
\begin{enumerate}
\item States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
\begin{enumerate}
\item The right to work as an inalienable right of all human beings;
\item The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
\item The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
\item The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
\item The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
\item The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
\end{enumerate}
\item In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, State Parties shall take appropriate measures:
\begin{enumerate}
\item To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
\item To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
\item To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
\end{enumerate}
\end{enumerate}
\end{itemize}
including the “right to bank loans, mortgages and other forms of financial credit.” The drafters clearly saw self-help groups, co-operatives, and self-employment as key vehicles for rural women’s economic and social empowerment.

The working group that drafted Article 14 discussed the similarities and differences between self-help groups and co-operatives. The chairman clarified that a self-help group is “an arrangement of a co-operative kind which is not established as a formal co-operative.” Thus, the difference appears to be in the nature of legal status and degree of formality.

Consistent with Article 14(2)(c)’s attention to co-operatives and self-help groups, a 2005 assessment of the Global Donor Platform Regarding the Roles of Rural and Agricultural Development in Achievement of the Millennium Development Goals (Global Donor Platform) found rural organizations critical to “the political and economic empowerment of the rural poor.” One reason for this is the nature of rural spatiality; unlike their urban counterparts, impoverished rural populations “are spread over large areas.” While they may be networked with one another, they are not necessarily in a position to organize in order to improve their lot. The Global Donor Platform has thus called for governments “to provide the necessary legal framework” to facilitate organization by the rural poor. CEDAW can be an important motivator for member states to adopt such a framework.

Indeed, over the years, the U.N. had issued various publications about self-help groups and cooperatives in general, as well as how
they affect rural women specifically. A number of these reports appear to have influenced the inclusion of Article 14(2)(e) and its detail. The 1978 United Nations Report on the National Experience in Promoting the Cooperative Movement found familiar obstacles to women’s participation in cooperatives, including “lack of education, heavy work schedules in the home and in the fields and restrictive cultural and traditional attitudes.” The Report noted women’s acceptance as the “natural labour force” in the lower and local levels of co-operative employment, but observed that they rarely hold positions in higher echelons of these organizations. The traditional public-private divide, the Report observed, has left women lacking in confidence “to break out of their traditional roles and take on activities outside the home.” One result is that women often support male candidates rather than female ones for offices within co-operatives.

As in other contexts, women’s lack of land ownership may be a formal barrier—and not only a de facto one—to women’s advancement because it may preclude them from membership in an agricultural co-operative. Women’s involvement in these organizations thus “usually begins and ends with the preparation and delivery of produce for marketing,” while the men “vote and . . . control the proceeds from the sale.”

Nevertheless, co-operatives have sometimes proved successful vehicles for women’s empowerment. The 1978 Report observed that co-operative-provided services “relieve women of difficult time-consuming jobs in their home and farm work and assist them in carrying out their responsibilities in a more modern and efficient way.” The
United Nations has recognized that co-ops can enable women’s social emancipation, as well as their economic empowerment, by providing opportunities to “participate in decision-making.”\(^{184}\) Having learned the “power of association” through involvement in co-ops, women may press for services such as education and health care.\(^{185}\)

Perhaps because of this explicit U.N. recognition of co-operatives’ significance, a 1976 General Assembly Resolution about the National Experience in Promoting the Co-operative Movement noted “the social and economic benefits” that “all sections of society” reap from a range of co-operatives.\(^{186}\) The Report also stressed the value of “multipurpose co-operative[s]” to the “agricultural and allied rural sectors” in the developing world.\(^{187}\)

The World Bank’s 2009 *Gender in Agriculture Sourcebook* sheds light on obstacles rural women continue to face in forming self-help groups and co-operatives.\(^{188}\) One is that the distribution of work between women and men has not changed; women’s multiple responsibilities—including responsibilities for family and home—effectively limit their participation.\(^{189}\) Additional obstacles include the cost of participation in groups, as many women can invest their time in more profitable ways, as well as conflicts of interest that can arise between more educated women and poorer women regarding the distribution of benefits.\(^{190}\)

**Article 14(2)(f):** To participate in all community activities[.]\(^{191}\)

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185. *Id.* ¶ 29. The 1978 Report further notes that women are sometimes appointed to “responsible management posts, such as membership in national executive committees, and elected to high office.” *Id.* ¶ 28.


187. *Id.*

188. *SOURCEBOOK, supra* note 30, at 67.

189. *Id.*

190. *Id.*

This section originally articulated the right as one “to participate in all community activities including co-operatives,” thus linking community activities and co-operatives. After a lengthy discussion of co-operatives in relation to what became section (2)(e), the working group decided to omit the reference to co-operatives from (2)(f). The inclusion of (2)(f) seems to have been uncontroversial, although the type of community activities it envisages is not clear.

Because this right to participate in community activities is not expressed in similar terms elsewhere in the Convention, this provision might also be seen as suggesting that grass-roots or community level organizing is particularly significant in rural places, where higher-scale (e.g., municipal, state or national) public-sphere activity has less impact. This focus on the scale of the community suggests its importance in rural settings, where villages may be isolated from other places and the additional public sphere opportunities they represent. Otherwise, the right to participate in community activities would not seem necessary or worthy of particular mention in relation to rural women.

