

XXXIV

TECMUN

United Nations Entity for
Gender Equality and the
Empowerment of Women

Podría comenzar hablándote de cuán grande es nuestro Modelo, o de la cantidad tan amplia de años que llevamos haciéndolo, no obstante, ese no es mi objetivo esta vez. Hoy decidí que como la Secretaria General de este MUN, más allá de hablarte de lo que puedes o no hacer en un foro de simulación, buscaré que reflexiones por medio de la carta más personal que te he escrito durante mi estancia en TECMUN.

Todas las problemáticas que has analizado, leído o incluso ignorado, son situaciones que aquejan a gente como tú o como yo, no obstante, existe una diferencia detonante: tú y yo contamos con el privilegio de tener una voz que difícilmente va a ser acallada; y tengo que aclarar algo, los privilegios, más allá de agradecerlos, debemos usarlos para que se vuelvan derechos. Tú, yo y todes, debemos tener el derecho a ser escuchados.

Lo que harás con este privilegio, debe ser algo que impere durante tu vida entera: sé una persona empática, comparte o emprende una lucha y si no eres protagonista de ella, hazte a un lado y apoya desde la posición que puedas hacerlo. Pero hazlo, cambia tu entorno, mejóralo, sé una voz, sé aquella persona que no guarda silencio ante las injusticias, denuncia la corrupción, el acoso, la discriminación y, eventualmente, no seas parte de los problemas que tienen hundida a nuestra patria. Sé valiente y aprovecha tu tiempo.

No seas parte del *status quo*, no permitas que definan tu vida, ten el coraje para soñar y cumple tus sueños. No te pido mucho, sólo que seas justo y emprendas tu propia guerra desde hoy, pues sólo de esta forma, tú y yo, juntos, cambiaremos esta fatídica situación.

Gracias, TECMUN.

Sandra Patricia Véliz Clara
Secretaria General
XXXIV TECMUN

“Si no te gusta algo, cámbialo. Si no puedes cambiarlo, cambia de actitud”

-Maya Angelou

Delegados, jueces, embajadores, ministros, fiscales y compañeros:

Me complace darte la bienvenida al XXXIV TECMUN. El día de hoy recibimos a más de quinientos alumnos que forman parte de la diferencia, aquellos que salen de su zona de confort porque sienten la necesidad de darles voz a aquellos que no la tienen, aquellos que cuando quisieron hacerlo fueron reprimidos y algunos que perdieron la vida al hacerlo. Gracias por no ser conformista y por tener ese pensamiento crítico que te lleva a cuestionar y analizar a profundidad todas esas situaciones que vivimos y se viven alrededor del mundo. No es nada fácil asumir el papel que durante estos tres días vas a vivir.

Estoy casi seguro que en estos momentos te sientes nervioso y preocupado de lo que vaya a suceder, no te preocupes, yo también lo estoy, pues al igual que tú, hace cinco años, TECMUN me recibió por primera vez como delegado. Disfruta cada etapa de tu vida y todas las experiencias que llegan a ella, no las desaproveches pues el tiempo pasa volando, jamás imaginé que aquella primera participación de un minuto me llevaría a haber sido moderador, vicepresidente, presidente y subsecretario de la Organización; asimismo aprendí que el mayor premio que me pudo dar TECMUN no se llama “mención honorífica” ni “mejor delegado”, sino experiencia y conocimiento, eso, puedo decirte, fue base esencial para que el secretariado pusiera en mis manos la subsecretaría de la Asamblea General, lo cual estoy muy agradecido por eso.

Aprende sin soberbia y transmite los conocimientos y experiencia que adquieras en TECMUN, pues, si no lo haces, el propósito de tu participación quedará incompleto y así permanecerá en un ciclo de conformismo.

Me despido de ti, sabiendo que puedo contar contigo para cambiar nuestro mundo.

Mauricio Barrón Marín
Subsecretario de la Asamblea General
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Delegates,

It is truly an honor to welcome you to this forum. I am incredibly proud of you, because by choosing to be in this floor, you chose to get involved in real, pressing matters. Being here also means you are brave enough to care about the world you live in, and that is extraordinary in a nation where indifference often rules. I hope to see such bravery transformed into political awareness during the model. Political awareness is something nobody can take away from you, and is usually how change starts. Try to work towards it; not only in the next few days, but throughout your everyday lives.

After all, the problems we discuss today are the ones we will be solving as a generation tomorrow, since we are morally responsible of being better than the generations who preceded us. Please think of TECMUN as an opportunity, it is a chance to be conscious of what the world nowadays is lacking. It is also a space where you must work on your self-confidence, rhetorical skills, and teamwork. I remind you this model is far from being a competition or a race to determine who is the best, but rather a space for cooperation and unity against global issues. Our main tool for this is diplomacy, the first step toward sustainable peace; I assure you this is the most powerful when yielded properly.

