

VULNERABLE WOMEN AND RIGHT TO FOOD

Dr. Aarti S. Pawar
Assistant Professor,
Ex-HOD, Family & Child Studies,
Athawale College of Social Work, Bhandara, M.S.-441904.

ABSTRACT: Although significant advances have been made in developing legal protections for women, including protection of the right to food, there remains a gap between principle and practice in many contexts around the world. Even where legislation exists, women do not always have access to justice or the laws may not be enforced, and legal equality does not always amount to substantive equality. While advances have been made in women's formal rights, this has not been accompanied by adequate attention focused on making these rights meaningful and substantive, so the real impact of international instruments on women's lives remains limited. Women continue to suffer de facto discrimination in access to and control over food, land and incomes and other resources. The present paper focused on the vulnerability of women and the nature of declined to right to food.

IndexTerms- Vulnerable Women And Right To Food .Food Insecurity ,Gender Dimensions

INTRODUCTION:

Women are disproportionately affected by hunger, food insecurity and poverty, largely as a result of gender inequality and their lack of social, economic and political power. In many countries, girls are twice as likely to die from malnutrition and preventable childhood diseases as boys, and it is estimated that almost twice as many women suffer from malnutrition than men. Unfortunately, however, there are still no global statistics on malnutrition or undernourishment rates disaggregated for men and women. Yet women are key to food security. Women play vital roles in the production and preparation of food, in agriculture and in earning incomes to feed their families, and as mediators of nutrition education within the family, if they themselves are educated. It is now widely agreed that women produce 60–80 per cent of food crops in developing countries and play a crucial part in ensuring the food security of households. And it is increasingly recognized that the health of women is crucial to the health of entire societies, because malnourished women are more likely to give birth to malnourished and underdeveloped babies.

In countries where there are high rates of children dying before the age of five, this is being increasingly linked to maternal malnutrition. New scientific evidence in nutrition calls for a 'lifecycle' approach to nutrition which recognizes the intergenerational links in nutritional status.

Underweight and malnourished mothers are more likely to give birth to underweight babies, whose mental and physical capacities may be severely stunted. These children may never recover and in turn have malnourished babies, passing hunger on through the generations.

VULNERABLE WOMEN:

Despite their key role in ensuring food security, 70 per cent of the world's hungry are women or girls. Women often face discrimination in gaining secure access to and control over other productive resources, such as land, water and credit, as they are often not recognized as producers or juridical equals. According to FAO(Food and Agriculture Organization), while the proportion of women heads of rural households continues to grow, exceeding 30 per cent in some developing countries, women own less than 2 per cent of all land. Despite legal and often constitutional rights in many countries, women still face considerable obstacles to inheritance, purchase and control of land. In many countries, despite formal protection against discrimination, women lack any real access to land, a problem which is exacerbated by a lack of inheritance rights.

FOOD INSECURITY AND HORIZONTAL HIV TRANSMISSION:

In many parts of the world, women lack authority to manage household resources, including food procurement. At the same time, they are invariably responsible for feeding household members, notably children and the infirm. **As a coping mechanism, women may become involved in sex work or intergenerational relationships** to gain access to food-related resources, where they lose ability to negotiate safe sex practices. For example, South African women who reported hunger were more likely to engage in transactional sex. Similar findings were reported in Nigeria, where 35% of female sex workers said that poverty and lack of means to obtain food caused them to join the sex trade, and to engage in unprotected sex with clients. A population-based survey in Swaziland and Botswana found that women reporting food insufficiency in the previous 12 months had 80% increased odds of selling sex for money or resources, 70% increased odds of engaging in unprotected sex and reporting lack of sexual control and 50% increased odds of intergenerational sex. These associations remained even when controlling for other markers of socioeconomic status. Similar findings were identified in British Columbia, where a study of HIV-positive IDUs found self-reported frequent hunger was significantly associated with unprotected sex in the past 6 months.