As a related matter, the mention of community activities might also reflect the drafters’ perception that patriarchy, and in particular the divide between public and private spheres, is more entrenched in rural places than in urban ones. Martha Freeman has asserted, for example, that development assistance has typically targeted land owners who are usually men because of patriarchal assumptions about gender roles. Various U.N. reports seem to suggest a presumption of entrenched rural patriarchy. These sometimes imply that ensuring women’s progress and empowerment is more critical in rural than in urban areas—perhaps because rural areas have lagged in this regard. A 2008 U.N. report, for example, observed the importance

192. A/C.3/33/L.47/Add.1, supra note 70, ¶ 158.
193. Id. ¶ 159.
194. See supra notes 63, 253-55 and accompanying text (discussing rural isolation and the relative absence of law in rural places).
195. See Pruitt, Gender, Geography, supra note 42, at 354, 366, 372 (describing rural patriarchy and gender roles); see also Welch, supra note 2, at 555-56 (discussing the de facto inequality of rural women in Africa as the “reality of village life”).
196. See Freeman, supra note 27, at 98 (discussing development aid going to men in their roles as head of the family); see also Pruitt, Migration, Development, supra note 2, at 722-28 (discussing the differing types of development assistance that have historically flowed to men and women); Ann Whitehead & Helen Bloom, Agriculture, in GENDER AND DEVELOPMENT: A PRACTICAL GUIDE 41, 53 (Lise Østergaard ed., 1992) (describing the effect of patriarchal assumptions on a Gambian development project).
197. The 1977 U.N. report on “Women in Rural Areas” noted that among projects which had then recently been approved for implementation at the national level, four related to rural women, and one of these was described as “[r]esearch in five countries on the impact of modernization on rural women, and attitudes towards the roles of
of “monitor[ing] the changes in the rural economy from a gender equality perspective” because the “empowerment of women is ‘smart economics’” in light of their “critical role” in rural places. As a consequence, “addressing gender inequalities can increase the efficiency of resource use and enhance rural development outcomes.”

Further, various commentators have focused on poor rural women, sometimes treating “rural” as virtually synonymous with “poor.” These commentators have noted the particular struggles that rural women—especially indigenous women—face. Aída González Martínez, for example, has written that “[c]ustoms, attitudes, beliefs, and traditions” in Latin America “discriminate against women in general, but women in rural or farming areas are specifically vulnerable regarding their limited access to health care, especially reproductive health services, education, employment, land ownership, and community decision-making processes.”

In a somewhat similar vein, Martha Nussbaum’s work—while focusing broadly on human rights and capabilities for all—has asserted that within any population—even among greatly impoverished and otherwise disadvantaged groups—women experience added disadvantage.

Women in much of the world lack support for fundamental functions of a human life. They are less well nourished than men, less healthy, more vulnerable to physical violence and sexual abuse. They are much less likely than men to be literate, and still less likely to have preprofessional or technical education. Should they attempt to enter the workplace, they face greater obstacles . . . frequently, without effective legal recourse.

Nussbaum cites the United Nations 1997 Human Development Report for the proposition that no country in the world “treats its women as well as its men, according to a complex measure that includes life expectancy, wealth, and education.” She observes that the problem is particularly acute in developing countries, where “[g]ender inequality is strongly correlated with poverty.”

The situation of rural women in the developing world is particularly dire because
they live in the least developed places—the doubly undeveloped, if you will—with the least basic needs infrastructure and the fewest services and opportunities.

But Article 14(2)(f) is not the only place where CEDAW takes on patriarchy and its manifestation in the public-private divide. Article 13 stipulates that “[t]he right to participate in recreational activities, sports and all aspects of cultural life” are among women’s economic and social rights. Article 14(2)(f) also seems to complement Article 7, which mandates that States Parties “eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure . . . the right [t]o vote in all elections . . . and to be eligible for election to all publicly elected bodies,” the right to participate in formulating and implementing government policy, the right “to hold public office and perform all public functions at all levels of government,” and the right to “participate in non-governmental organizations and associations concerned with the public and political life of the country.” Article 11 seeks women’s inclusion in a range of economic activities, including many outside the home and in the market. CEDAW thus includes various provisions that aim to bring women into the public sphere. Article 14(2)(f) appears to be principally a rural equivalent or compliment to this broader effort to bridge the public-private divide.

**Article 14(2)(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.

This provision is one of several that links rural livelihoods to agriculture and, by extension, the land. Like many other United Nations organizations and documents, Article 14(2)(g) recognizes the significance of women’s roles in food production. Indeed, women produce about half of the world’s food for direct consumption, with 428 million women worldwide working in the agricultural sector.
many regions it is the principal sector for women’s employment.\(^{211}\) In the labor forces of less developed countries, two-thirds of women work in agriculture.\(^{212}\) Yet in spite of their widespread significance to food production, “women own less than two percent of the land worldwide, and they receive less than ten percent of the available credit.”\(^{213}\)

Article 14(2)(g) responds to such deficits by mandating equal access to agricultural credit and loans, as well as better access to land title via “land and agrarian reform.”\(^{214}\) Article 14(2)(g) appears to have been influenced by various U.N. reports that preceded the Commission’s work. General Assembly Resolution 1213 on Land Reform (1967) drew on a report of the 1966 World Land Reform Conference and emphasized “the importance of supporting institutional measures in the fields of credit, marketing, rural extension, co-operatives and peasant organizations and other related measures necessary for the implementation of effective agrarian reform.”\(^{215}\) A World Conference on Agricultural Credit in 1975 resulted in the establishment of regional agricultural credit associations\(^{216}\) and may have

\(^{211}\) Id.