Although I admit debating in this forum is no easy feat, I know for a fact each of you has the faculty to carry this debate diplomatically, collectively, and bravely. I insist, being here is the first step towards change. I trust our efforts will translate into strong proposals, worthy of consideration from real-life diplomats. To achieve so, we must first visualize the world as it should be, imagine the ideal and aspire to it. Remember this “should be”, as it is the pathway towards resolution.

Hoping you enjoy the model as much as I will,

Elisa Salvador Figueroa
President for the United Nations Entity for Gender Equality and the Empowerment of Women
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Outline of United Nations Entity for Gender Equality and the Empowerment of Women

The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) was created by the United Nations General Assembly in the resolution 64/289 on July 2, 2010. Its headquarter is located at the United Nations in New York. UN Women works for women and men to be able to live in an environment of equality in which they can exercise their human rights. Focuses on priority areas that are fundamental to achieve women's equality, and that can unlock progress across the board. These priority areas range between working against discrimination towards women, for their empowerment, for equality between both genders, in the protection of their human rights, for a world with peace and security, for leadership and political participation, and for ending violence against women. According to the UN General Assembly, this Entity has a main objective which is to promote and strengthen the effective implementation of the Millennium Declaration, the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women (FWCW). This Entity recognises the concepts for gender mainstreaming such as gender, gender equality and empowerment of women given by the Office of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women .

Topic A

Measures to collectively attack the net of sexual trafficking of women in Latin America and the Caribbean

By: Elisa Salvador Figueroa

Introduction

Sexual trafficking is the most common form of modern-day slavery. It is the fastest-growing business of organized crime and the third-largest criminal enterprise in the world. Trafficking affects all regions and the majority of countries in the world. Both men and women may be victims of trafficking, but the primary victims worldwide are women and girls. Cross-border and domestic trafficking in persons affects around 20.9 to 35.8 million people worldwide, generating incomes of \$31.6 billion dollars annually. Because of this, there are more people being deprived from their liberty and basic human rights than ever before.

The concept of trafficking and previous protocols

The term “trafficking in persons” was firstly used in The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, complimenting the United Nations Convention against Transnational Organized Crime. The document, issued, ratified and signed by the General Assembly in November 2000, defined the term as:

“the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs” (The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Article 3)

International organizations such as the United Nations Convention against Transnational Organized Crime have been assessing the issue, which is far from novel yet key to offer all men, women, and children equal freedom. Previous tools include the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. The Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as relevant resolutions of the General Assembly, the Economic and Social Council and its

functional commissions and the Human Rights Council also refer to this issue, as well as the resolutions regarding the previous, taken by the United Nations General Assembly. Despite the effort made, these protocols alone were not enough to eradicate the situation increasing all over the world.

One of the most recent strategies to attack the problem regarded INTERPOL. In July 2016, it announced that it had dismantled at least seven organized crime networks and rescued more than 2,700 human trafficking victims during raids in Central and South America. The efforts concentrated on supporting local police at key locations such as airports in Argentina, Brazil and Colombia, were able to check travellers' names and documents to help identify potential traffickers and their victims.

Machismo as the base of gender violence in Latin America

According to the National Mexican Commission to Prevent and Eradicate Violence Against Women, Machismo corresponds to the set of attitudes and behaviors that unfairly violate the dignity of women compared to men. It is the set of attitudes which grow bigger in offense to women, consequently becoming disproportionate violence. This situation is well noticed in all of Latin America, the United Nations has reported that gender violence affects about 30% to 60% of women of the region, depending the country.

It must be taken into account many cases go unreported. Although the reports and register of the gender violence have increased, it has been a problem that has prevailed for years. The rooted sexist stereotypes, prejudices and devaluations of women perpetuate the social tolerance, the silence and the impunity of the machista behaviours.

The scaling of Machismo endorses the idea women of the region are more vulnerable, therefore making them more susceptible to become victims of sexual trafficking. Cultural practices and norms frequently rooted in Latin American families can considerably increase the risk for sexual trafficking. For Latin American girls and women, these may come in the form of the denial of educational opportunities, the status of being an unwanted female in the family, child marriage and abandonment by their husbands.

Traffickers often take advantage of the instability driven by some of the previous machista behaviours use them to manipulate their inhabitants. This includes exploiting girls due to their young age; illiteracy or other educational impediment to finding employment; being

impoverished and willing to take a promise of a better life; having an unstable family life and seeking to leave undesirable familial situations; or being displaced due to political instability.