GENDER DIMENSIONS AND RIGHT TO FOOD:

Intra- household discrimination in the distribution of food and income can severely affect women's right to food. As Amartya Sen so graphically illustrated in his article 'More than 100 Million Women are Missing', discrimination against girl children can result in high child malnutrition and high female mortality, with young girls dying from malnutrition and neglect. During our mission to

Bangladesh, we found a marked gender disparity in malnutrition levels, with far more girl children underweight and stunted than boy children. In Bangladesh, social and cultural customs demand in many regions that women eat last, after the male members of the family, which also means that women often eat least, contributing to high rates of female mortality. In Bangladesh discrimination and devaluation of women are sometimes expressed in other very violent ways, including acid throwing, where a woman is intentionally disfigured as an act of vengeance, often leaving her unable to marry and with difficulties in finding work to feed herself. In cases where the private sphere is a key site of gender discrimination and subordination, addressing discrimination means moving beyond the public/private dichotomy, where the family is categorized as 'private' and beyond the reach and responsibility of the State, towards taking concrete action to change perceptions of gender relations within the private sphere.

Continued discrimination in the workplace also means that the incomes of women are still less than those for men, leaving them less able to feed themselves and their families, particularly in the case of female-headed households. While women are increasingly being incorporated into the workforce, the terms of this incorporation are often exploitative, particularly in the low-skill, low-wage sectors. Increasing deregulation and the relaxation of labour laws under neoliberal policy strategies also make it harder for women to demand better wages and conditions, adding to the growing feminization of poverty. At the other end of the spectrum, much of women's work in the home and in agriculture is still not recognized as a productive activity, and this invisible labour is rarely remunerated. As a result, women are frequently economically dependent on men, which reinforces their lack of power and are often the reason that violence of different forms against women is often unreported. During our visit to Brazil we also found that gender discrimination often intersects with other forms of discrimination, such as race. In Brazil, for example, poverty and hunger is predominantly black. The level of poverty for Afro-Brazilians is double that for whites. Afro-Brazilian men earn on average less than 42 per cent of the salary earned by white Brazilians. Yet the salaries of Afro-Brazilian women are significantly lower than that as they suffer from double discrimination of both gender and race.

Women also face great difficulties in gaining secure access to and control over other resources, such as land, water and credit, as they are often not recognized as producers or juridical equals. Access to credit and secure land tenure is often denied to women because they are not officially recognized by government authorities as food producers or agricultural workers. Without access to productive resources, a woman's economic independence and ability to feed herself and her family is limited. Again, according to FAO, while the proportion of women heads of rural household continues to grow, reaching more than 30 per cent in some developing countries, less than 2 per cent of all land is owned by women. Customs and traditions in many parts of the world limit women's equal access to productive resources. In some countries, however, this discrimination is codified in customary law.

During the mission to Niger, we found that Niger has three coexisting and complex legal systems – modern law, customary law and Islamic law

This pluralist system shows the rich legal heritage of the country, but is also a challenge to women's right to food. Customary law, in a syncretic mix with Islamic law, tends to be applied at community and family levels, but this gives women far less rights than the coexisting modern law, particularly with respect to inheritance rights. For example, custom permits child marriage of young girls, which, if consummated at too early an age, can have serious health effects, tearing apart their organs and resulting in a condition called fistula which causes incontinence. This leads to their repudiation by their husbands, leaving them with little means of survival, often unable to feed themselves. We were also concerned by the large number of reservations that the Government of Niger has entered upon its accession to the Convention on the **Elimination of All Forms of Discrimination against Women** on the grounds of culture and custom, but which renders effectively meaningless much of the protections offered by the Convention. Clearly, there is a need to protect culture and difference, but that should not lead to the persistence of discrimination against women. Gender blindness in policy development can also lead to the persistence of women's inequality and disproportionately affect their right to food. Policies of structural adjustment, deregulation and privatization often appear to be gender neutral, but their impacts on men and women are very different. The costs of economic restructuring, for example, are often disproportionately borne by women. It is vital to examine the gender-differentiated effects of economic restructuring under the current dominant economic model supported by the World Bank, the International Monetary Fund and the World

Trade Organization, which calls for a downsizing of State responsibility for social policy. While social policy used to revolve around issues of redistribution, universal provision and reducing levels of inequality, it now focuses on targeting the 'poorest of the poor'. This aims to 'reduce poverty and destitution, but is unconcerned about the overall distribution of income and wealth within society'. As many women's rights advocates have pointed out, substantive equality for women will never be reached unless the State takes concrete positive action to improve the position of women relative to men. Formal equality of human rights is not enough; in fact, formal equality of rights will even generate inequality, if initial starting points and different disadvantages of men and women are not considered. The downsizing of the State reduces the capacity of the State to take positive action, despite the fact that under human rights treaties, most Governments have signed up to international human rights commitments to respect, protect and fulfil the right to food of women – that is, to take concrete positive action to address the issues of discrimination facing women and to ensure their substantive equality.