\(^{212}\) Id. (reporting that sixty-eight percent and sixty-one percent of women who work in Sub-Saharan Africa and in South Asia, respectively, are employed in agriculture). Taking into account both self-employment and wage labor, women provide more labor in agriculture than men in a number of regions, including Asia, Sub-Saharan Africa, the Middle East, North Africa, and some Caribbean and Central American countries. SOURCEBOOK, supra note 30, at 317.


\(^{214}\) CEDAW, supra note 1, art. 14(2)(g); see also A/32/269, supra note 30, ¶¶ 5, 19 (discussing the need for land reform in order to empower rural women).


(a) take urgent steps to arrange for small farmers to have access to institutional credit, both so as to facilitate their development, and to reduce the burden of chronic debt owed to non-institutional sources, and the financial hardship caused by natural calamities, associated with this sector; (b) provide adequate financial and other support to agricultural credit institutions to enable them to meet all the legitimate credit needs of potentially viable as well as viable small farmers.

Id. at 12, II (a) and (b).

The Conference also recommends “that governments ensure easy physical access to agricultural credit, either by means of cooperatives or by networks of branch banks.” Id. at 15, II(b).

Finally, “[i]t was agreed also that loans to small farmers should have enough flexibility to apply to all crops in the total rotation.” Id. at 19.
addressed issues specific to women. Women’s access to agricultural credit and loans was highlighted as an area needing further research in the preliminary report that the Secretary-General submitted to the General Assembly at its thirty-first session in 1976, but the research and report were not yet complete when CEDAW was adopted in 1979.

While CEDAW Article 13 grants women a “right to bank loans, mortgages and other forms of financial credit,” the provisions of (2)(g) are otherwise distinct from that Article (on economic and social life) and Article 11 (about employment). Other parts of (2)(g) are without apparent parallels outside the rural context; these relate to economic rights and empowering women by providing marketing facilities and appropriate technology. A 1979 U.N. Document provides a definition of “appropriate technology” that links the term to developing countries: that “within the context of technology acquired for development plans in many less developed countries, taking into account human resources, currency available, impact on the labour market, labour-intensive versus capital-intensive technology, and the social consequences that the specific technology brings into a society.”

Section 14(2)(g) is one provision where recognizing the rights of women was somewhat controversial, with delegates suggesting that rural men, too, faced the sorts of challenges to which this provision was intended to respond. According to the Travaux Préparatoires, “[a] few representatives stated that they could not see why the

The report seems to assume that farmers are men because it uses the pronouns “him” and “his.” Statement by the Vice President of the World Bank, at 7.

217. U.N. Doc A/31/205 at 5-8 (Dec. 22, 1976) (proposing “further research on the extent to which women participate in agriculture, industry, trade, and science and technology”). This Report specifically draws attention to issues facing women engaged in agriculture. It calls for policy recommendations and actions that will upgrade women’s participation not only in agriculture, but also in “industry, trade sciences and technology.” Id. Regarding agriculture, it calls specifically for study of the “composition of the rural labor force by sex,” “agricultural economy and structure,” social organization, trade and financing, women’s wages, “credit and loans to women,” “transfer technology and women,” women’s participation in training programs, and the science and technology needed for women to enhance their skills. Id.

218. CEDAW, supra note 1, art. 13(b).

219. This language echoes some in a 1977 U.N. document, which calls for “the development of programmes of assistance for women in agricultural production, processing and marketing with special attention to food preparation, preservation and consumption.” A/32/269, supra note 30, ¶ 5.

220. A/34/60, supra note 71, ¶ 165. Another document refers to technology in relation to generating energy: “electric power and other types such as draft animal and mechanization and other specific technological improvement to generate cheap energy and decrease women’s overwork without pay.” A/31/205 (Dec. 22, 1976) subp. (4)(22)(c). Yet, another refers to the use of “appropriate technology” to “alleviate the drudgery of rural women’s work” and “to reduce the heavy workload of women and increase their productivity.” A/32/269, supra note 30, ¶¶ 3, 5.
content of this subparagraph should apply only to women.” 221 The Ghanaian representative said she had queried this when the amendment was being drafted, and other co-sponsors had explained “that discrimination in these sectors existed in some countries.” 222 Once again, this discussion suggests concern with spatial inequalities—with what entire rural populations are more likely than their urban counterparts to be lacking.

In spite of CEDAW coming into force some three decades ago, the 2008 data regarding women’s credit and land ownership are so appalling as to suggest the complete inefficacy of the provision. 223 Women’s inability to obtain agricultural credit can lead to their reliance on the informal sector to meet their needs, which can be exploitative of poor producers. 224 Moreover, “women own very little agricultural land,” 225 which in some countries hampers their ability to obtain credit.

**Article 14(2)(h):** To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications. 227

As already noted, CEDAW has been touted as reflecting greater concern regarding socioeconomic rights than prior human rights treaties, and this is arguably most evident in Article 14(2)(h). Indeed, neither housing nor the types of communal infrastructure specified in subsection (2)(h) are mentioned elsewhere in CEDAW. The reason may be that shared infrastructure that the State typically finances and provides—sanitation, electricity, water, transport, and

221. A/34/60, supra note 71, ¶ 170.
222. Id. (adding that the Swedish representative gave some illustrations of this, but not including these illustrations in the document). Whether the Ghanaian representative was referring to gender discrimination or some other basis of discrimination is unclear.
224. RURAL WOMEN IN A CHANGING WORLD, supra note 55, at 31.
225. Id. at 27.
226. Women’s Rights in Agriculture, supra note 149, at 20-21 (listing the Dominican Republic and Honduras as among these countries).