A disproportionate number of women are involved in sexual trafficking, not only as victims but as traffickers. Female offenders have a greater role in sexual trafficking than in any other crime. Social scientists have suggested many perpetrators are former victims of the sexual trafficking network. Testimonies often highlight the figure of a madam, or a “sister” who is in charge of a particular brothel or establishment. This person is taken as an authority in the trade entitled to decide over all sexual matter of their workers, including price, location, and duration of the sexual encounters. The madam is also noted as the main physical and verbal abuser of the victims, who establishes control through coercion.

The thread of sexual trafficking networks

A person can become a victim of sexual trafficking under many circumstances. For instance, the victims can become romantically involved with someone who then manipulates them and forces them into the network. Such forms of deceit benefits from the growth of technological innovations. The internet and the rise of social network applications are now tools used by traffickers to establish contact with potential victims in an anonymous and remote fashion. Social media offers a platform which enables traffickers to reach more victims at a faster rate.

Others are misled into the promise of a false job on a wealthy country. Potential victims usually hope to find employment in states north from Latin America. Occasionally, they do end crossing the border, but as part of an interregional sexual trafficking network. Although intra-regional sexual trafficking is a priority since it is increasing at a higher rate than interregional sexual trafficking, the United States and Canada are also popular destinations for traffickers because of the demand of cheap sex work and the higher-earning rates for it.

There are cases where victims are sold as sex slaves by their own parents or family members. The previous situation is particularly frequent in the poorest regions of Latin America, where the use of women and children as currency is normalized. Deep poverty makes women vulnerable for exploitation, especially when they are unable to sustain themselves or support their families under such conditions. The victims may navigate the sexual trafficking network for days, weeks, or even years, while they are sold or traded from one criminal group to another.

Sexual trafficking networks are difficult to follow and break, mainly because of their decentralized and dark nature. Criminal networks have contact with each other. Therefore,

victims are commonly abducted and enter the trade through small, local networks. This stands to reason since many source countries are relatively poor with small foreign populations, and local criminals are better situated to gain control of the victims. Offenders often win the trust of the victims first and use their local connections to threaten family members if the victims resist. In turn, local criminals accordingly sell the victims to networks based in their destination countries. Once victims are smuggled through international borders, they can end in a number of outlets. If the traffickers are aware they are being monitored, they have the ability to adapt their outlets from brothels to private buildings, or alternatively, sell their victims to other local networks.

It is worth noting new communication technologies not only facilitate the abduction of victims into the network, but also enable different parts of the thread to contact each other. The buying and selling of human beings has become easier through websites and other media for three main reasons. Firstly, internet purchases of sexual trafficking victims provide a broader catalog for a broader demand of sex work. Secondly, the transactions made through sexual trafficking websites and their forms of payment are nearly untraceable. They also provide a higher grade of anonymity to consumers, which in turn are safer from law enforcement. Finally, websites are a legal loophole for human trafficking arrangements, since the penal codes of most countries on North, Central and Latin America are not updated to prosecute the people operating them nor the traffickers publishing on them.

The role of prostitution in sexual trafficking

Although sexual trafficking worldwide is a serious growing issue, this specific type of trafficking is given more attention than trafficking for other purposes, such as forced labor. In fact, six out of every ten identified trafficking survivors were trafficked for sexual exploitation. While the previous statistic suggests sexual exploitation is the most common goal for sexual trafficking, it also indicates that sexual trafficking victims are more identifiable than victims of other types of trafficking. This visibility is mainly due to the fact that prostitution is where most victims are lured into.

It is important to highlight prostitution and sexual trafficking are different concepts. Prostitution is the exchange of sexual activities in exchange of payment or any other incentive. On the other hand, sexual trafficking involves coercion or fraud by another individual, who controls his or her workers and makes a profit from their commercial sex work. People who are voluntarily in the prostitution trade seek to make substantial profit, while victims of sexual

trafficking gain little or no profit from their exploitation. The intertwining of both concepts and the close relation between them complicate policy and anti-trafficking efforts.

However, sex work (forced or voluntary) requires visibility to the public willing to pay for the service. One of the forces driving trafficking in women is demand for sex work, which means this crime relies on the satisfaction of consumers and the need of attracting them. Therefore, it is more identifiable on streets or urban areas, which in turn grants more visibility to the victims of sexual trafficking who end up in prostitution establishments.

Obstacles assessing sexual trafficking

The net of sexual trafficking is difficult to fight because it is a transnational problem; an issue that exceeds a State's borders presents more obstacles for its eradication. Firstly, there is controversy about the issue's legal definition, since some countries established as an essential characteristic the international passage, as well as the coercion in the act. The previous brings a debate over the voluntary/involuntary will of the victims.

This has created international disagreements which impedes cooperation among origin, transit and destination countries. Extradition treaties require the crime to be common to both jurisdictions which is hardly achievable when the meaning of the crime of human trafficking varies significantly.