The right to food places obligations on the State to respect, protect and fulfil the right to food. Undertaking these obligations must be understood in a way that respects gender difference, understands existing obstacles facing women and seeks to improve the situation. In the first instance, the obligation to respect the right to food for women means that the State is obliged to refrain from doing anything that impedes women's existing access to food, water, land, income or other resources. The obligation to protect the right to food for women means that the State is obliged to protect women from all forms of discrimination by non-State actors, including discrimination in the workplace, in the private sphere, and in access to resources. The obligation to fulfil the right to food for women means that Governments have a positive obligation to create an enabling environment to ensure that women have sufficient access to resources to be able to feed themselves and, in the final resort, to support women who, for reasons beyond their control, cannot feed themselves. This positive obligation means that the State must take concrete positive action to improve the

substantive equality of women and to challenge norms, traditions and customary laws that legitimate discrimination and violence against women, including within the family and within the household, particularly in relation to the allocation of food.

INTERNATIONAL INSTRUMENTS PROTECTING WOMEN'S RIGHT TO FOOD:

Enormous progress has been made across the world in the last decade in developing legal instruments to address discrimination and protect women. This section looks at some of the international instruments which protect women's right to food, highlighting articles that can be used to improve the protection of women's right to food. The following section, however, will move on to look at the continued difficulties in relation to gender and the right to food.

Women's right to food is protected, both explicitly and implicitly, in a wide range of international and regional human rights instruments. The strongest protection of the human right to food is found in the International Covenant on Economic, Social and Cultural Rights (Articles 3 and 2(2)), which also contains guarantees of non-discrimination and of equal enjoyment for women of these rights.

The right to food requires that governments respect, protect and fulfil the right to food for their citizens and an interpretation based on gender must recognize that this could imply taking specific and different actions for women. General Comment No. 12 of the CESCR, the authoritative definition of the right to food, also states that government policies to realize the right to food:

[S]hould give particular attention to the need to prevent discrimination in access to food or resources for food. This should include: guarantees of full and equal access to economic resources, particularly for women, including the right to inheritance and the ownership of land and other property, credit, natural resources and appropriate technology; measures to respect and protect self-employment and work which provides a remuneration ensuring a decent living for wage earners and their families (as stipulated in article 7 (a) (ii) of the Covenant); maintaining registries on rights in land (including forests). Women's rights are most fully protected in the Convention on the Elimination of All Forms of Discrimination against Women. Although the Convention does not explicitly refer to the right to food as such, it does protect women's equal access to land, credit, income and social security or safety nets, which are all essential elements of the right to food. As one example, Article 14(g) demands equal treatment in land and agrarian reform. Article 16(h) ensures equal rights in terms of the ownership of property. A useful resource on women's rights to land and other resources is the document published by FAO entitled *Gender and Law – Women's Rights in Agriculture*, which gives a full overview of different rights of women under different legal systems around the world, at both international and national levels. During times of armed conflict, special protection is also granted to women and their right to assistance, including food, under international humanitarian law.

CONCLUSION:

Women's rights are also strongly protected under provisions on equality and non-discrimination in many international legal instruments, including the conventions of the International Labour Organization. At the national level, numerous laws also prohibit discrimination and provide for equality of women, and States are required to act with due diligence to prevent, investigate and punish discrimination and violence against women committed by the State or private actors. It should also be recognized that within the context of economic, social and cultural rights, including the right to food, the obligation of non-discrimination is an immediate obligation and is therefore not limited by the provision for progressive realization applied to other obligations under the International Covenant on Economic, Social and Cultural Rights (Article 2 (2)), but must be implemented immediately.

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