Requiring the authorization of the husband for women’s application for credit and mortgage is a widespread practice adopted by financial institutions. In Jamaica, only 5 percent of the loans of the Bank of Agricultural Credit goes to women. . . . In a study from the Andean region, only 29 percent of interviewed women had applied for a loan (compared to 43.2 percent of men); 91 percent of women applicants had been granted the loan (compared to 85 percent for men).

Id. at 114.
227. CEDAW, supra note 1, art. 14(2)(h).
communication—is taken for granted in urban areas, where it is far more likely to be in place.228

This sub-provision of Article 14(2), which was not in the initial draft of what became Article 14, was proposed by Bangladesh, Ghana, Guyana, India, Kenya, New Zealand, Sweden, and the United Kingdom.229 The inclusion of this language, like that of (2)(f), seems to have been uncontroversial, although the drafting history indicates that the Dutch representative called for a “similar provision [to be] included for all women” in Article 13, which addresses other aspects of economic and social life.230 The chairman proposed proceeding on the understanding that if urban women were to enjoy these rights in the way they were specified for rural women in 14(2)(h), “provisions to this effect should be included among the general provisions of the Convention.”231 Such provisions were not ultimately included outside 14(2)(h), which suggests that the same socioeconomic rights are not due to urban women, or to urban populations more generally.

In part because of these rights’ association with rural populations, section (2)(h) is the part of Article 14—and, indeed, all of CEDAW—that appears most concerned with spatial inequality. This is partly because (2)(h) specifies certain socioeconomic rights, the fulfillment of which would almost certainly benefit rural men as much as rural women. For example, if member states live up to their obligations under (2)(h)—to provide the sort of infrastructure necessary for rural women to have sanitation, water, electricity, and communication—they will necessarily be making these services available to rural men.232 In fact, any member state that meets its obligations under (2)(h) will be making a major contribution to ameliorating the consequences of uneven development.

As such, compliance with section (2)(h) is potentially very costly to member states, especially to those at early stages of development. That is, (2)(h) imposes real fiscal burdens in ways that many other provisions of CEDAW do not. Aída González Martínez, former Ambassador for Mexico and Member and Chair of the CEDAW Committee, has observed, for example, that small public coffers have limited

228. See Pruitt, India’s Rural Remnant, supra note 41 (detailing the availability of core infrastructure such as advanced sanitation and water across the rural-urban axis); see also SEN, supra note 84, at 3 (noting that “public facilities” are implicated in relation to poverty and well-being, along with “systemic social deprivation” and “intolerance”).
231. Id.
232. See DIANE ELSON, BUDGETING FOR WOMEN’S RIGHTS: MONITORING GOVERNMENT BUDGETS FOR COMPLIANCE WITH CEDAW, 58-59 (U.N. Dev. Fund 2006) (noting that public services such as paved roads, sanitation systems, defense, and policing cannot be broken down into individual units, but instead, are enjoyed by entire communities).
several Latin American member states’ efforts to provide sanitary services, road and irrigation infrastructure, and the electrical, water, transport, and communication services called for in Article 14(h).

In *Budgeting for Women’s Rights*, Diane Elson observes that “geographical distribution of infrastructural facilities” may reveal spending patterns that are gendered. She notes, for example, that if women and girls comprise a higher percentage of rural populations than do males, low infrastructure spending in rural areas may reflect gender bias. Spending priorities within a given geographical area may also reflect gendered priorities (e.g., roads and sanitation systems). Therefore, Elson argues, all groups of women should be involved in establishing spending priorities, an idea reflected in 14(2)(a)’s inclusion of rural women in “all levels” of development planning.

*Rural Women in a Changing World* highlights continuing inadequacies in rural living conditions. Citing a 2005 World Health Organization study, the report states that, in developing countries, a mere thirty-one percent of rural areas have adequate access to safe water and basic sanitation, while seventy-three percent of those in urban areas do. More recently, a 2010 study reports that many girls and women travel more than an hour each day to gather water. Various countries have invested in efforts to improve access to safe water and sanitation, but the majority of the world’s rural women continue to endure unsanitary water supplies and otherwise inadequate living conditions.

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233. Martínez, *Rights of Rural Women*, supra note 2, at 213 (noting that limited state resources have also impeded member states’ efforts to provide health care).
235. Elson, supra note 232, at 59.
236. Id.
237. *Id.*, at 58. This is consistent with what has happened in India with the mandatory representation of women in local government; see *supra* note 108 and accompanying text.
238. RURAL WOMEN IN A CHANGING WORLD, supra note 55 at 2-3.
239. *Id.*, at 29.
241. See RURAL WOMEN IN A CHANGING WORLD, supra note 55, at 28-29 (discussing water provision programs and continuing lack of adequate access to water). Morocco is among the nations to report affirmative steps toward increasing rural populations’ access to clean water through the enactment of The Water Supply Programme for Rural Populations (PAGER). *Id.* PAGER has expanded safe water access to fifty percent of Morocco’s rural areas in its first decade, resulting in improved public health and sanitation, as well as a twenty percent increase in rural girl’s primary school attendance. *Id.*
V. ARTICLE 14’S EXPRESSIVE SIGNIFICANCE

Three decades after CEDAW’s ratification, it is worth pondering the material and expressive impact of Article 14’s attention to rural women.242 The Rural Women in a Changing World report and the Gender in Agriculture Sourcebook help us assess the former,243 as do the numerous reports that member states have filed with the United Nations to report their progress under the Convention.244 While signs of progress are mixed, we can safely assume that the very inclusion of rural women and rural concerns on the checklist of matters about which member states must report has increased rural women’s visibility among domestic law and policy makers.245 Very rare is the member state that indicates in its periodic report to the United Nations that it has nothing to say about Article 14 and rural women.246 It is nevertheless rarely possible to say with certainty whether nations have altered their development programming in response to CEDAW’s Article 14, or whether they are simply listing in their periodic reports to the United Nations their laws and programs which happen to be beneficial to rural women. In short, cause and effect are difficult to determine.