Linked to this problem of meaning is the lack of comprehension on the scope of the problem, since it is an illicit activity that remains under-reported, under-detected and thus under-prosecuted; the culture of police agencies and the perceptions of police officials about human trafficking do not support the identification of a broad range of human trafficking. Police authorities usually lack the training, manpower and technology to deal with the identification and investigation of human trafficking offenses and prosecuting the responsible for it. Authorities that have not received proper training against the issue tend to accuse victims of sexual trafficking as offenders of prostitution or migration laws instead, consequently making them unwilling or legally unable to testify against the abuse they were subjected to.

Joined to the lack of prosecution of the crime, victims do not testify due to a number of reasons. Some fear deportation to their countries of origin, the insufficient protection for victims, the lack of incentives for witnesses or that their traffickers won't be convicted because of corrupt or bureaucratic procedures.

Assessment of the problem

Cooperation between Latin American countries regarding this issue is weak or non-existent in relation of the documenting and sharing experience about anti-trafficking campaigns. The previous blocks the efforts to implement trafficking prevention strategies truly effective in the region where Machismo is deeply within the cultural notion of women. The following of such trafficking prevention methods also faces a harsh unwelcome, due to the shocking content and strong language employed to denounce sexual trade.

Most countries in Latin America have legislations condemning sexual trafficking as a specific offense with no restriction regarding the age or the gender of the victim. This means the profile of the victim is not accounted for when judging cases of sexual trafficking and therefore no distinction exists between the assessment of the same crime. However, many States condemn sexual exploitation under other types of offenses. Although the law enforcement process is not largely affected, not recognizing sexual trafficking as its own offense makes it difficult to support and protect the victims of this particular issue.

The Dominican Republic, El Salvador, Mexico, Guatemala and Nicaragua have implemented reforms in their penal codes criminalizing sexual trafficking and forced labour, with no restrictions on the age or gender of the victim. Countries like Barbados, Haiti, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago had no anti-trafficking provisions in 2009, when the United Nations released a global report on human trafficking. Costa Rica had only legal codes for international sexual trafficking. Argentina, Colombia, Bolivia and Peru have legislations for most forms of trafficking. In Brazil, the specific offence of trafficking in persons covered only sexual exploitation. Chile and Paraguay had no legislations aimed specifically at sexual trafficking, but criminalized the entry to their territories with prostitution purposes through other offenses.

References

1. Seventy-first session of the General Assembly (February 2nd, 2017) *Resolution adopted by the General Assembly on 19 December 2016, A/RES/71/167*. Retrieved from:
http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_71_167.pdf
2. Grozdanova, M. (July 31st, 2016). *Why Is It So Difficult to Fight Human Trafficking?*. E-International Relations. Retrieved from <https://www.e-ir.info/2016/07/31/why-is-it-so-difficult-to-fight-human-trafficking/>
3. Henson, K (2015) *The Role of Gender in Sex Trafficking*. Linfield College. Retrieved from:
https://digitalcommons.linfield.edu/cgi/viewcontent.cgi?referer=https://www.google.com.mx/&httpsredir=1&article=1009&context=soanstud_theses
4. Kumar Acharya, A. (2008) *Sexual Violence and Proximate Risks: A Study on Trafficked Women in Mexico City*. Retrieved from:
<https://pol285.blog.gustavus.edu/files/2009/12/Sexual-Violence-and-Proximate-Risks-A-Study-of-Trafficked-Women-in-Mexico-City.pdf>
5. McBane, D. (1997) *The Facts: What is Sex Trafficking and How Widespread Is It?* Retrieved from: <https://www.focusonthefamily.com/socialissues/family/sex-trafficking/sex-trafficking-the-facts>
6. Nieto, L. (June 25th, 2014). *El machismo, gran verdugo en América Latina*. El Imparcial. Retrieved from <https://www.elimparcial.es/noticia/10430/opinion/el-machismo-gran-verdugo-en-america-latina.html>
7. Organization of the American States. (May 23th, 2017) *Trafficking of women and girls in Latin America and the Caribbean: Regional Challenges*. Preamble. Retrieved from: <https://www.oas.org/es/mesecvi/docs/Agenda-Trafficking2017-EN.pdf>
8. Stop Violence Against Women Project (2005) *What Is Trafficking in Women? Finding a Common Definition for Trafficking*. The Advocates for Human Rights. Retrieved from:
http://www.stopvaw.org/Finding_a_Common_Definition_for_Trafficking.html
9. Swarens, T. (February 20th, 2018) *The Exploited Chronicles*. Indianapolis Star. Retrieved from: <https://www.indystar.com/story/opinion/columnists/tim-swarens/2018/02/20/where-sex-trafficking-and-toxic-masculinity-collide/949998001/>
10. The Polaris Project (2019) *Sex Trafficking*. Retrieved from:
<https://polarisproject.org/human-trafficking/sex-trafficking>

11. United Nations High Commissioner of Human Rights (November 15th, 2000)
Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. United Nations. Retrieved from:
<https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.asp>
x

12. United Nations Office on Drugs and Crime (2009) *Global Report on Trafficking in Persons*. Retrieved from: <http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>

Glossary

A

Abuser: someone who treats another person in a cruel, violent, or unfair manner.