Like developing countries, member states from the Global North also regularly mention rural women in their reporting under CEDAW, though these entries are rarely as lengthy as those of developing nations.247 When developed countries do report progress and

243. RURAL WOMEN IN A CHANGING WORLD, supra note 55, at 2-3.
244. See Pruitt, Migration, Development, supra note 2, at 733-36 (discussing CEDAW’s reporting obligations on member states); see also id. at 735-47 (discussing the progress that Ghana, India, China and South Africa have reported in relation to CEDAW’s Article 14). Critiques of CEDAW and the apparent inefficacy of its enforcement and reporting procedures provide a balanced perspective. See, e.g., Evatt, supra note 8, at 449 (discussing CEDAW’s ability to effect change); Hillock, supra note 6, at 487, 512-13 (arguing that CEDAW’s reporting procedures are overly complex and that its provisions create a “perpetual state of bondage [that] has no place within a true democratic society”).
245. See Pruitt, Migration, Development, supra note 2, at 736-39 (discussing changes to land tenure laws in Ghana, India, South Africa).
challenges under Article 14, they tend to focus on women’s roles in agriculture, access to services such as health care, education and job creation and training. They less often address issues such as cooperatives and self-help groups or women’s involvement in development planning. Still, Article 14 challenges the developed world’s tendency to conflate “rural” with “developing.” It prompts law and policy makers in the Global North to think about the relevance of the rural-urban axis and the particular needs of rural women and their

248. See Austria Report, supra note 247, at 68-71 (noting that as much as forty-one percent of agricultural holdings by natural persons were held by women); Comm. on the Elimination of Discrimination against Women, Combined Fourth and Fifth Periodic Reps. of States Parties: Ireland, 107, U.N. Doc. CEDAW/C/IRL/4-5 (June 10, 2003) (“The Government in the ‘Action Programme for the Millennium’ made a commitment ‘to recognise the role of women in agriculture by setting up a special Advisory Committee to advise on, and monitor progress, with policy initiatives to support women in agriculture.’ ”); Netherlands Report, supra note 247, at 62 (stating that rural women are rarely employed in agriculture, but rather are married to or living with farmers and noting that these women are employed in sectors other than agriculture; id. at 79 (reporting results from a study of the number of women and the role of women in agriculture and horticulture and their roles in these enterprises).

249. Australia Report, supra note 247, at 83, 102 (detailing health care initiatives in rural communities and reporting the Rural Transactions Centres Programme, which establishes multi-purpose centres in rural communities); Austria Report, supra note 247, at 69 (noting “a number of further education and upskilling programmes were conducted . . . education is considered as the key to success”). Japan reports that the level of women’s involvement in cooperatives is low, at 13.3 percent, while women’s representation among agricultural committee members is lower still, at less than one percent. See Comm. on the Elimination of Discrimination against Women, Fourth Periodic Reps. of States Parties: Japan, 41, U.N. Doc. CEDAW/C/JPN/4 (Aug. 28, 1998) [hereinafter Japan Report].

250. See Austria Report, supra note 247, at 69 (noting “further education training and upskilling programs”); Swedish Report, infra note 251, at 54 (reporting that Swedish rural development programme promotes “women’s chances of finding employment and starting businesses in rural areas”).

251. But see Australia Report, supra note 247, at 101-03 (reporting the establishment of Regional Women’s Advisory Council in September 1999).

The Council’s role is to provide a conduit for the views and perspectives of women in regional and rural Australia on social and economic development issues. The Council, through the Minister, also provides input to government decision-making to ensure that the views of women in regional areas are taken into account in the development of policies and programmes for regional Australia.

communities, many of which relate to infrastructure and the delivery of key services, such as health care and education. Like their developing world counterparts, rural women in developed nations also stand to benefit from Article 14’s attention to economic empowerment (e.g., credit, marketing, and extension services), and some developed nations do address this, though rarely in relation to agriculture. Developed countries also tend to mention the provision of


253. See Burrows, supra note 2, at 447-48 (noting the value to women of agricultural credit on the same terms as men in “countries at different levels of development”). While the United States is not a party to CEDAW, it recognizes this problem. See NAT'L AGRIC. STATISTICS SERV., 2007 CENSUS OF AGRICULTURE, 54 tbl.50, 58 tbl.54 (2009), available at http://www.agcensus.usda.gov/Publications/2007/Full_Report/usv1.pdf (reporting that Commodity Credit Corporation Loans (CCC Loans) and Federal Farm Program Payments rates differ between farms principally owned by women and men). The 2007 Census of Agriculture reported that 0.48% of farms principally owned by women received CCC Loans, while 2.29% of all farms received the same loan. Id. Farms principally owned by women had a higher rate of Conservation Reserve, Wetlands Reserve, Farmable Wetlands, or Conservation Reserve Enhancement Programs. Id. Other federal farm program payments were given at a rate of 18.22% to women’s farms and at a rate of 31.18% for all farms. Id.; see also Cesar L. Escalante, James E. Epperson & Uthra Raghunathan, *Gender Bias Claims in Farm Service Agency's Lending Decisions*, 34 J. AGRIC. & RESOURCE ECON. 332, 337 (2009) (discussing female farm owners in Montana who “sued the USDA for gender discrimination in the administration of FSA farm loan programs”). The women claimed they were denied the chance to apply and that they were not provided with adequate loan service when they did apply. Id.; see also Garcia v. Vilsack, 563 F.3d 519 (D.C. Cir. 2009), cert. denied, 130 S. Ct. 1138 (2010) (affirming the dismissal of the women’s APA claims as barred by an alternative form of relief under the Equal Credit Opportunity Act).