Assessing: action of judging or deciding the value or importance of something.

B

Brothel: a place where men go and pay for sexual work.

C

Coercion: the use of force to persuade someone to do something that they are unwilling to do.

Cross-border: between different countries.

D

Deceit: to keep the truth hidden in order to obtain an advantage.

Decentralized: to move the control of an organization or government to several smaller ones.

Deprived: not having the things that are necessary for a pleasant life, such as enough money, food, or good living conditions.

Dismantled: to get rid of a system or organization, usually over a period of time.

E

Endorses: If you endorse someone or something, you say publicly that you support or approve of them.

Extradition: the return of someone accused of a crime to the country where the crime was committed.

H

Harboring: when a person or country lets someone who is accused of something stay in their territory and offer them protection.

I

Illiteracy: the state of not knowing how to read or write; lack of education or culture.

Impoverished: very poor; made weaker or worse in quality.

Impunity: freedom from punishment or from the unpleasant result of something that has been done. In the international law, it refers to the failure to bring perpetrators of human rights violations to justice and, as such, itself constitutes a denial of the victims' right to justice and redress.

Incentive: Inducement or supplemental reward that serves as a motivational device for a desired action or behavior.

L

Loopholes: an ambiguity, omission, etc, as in a law, by which one can avoid a penalty or responsibility.

M

Machismo: Having an unusually high or exaggerated sense of masculinity. This includes the belief that an attitude of aggression, strength, sexual prowess, power and control is the measure of someone's manliness.

Manpower: The personnel available or engaged for a specific job or task, as a resource supply; the total labor force of a nation. A manpower surplus exists if there are more people than available jobs. A manpower deficit exists if available people are fewer than jobs. This includes both men and women.

Modern-day slavery: The Committee notes that there is no globally agreed definition of 'modern slavery'. The term is used to cover a range of exploitative practices including human trafficking, slavery, forced labour, child labour, removal of organs and slavery-like practices.

O

Outlets: a medium of expression or publication; an outcome to certain circumstance.

P

Perpetrator: A person who has committed a crime or a violent act.

R

Receipt: A paper that provides that money or goods have been received.

Rooted: Having developed from something

S

Sexist: Is a suggestion from members one sex are less able, intelligent, etc. than the other sex, also it could refer to the bodies.

Smuggling: The act of taking things or people to a place secretly, often illegally

V

Vulnerability: Able to be easily hurt, influenced or attacked

Topic B

The economical empowerment of Sub-Saharan African rural women focusing on land ownership and tenancy rights

By: Elisa Salvador Figueroa

Introduction

Contemplating more than half of the population inhabiting the Sub-Saharan African region is rural, land ownership must be understood as a key factor for overall development. Rural regions depend largely on land because most forms of employment come from the use of this resource. Therefore, the legal framework regarding land ownership needs to fairly provide development opportunities to the people who subsist from practices such as agriculture, cattle breeding or other farming jobs.

In Africa, land is not only a source of food, employment and income; it also gives social prestige and access to political power. Although these affairs are important for the economic and social development of the region, Sub-Saharan African nations are still unable to provide fair, legal ownership opportunities to female land workers. Agriculture, in contrast to manufacturing and services, is the most important source of employment for rural women. They have a fundamental role in all stages of the food cycle, whether they are clearing land, planting crops, harvesting or selling food.

Land tenure refers to the way land is distributed, to whom, and for what purpose. The struggle derived from this concept not only interferes with African women's human rights and stalls their contribution to their country's development, but also refrains the region from achieving four of the seventeen Global Development Goals.

The patriarchal land ownership legacy

In order to assess the unequal system for land tenure in Sub-Saharan Africa, it is worth noting the general practices for land use in the region through history. Before European colonizers claimed African territory, it was occupied by different tribes; in these communities the land and the access to it was handed to members by lineages, clans and families. The decisions regarding land were only made by the male in control. In this type of system, the patriarchal lineages used to pass the land from father to son, whereas the matrilineal kind passed land tenure from the eldest male on the mother's side to sons. However, land was worked collectively by each family in either heritage system, so land tenure was community-based. Women played an active role in land use activities and were allowed to borrow territory from a relative. They also had traditional protections to their tenures even after separation, divorce or widowhood. However, colonial rulers introduced the Western land-owning procedures, overlapping the traditional ones. While customary laws tend to recognize collective tenancy

rights, Western laws emphasize individual rights. In this period the individual rights were mostly granted to foreigners, which became wealthy by exploiting the territory.