254. See Swedish Report, supra note 251, at 54 (reporting that the Swedish rural development programme promotes “women’s chances of finding employment and starting businesses in rural areas”); Comm. on the Elimination of Discrimination against Women, Combined Sixth and Seventh Periodic Reps. of States Parties: Canada, 40, 58, U.N. Doc. CEDAW/C/Can/7 (Aug. 17, 2007) [hereinafter Canada Report] (reporting that Ontario “delivers the Community Futures Program” to fund “women-targeted projects[,] . . . 529 women-led businesses received loans,” and that Prince Edward Island gives attention to economic development in rural communities); Australia Report, supra note 247, at 101 (reporting “principles, strategies and best practice case studies to assist organisations to better support the roles of women in agriculture and resource management” contained in the Commonwealth-State Standing Committee on Agriculture and Resource Management publication *A Vision for Change: National Plan for Women in Agriculture and Resource Management*); id. at 102 (reporting 14.5 million dollars in funding for the Foundation for Rural and Regional Renewal). But see Austria Report, supra note 247, at 70 (recognizing women farmers’ economic contributions); Japan Report, supra note 249, at 42-43 (reporting “technological guidance and information on management and funds to rural women who want to start farming,” and also reporting “home economics extension service” that is beginning to focus more on “improvement of agricultural work, the coordination of farming and living plans”).
child care as a service to rural women, at least implicitly recognizing how critical it is to their economic productivity.\textsuperscript{255}

CEDAW's rural exceptionalism—that is, its naming of rural difference by including an entire Article addressing rural women's needs—thus seems at first blush a positive turn for rural populations, who are often rendered invisible to decision makers by virtue of spatiality, as well as their lack of political and economic power.\textsuperscript{256} But CEDAW does not mainstream or truly integrate rural women and their concerns because it cabins them in a single article. The Convention effectively designates rural women as “other,”\textsuperscript{257} suggesting that the Convention as a whole is primarily about urban women. “Women unmodified”—those outside Article 14, that is—are thus actually urban women, the implicit norm. Not only are urban women the norm, CEDAW’s language suggests that rural women are often entitled to less than their urban counterparts in terms of key rights, such as health care and education.

In a similar vein, Professor Darren Rosenblum has argued that CEDAW’s gender “equality strategy presumes as normative the masculine standard,” which “foster[s] a harmful binary that places women in the inferior position.”\textsuperscript{258} He argues that such “opposing visions of

\textsuperscript{255.} See Canada Report, supra note 254, at 40 (“The Live-in Caregiver Program (LCP) assists Canadian and permanent resident employers to recruit caregivers to live and work in their homes to provide childcare, home support for seniors or the disabled.”); id. at 105 (“Flexible and affordable childcare in rural areas is a challenge in improving the economic security of rural women.”); Austria Report, supra note 247, at 65, 69 (including rural women in the child-care benefit programs); Netherlands Report, supra note 247, at 77 (reporting an expert meeting entitled “Diversity in combining work and care”).

\textsuperscript{256.} Pruitt, Migration, Development, supra note 2, at 751-52; Pruitt, Gender, Geography, supra note 42, at 370, 371 & nn.204-205 (quoting NEIL WEISDALE, RURAL WOMAN BATTERING AND THE JUSTICE SYSTEM 49 (1998) who argues patriarchy in rural areas is shaped around “women’s more limited opportunities for survival in the wage labor market”); see also KNOWING YOUR PLACE: RURAL IDENTITY AND CULTURAL HIERARCHY 2, 17 (Barbara Ching & Gerald Creed eds., 1997) (noting that “the rural/urban distinction underlies many . . . power relations” and that “the city remains the locus of political, economic and cultural power”).

\textsuperscript{257.} Rosenblum, supra note 17 (discussing the “otherness” of women in general created by “women’s rights discourse”) (citing Dianne Otto, Disconcerting ‘Masculinities’: Reinventing the Gendered Subject(s) of International Human Rights Law, in INTERNATIONAL LAW: MODERN FEMINIST APPROACHES 105, 106 (Doris Buss & Ambreena Manji eds., 2005)).