After Sub-Saharan African nations gained their independence, both Western and traditional community-based tenure systems were recognized. The differences between systems led to further differences in other elements of property rights institutions such as inclusion, exclusion, succession and inheritance. The intertwining of both varies from country to country, but many protections of women have not been accurately carried forward into modern life. On most countries the existence of a dual system of statutory law and indigenous customary law allows men to switch from one framework to the other as it favors them. Moreover, it is men who are in charge of the dispute-resolution systems and the court systems.

Over the years, rapid population growth has contributed to the overuse of land and made fertile territories more valuable, with increased competition for its control. Such pressures, together with changes in family structures and clan relations, have eroded traditional social safeguards that ensured access to women. Nowadays, customary law is interpreted as a discriminatory framework that excludes women from land ownership and access, despite the fact that women can have access to land, without being the legal owners. However, it is the disparity between legal frameworks what enables local authorities to favor males as land tenants. Most constitutions recognize or explicitly protect customary land arrangements with the same force as other modern types of rights. Yet, little has been done to ensure that the community land ruled by it is accessible for women, or to harmonize the customary practices with those in charge of local and federal governments.

Previous measures

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa includes the right to land, food security, and to deal with sustainable development in its Articles 15 and 19. It also exhorts the member states to promote women's access and control over productive resources such as land and guarantee their right to property. The issue was also addressed by the African Union heads of state in the Land Policy Initiative. As a result, the Declaration on Land Issues and Challenges in Africa set in 2009 that they would focus on reinforcing the land tenure of women and ensuring that land laws provide for equitable access to land and related resources among all land users. However, scholars have pointed out these declarations and articles must be accompanied with pragmatic mechanisms that link theory and the practices from local authorities.

Position of committee

One of the key goals of the United Nations Entity for Gender Equality and the Empowerment of Women is empowering women through economic independence, setting a direct path towards gender equality, poverty eradication and inclusive economic growth. Land is a fundamental resource for improving living conditions and economic empowerment; the lack of land rights for women undermines efforts to promote gender equality within a patriarchal society.

Limitations regarding female tenancy

The struggle of land owning prevents rural Sub-Saharan African women from having an empowered role within their households, making women more susceptible to the risk of domestic abuse. Additionally, women who farm independently but depend on their male relatives for legal access to the land usually lose it and the tools to work it when the male relative dies. Purchasing property in a more modern tenancy framework is not easier, since rural reports on the matter have found that farms sold to female heads of family were consistently smaller than those of males in every country of the region, with the exception of Kenya.

Relevance

The negligence to address these limitations not only impacts women's living conditions, it is a substantial factor altering development in rural Africa. Experts report that women in Africa contribute in 70% of food production. They are also responsible for nearly half of all farm labour, and 80 to 90% of food processing, storage and transport, as well as hoeing and weeding. Transforming and taking into account the situation of such workforce is crucial. Women in the region remain disproportionately affected by poverty, discrimination and exploitation, not even allowed to be properly recognized as rightful owners of the land they work.

Gender roles in the context of land ownership

Cultural practices also make the implementation of new laws regarding women rights difficult when there is no sole authority enforcing law obedience to grant equal rights. Sub-Saharan African women in rural environments are bound to several limitations beyond the law determining whether they own land or not. Mainly, such limitations come from the cultural notion of the role of women in a patriarchal society. The notion that only men are able to be

the family chief is a challenge to non-conventional families. Women in need to assume leadership and management of the family for situations like widowhood, divorce, or in a non-marital union are often left to the mercy of the closest male relative. They are therefore relegated to a subordinate position in accessing land predicated on husbands, fathers, uncles, brothers, and sometimes sons.

Such dependency makes the family vulnerable, since male relatives feel culturally entitled to full authority of the household. Accordingly, women's access to their own assets is limited, and can be quickly lost. In return, women are routinely obliged to hand over the proceeds of any farm sales to the male and have little say over how those earnings are used. More importantly, if the relative decides so, they can bare their female relatives from their land. Studies conducted in Zambia show that more than one third of widows lost access to family land when their husbands died.

Moreover, the domestic responsibilities traditionally borne by women interfere with their ability to fully manage their land work. Demands such as caring for the ill and children, and collecting firewood or water impact on the level of involvement a female head of family has with rural labors, even if she is the owner of the land. On the other hand, Sub-Saharan African women may face a limited mobility due to the persisting gender-based violence in the region, making it harder for them to reach markets and control the income from their sold products.