\textsuperscript{258.} Id. As Dianne Otto argues, the emphasis on certain “female subjectivities” establishes the “otherness” of women in women’s rights discourse. Otto identifies three “female subjectivities” reproduced by human rights discourse, each of which is marginalized by a corresponding masculine subject. First, the wife and mother requires protection and “is more an object than a subject of international law.” Men, as heads of households, form the masculine component of this binary. The second subjectivity is the “formally equal” woman, whose role in public life is measured by the extent to which it matches the implicit ‘masculine standard of ‘equality’ against which her claims to equality are
the masculine and feminine ‘organize[] sex/gender as a hierarchy, with the masculine assuming the position of authority.’” 259 Rosenblum thus endorses Dianne Otto’s call to “dismantle the hierarchical binary of gender” by reconceiving it “as fluid and formulated as a hybrid.” 260

Similar concerns are raised by the rural-urban binary manifest in CEDAW. Indeed, analogous to Rosenblum and Otto’s point regarding the gender binary is rural sociologist Ann Tickamyer’s call for movement past “binary spatial distinctions,” such as the rural/urban dichotomy, favoring instead “spatial continua.” 261 Yet CEDAW embraces the rural/urban dichotomy, segregating rural women in Article 14 and leaving the remainder of the Convention—its rhetorical and substantive bulk—to be primarily about urban women, who represent both norm and superiority. CEDAW thereby reinforces politically and in law the marginalization that rural women already experience by virtue of the physical geography that separates them from centers of power. An unintended downside to naming the category “rural women” is thus the privileging of the urban and a corresponding marginalization of the rural.

On the other hand, to name a group and endow them with rights is a powerful symbol—and it may also have powerful material consequences. As Hilary Charlesworth has pointed out, “rights discourse offers a recognized vocabulary to frame political and social wrongs” for those who have been historically disadvantaged. 262 She notes other prominent critical scholars’ defense of rights rhetoric, including Patricia Williams’s statement that “[r]ights” is “deliciously empowering to say” and “a sign for and a gift of selfhood,” as well as Martha

assessed . . . .” This equality strategy presumes as normative the masculine standard, thereby fostering a harmful binary that places women in the inferior position. Third is the female victim “produced by colonial narratives of gender” and the perceived “sexual vulnerability” of women. The male homologue for this subjectivity is the masculine bearer of “‘civilization’ and savior of ‘good’ women from ‘bad’ often ‘native,’ men.”

In reproducing these hierarchical binaries, CEDAW’s potential for transforming women’s lives is compromised. Most of the CEDAW provisions follow a formal equality yardstick, measuring success as the extent to which men have access to a particular social position. The imprecision of the term “women” becomes clearer once we consider the different contexts in which “women” exist—they are wives and mothers, persons equal to men, and victims. Each of these subjectivities arouses a legal response within CEDAW. Most important is the extent to which the Convention renders invisible the individuals identified as women but do not fit into these three subjectivities.

Id. (citations omitted).
259. Id. at 22 (citation omitted).
260. Id. (citation omitted).
262. Charlesworth, supra note 28, at 61.
Minow’s reluctance to criticize rights language “just when [rights] have become available to people who had previously lacked access to them.”

Although the empowerment that may accompany “rights talk” and “rights endowment” is appealing, most of the women who stand to benefit from Article 14 are likely not aware of these rights. The vast majority of the world’s rural women are in developing countries.

The extent to which these women know about CEDAW generally, let alone Article 14 in particular, is doubtful. Further, as I have discussed elsewhere, rural women presumably have fewer opportunities than their urban counterparts to enforce their rights because of the relative absence of law and legal actors in rural places.

Yet another indicator of the impact of CEDAW’s explicit inclusion of rural women is its influence on other human rights instruments. Since CEDAW’s drafting and ratification, three such instruments have followed CEDAW’s lead in that they have also discussed the needs of rural populations. These instruments have done so, however, in ways that deviate from CEDAW’s cabining rural people in a single article.

One of these, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Protocol), refers to women in rural areas in several different provisions that mirror the language of CEDAW’s Article 14. Article 14(2)(a) of the Protocol

263. Id. (quoting Patricia Williams, Alchemical Notes: Reconstructing Ideals from Deconstructed Rights, 22 HARV. C.R.-C.L. L. REV. 401, 431 (1987); Martha Minow, Interpreting Rights: An Essay for Robert Cover, 96 YALE L.J. 1860, 1910 (1987)).

264. See supra note 41 and accompanying text (asserting that the majority of the developing world’s population lives in rural areas).

265. See SALLY ENGLE MERRY, HUMAN RIGHTS AND GENDER VIOLENCE: TRANSLATING INTERNATIONAL LAW INTO LOCAL JUSTICE 179 (2006) (discussing laypersons’ consciousness regarding international human rights); see also Heather Dawn Alexander, Reversing the Disenfranchisement of Rural Women: Using CEDAW as a Case Study for the Incorporation of Anthropological Methodology into International Legal Research, (2010) (unpublished manuscript) (on file with author); Evatt, supra note 8, at 449 (stating that as of 1991-92, women’s NGOs were not yet very familiar with CEDAW).

266. Pruitt, Migration, Development, supra note 2, at 750-51.

mandates “adequate, affordable and accessible health services . . . to women especially those in rural areas,” whereas Article 19 on the “Right to Sustainable Development” includes the goal of “promot[ing] women’s access to credit, training, skills development and extension services at rural and urban levels in order to provide women with a higher quality of life and reduce the level of poverty among women.” The latter provision pairs rural with urban, suggesting that women in both types of places share similar needs in relation to economic development.