Poverty

Poverty is a key factor in the unequal access to land because since it is both a cause and a consequence. Countries like South Africa report that as many as 69% of women living in rural settings are living in poverty. In such cases, women not only have to face gender discrimination, but also struggle financially to overcome poverty; purchasing or gaining access to land is more complicated. Additionally, families led by females are often prevented from participating in the nation's Land Redistribution Agricultural Development Programme, making it more challenging to beat poverty.

Consequently, women who don't have access to land have more difficulties improving their quality of life, and are less able to cope financially when they experience crisis. It also leaves them out of enjoying benefits from tenancy, like having a secured living place, and

sovereign use of the land. Lacking the previous makes women more susceptible to receiving lower incomes and less work flexibility, complicating their pursue for a better family development. Poverty can also affect their access to health and other public services, making them potential targets to fatal diseases, such as HIV. Most importantly, not ensuring land access for women exposes them to poverty once again, forming a vicious cycle.

Misinformation on the issue

The lack of quality education is also a key cause of poverty and gender inequality in Sub-Saharan Africa. Two in five adult women are illiterate in the region, where girls and young women are more likely to be out of school compared with boys and young men. The empowerment of women begins with education and how it is provided to them, since it provides the qualifications to manage their assets and demand equal opportunities for tenancy. For those who are legal owners, education enables them to get the most of their land, introducing them to new agricultural or breeding techniques available.

Aside from basic education, the fight for equal land ownership can only be fought by those aware of the problem. Rural women are usually under-educated and unseen when it comes to policy and decision-making in the family, local and national spheres. Therefore, they remain misinformed about their rights. Not knowing whom to address on the matter, or not having the experience and confidence to do so, women can't stand against the persistent violation of their rights. The endurance contributes to the normalization of patriarchal policies and rural women's invisibility.

Misinformation also leaves them behind on the prospect of purchasing their land fairly. Moreover, rural women are unaware of the shifting policies and programmes on their countries which attempt to aid them in ownership matters. If the programs do not reach women who need them the most, they are deemed as unwanted or unefficient, when the root problem is in fact misinformation.

The redistribution policy as an effort towards gender equality

In spite of the previous, governments, civil society groups and other donors strived to "rebalance" asset ownership by favoring women in the redistribution of lands. Redistribution was a political effort to reconcile all sort of federal, local and customary tenancy laws by expropriating the land and issue it among the poorest sectors of rural communities. Theoretically, the measure would ensure harmony between frameworks, a sole governmental

institution would have the authority to do so, and it would benefit those who depend the most on land. It was considered an important policy that could also solve the issue of female ownership.

The argument is that increasing women's access, control and ownership of land will lead to stronger bargaining power and higher incomes. It would also strengthen rural women's voices in their communities and households. However, longitudinal studies conducted in Ghana, Kenya, Malawi, Mozambique, Tanzania and Zambia demonstrated redistribution programmes focusing on female tenants do not empower women as expected. Even when women were the legal owners of their properties, their husbands are still perceived as household heads. As such, men still manage to receive better access to public resources such as subsidised fertilisers and agricultural advisory services.

Legal frameworks on countries of the region

The efforts to reinstate women as legitimate and rightful land tenants have focused mainly on the legal framework encompassing ownership. Activists for women's land rights have tried to have laws passed in many countries, with mixed results. In Uganda, there was an attempt to implement a bill which set men and women as co-owners of a title, but it has repeatedly failed. In Mozambique, civil society triumphed in the passing of a law entitling women to secure access to land and property. Despite the law being fair and achievable in theory, implementing was especially difficult in rural environments. Members from the association that made the measure possible believe it is due to the cultural conception of the man being the head of household, having single and rightful authority over land. On the other side, Ghana tried to provide security to widows and children by creating two new legal tools. If a man died without a will, the laws stated that his property would be equally divided and distributed among his widow, children and other members of the extended family. The solution was not as effective as it intended to be because few women knew of such law, therefore leaving the determination of inheritance to customary land tenure practices. Consequently, women in rural Ghana had little access to land after their spouse's death.

Activists from the region have suggested separating formal ownership from the ability to use land could provide more accessibility to women. This means that they would be addressed as separate matters. So while a man may be the legal owner, he must have consent from his wife and family in order to sell it, ensuring women can't have the asset suddenly taken away. While this measure has been introduced to the rural Sub-Saharan African context, the

States in the region can't afford to keep policies, laws and cultural bias that prevent women from exercising their land ownership rights.

References

1. Andersson A., Mawunyo, F., Dzanku, Cuthbert, A. (2018) *Agriculture, Diversification, and Gender in Rural Africa*. Oxford University Press. [Ebook]. Retrieved from: <http://fdslive.oup.com/www.oup.com/academic/pdf/openaccess/9780198799290.pdf>
2. Beegle, K., Christiaensen, L., Dabalen, A., & Gaddis, I. (2016). *POVERTY IN A RISING AFRICA* [Ebook] (1st ed.). United Nations. Retrieved from <https://www.un.org/africarenewal/sites/www.un.org.africarenewal/files/Poverty%20in%20a%20Rising%20Africa%20Overview.pdf>
3. Facts and Figures: Economic Empowerment. (2017). Retrieved from <http://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures>
4. United Nations. (2007). *Gender and Economic Empowerment in Africa* [Ebook] (1st ed.). Berlin. Retrieved from <http://www.oecd.org/dac/gender-development/38829148.pdf>
5. United Nations. (2019). *Women's rights in Africa* [Ebook]. Retrieved from https://www.ohchr.org/Documents/Issues/Women/WRGS/WomensRightsinAfrica_singlepages.pdf
6. *Empowering Women Goes Beyond Land Ownership in Africa*. Retrieved from <https://thewire.in/world/empowering-women-land-ownership-africa>
7. Heinrich Böll Foundation. (2010). *Women and Land Rights: Questions of access, oWneRship and contRoL* [Ebook] (2nd ed.). Berlin. Retrieved from https://www.boell.de/sites/default/files/perspectives_2.13.pdf
8. Kimani, M. (2012). *Women struggle to secure land rights* | Africa Renewal Online. Retrieved from <https://www.un.org/africarenewal/magazine/special-edition-women-2012/women-struggle-secure-land-rights>
9. Moleko, N. (2018). *Women must be the focus of land redistribution*. Retrieved from <https://www.news24.com/Columnists/GuestColumn/women-must-be-the-focus-of-land-redistribution-20180720>
10. Nkuintchua, T. (2016). *The state of Community Land Rights in Africa* [Ebook]. London: Africa Community Rights Network. Retrieved from <http://www.cedcameroun.org/wp-content/uploads/2016/12/the-state-of-Community-EN.pdf>

11. Rights and resources. (2015). Who Owns the Land in Africa? [Ebook] (1st ed.). Washington D.C. Retrieved from http://rightsandresources.org/wp-content/uploads/FactSheet_WhoOwnstheWorldsLand_web2.pdf
12. Rural population (% of total population) - Africa. (2006). Retrieved from <https://www.indexmundi.com/facts/indicators/SP.RUR.TOTL.ZS/map/africa>
13. South Africa: Women: A Focus on Land | Land Portal | Securing Land Rights Through Open Data. (2016). Retrieved from <https://landportal.org/news/2016/07/south-africa-women-focus-land>
14. Women struggle to secure land rights Africa Renewal Online. (2012). Retrieved from <https://www.un.org/africarenewal/magazine/special-edition-women-2012/women-struggle-secure-land-rights>

Glossary

A

Assets: something valuable belonging to a person or organization that can be used for the payment of debts.

B

Borne: past participle of bear, to tolerate, accept or endure something unpleasant.

C

Collective tenancy rights: legal authority to possess or hold an state by a community.

D

Disparity: lack of equality in a manner that is unfair.

E

Ensured: to make something certain to happen.

Eroded: to be rubbed away gradually.

F

Framework: a supporting structure around which something can be built/ a system of rules, ideas, or beliefs that is used to plan or decide something.

Feminism: The belief that women should be allowed the same rights, power, and opportunities as men and be treated in the same way, or the set of activities intended to achieve this state.

H

Hoeing: any of various implements for tilling, mixing, or raking/ to dress or cultivate land.

Households: those who dwell under the same roof and compose a family or a social unit composed of those living together in the same dwelling.

I

Intertwining: to unite by twining one with another.

Issues: a subject or problem that people are thinking and talking about.

L

Land tenure/tenancy: the act, right, manner, or term of holding or owning something, such as a landed property, a position, or an office.

Legal framework: A broad system of rules that governs and regulates political decision making, agreements, and overall laws.

M

Matrilineal: relating to, based on, or tracing descent through the maternal line.

N

Negligence: Breach of duty of care which results in loss or injury to the person or entity the duty is owed.

P

Patriarchal: a patriarchal society, system, organization is one in which men have all or most of the power and influence.

Pragmatic: Dealing with things sensibly and realistically in a way that is based on practical rather than theoretical considerations.

R

Rebalance: Making adjustments to counteract the fact that different assets have performed differently and now comprise different percentages of what they were intended to.

Reinforcing: to give added emphasis to; stress, support, or increase.

S

Sovereign: A supreme ruler who has power

Stalls: A stand for the sale of goods

Statutory law: A law that comes from the statutes, as opposed to common law

Subsidised: Supported financially

Susceptible: Likely to be influenced by a particular thing

W

Weeding: A plant that grows where it is not wanted, in a competition with other plants

Widowhood: The state of being a widow (a woman who has lost her spouse and has not married again)