The African Youth Charter (Charter) also makes a number of references to rural youth, taking up some issues associated with rurality that CEDAW does not. At other points, it merely acknowledges geography, pairing rural and urban in a way similar to the Women’s Protocol to the African Charter. Specifically, the Charter includes a provision that calls for “revitalis[ing] vocational education and training” and “expand[ing] access by developing centres in rural and remote areas.” Two provisions of the Charter are attuned to the role of amenities in rural areas as a means, apparently, of stemming rural-to-urban migration. Article 14(2)(a) seeks the “[en]hancement of the attractiveness of rural areas to young people by improving access to services and facilities such as educational and cultural services,” while Article 22 on Leisure, Recreation, Sportive and Cultural Activities calls for “[p]utting in place adequate infrastructure and services in rural and urban areas for youth to participate in sport, physical education, cultural, artistic, recreational and leisure activities.” This latter provision suggests the rural-urban binary and the equal importance and needs of both types of places.

Finally, Article 16 on “Health” suggests that rural places are similar to poor urban places in its call for “[m]ak[ing] available equitable and ready access to medical assistance and health care especially in rural and poor urban areas with an emphasis on the development of primary health care.” Unlike CEDAW’s Article 14(2)(b), the

270. Youth Charter, supra note 269, art. 13(4)(e).
271. Id. art. 13(4)(e).
272. Id. art. 14(2)(a).
273. Id. art. 22(1)(b).
274. Id. art. 16(2)(a).
Charter calls for equitable facilities and not merely adequate ones. With its mention of rural concerns and challenges in several different articles, the Charter reflects a more pervasive and mainstreaming approach to rural concerns than either CEDAW or the Women’s Protocol to the African Charter.

The Convention on the Rights of Persons with Disabilities (Disabilities Convention), the most recent Convention to mention rural difference, also makes several references to the “rural.” Article 9(1), for example, states in relevant part that member nations must provide disabled persons access, “on an equal basis with others, to the physical environment, to transportation, to information and communications . . . and to other facilities and services open or provided to the public, both in urban and in rural areas.” The Disabilities Convention recognizes geography in a way more akin to the Charter by acknowledging both rural and urban. Other provisions evince recognition of spatial challenges associated with rural-ity by mandating provision of health services and habilitation and rehabilitation services “as close as possible to people’s own communities, including in rural areas.”

All three of these post-CEDAW human rights instruments have handled rural difference and concern for rural populations in a way that could be seen as more pervasive and less marginalizing than CEDAW’s Article 14. The breadth of expressed needs for rural populations is especially apparent in the Charter and the Disabilities Convention. These instruments approach rural difference more in terms of rural places and less in terms of rural people. They do so by acknowledging the consequences of rural-ity, which includes the


276. Id. art. 9(1); see also Convention on the Rights of Persons with Disabilities, UNITED NATIONS ENABLE, http://un.org/disabilities/default.asp?id=150 (last visited Jan. 31, 2011). The Convention on the Rights of Persons with Disabilities and its Optional Protocol was adopted on 13 December 2006 at the United Nations Headquarters in New York, and was opened for signature on 30 March 2007. There were 82 signatories to the Convention, 44 signatories to the Optional Protocol, and 1 ratification of the Convention. This is the highest number of signatories in history to a UN Convention on its opening day. It is the first comprehensive human rights treaty of the 21st century and is the first human rights convention to be open for signature by regional integration organizations. The Convention entered into force on 3 May [sic] 2008. Id.; Convention and Optional Protocol Signatures and Ratifications, UNITED NATIONS ENABLE, http://www.un.org/disabilities/countries.asp?id=166 (last visited Jan. 31, 2011) (showing that there are 147 signatories to the convention, ninety signatories to the Optional Protocol, ninety-four ratifications of the Convention, and fifty-four ratifications of the Protocol).

277. Disability Convention, supra note 275, art. 25(c), 26(1)(b).
spatial and resource-based challenges to rural service delivery. This latter approach seems less marginalizing of rural populations. Still, had CEDAW not led the way in naming rural concerns, these treaties might not have acknowledged rural difference at all. If not for CEDAW, when would rural difference—which so often equates to rural disadvantage—have been seen by the international human rights community?

Finally, it is worth contemplating the changing relevance of Article 14 as the world becomes more urban by the day. While a 1977 document associated with CEDAW’s drafting saw rural-to-urban migration as a tide to be stemmed,278 such thinking is now less evident among the international and development communities.279 Indeed, what I have elsewhere labeled the urban juggernaut280—a reference to the speed with which the world is becoming more urban by the day—may make rural places and rural development seem less relevant or necessary than ever.281 But while cities’ populations burgeon and their land areas sprawl worldwide, the rural populations of less developed countries continue to grow, having doubled since 1950.282

Concerns for rural women are thus as great in the developing world as they have ever been. Indeed, they are arguably greater as the urban juggernaut aggravates uneven development,283 diserves the rural, and diminishes the visibility and political significance of rural populations. Whatever its shortcomings, taking Article 14 seriously can help ameliorate these inequities.

278. A/32/269, supra note 30, ¶ 19.
280. Pruitt, Migration, Development, supra note 2, at 710; see also Pruitt, India’s Rural Remnant, supra note 41.
281. AGRICULTURE FOR DEVELOPMENT, supra note 87, at 45. For example, in recent years rural-urban income gaps have narrowed in most regions except Asia. Id. Where the gap remains wide, as in Asia, it is a source of political tensions that are leading to “new efforts to stimulate agricultural and rural development.” Id.
Between 1950 and 1975, the rural populations of less developed regions increased by almost 2% annually; in more developed regions they decreased by 0.44% annually. Between 1975 and 2007, rural populations in less developed regions increased by slightly more than 1% and in more developed regions they decreased by 0.32%. During this period, urban populations increased in both developed and less developed regions.
Prullt, Migration, Development, supra note 2, at 713 n.27 (citation omitted).