

United Nations Entity for Gender Equality



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About the committee and its faculties

The United Nations Entity for Gender Equality and the Empowerment of Women (hereinafter referred only as UN Women) is an entity created on July 2, 2010 by the United Nations General Assembly to stimulate the progress with regard to Gender Equality, to work and reach a new order that allows the women and girls of the world to have access to the same rights and the implementation thereof. UN Women arose from the merger of four preceding entities part of the United Nation's campaign to achieve gender equality.

UN Women adopts, accepts and promotes this definition of Gender Equality, first stated by the Office of the Special Advisor on Gender Issues and Advancement of Women (OSAGI), as follows:

Gender equality refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women's issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development.¹

¹ GENDER MAINSTREAMING: STRATEGY FOR PROMOTING GENDER EQUALITY. (2001, August 1). Retrieved December 31, 2015, from <http://www.un.org/womenwatch/osagi/pdf/factsheet1.pdf>

Topic A: Restricted Land Ownership in Sub-Saharan Africa -with special focus on Lesotho's "only owned by men" policy as an originator of impoverishment and levirate- and measures to accomplish women's rights to land and other natural resources.

Relevant international law.

As stated in the Article 17 of the Universal Declaration of Human Rights² (hereinafter referred to as UDHR) everyone has the right to own property alone as well as in association with others and no one shall be arbitrarily deprived of his property. This statement is reaffirmed in Article 2, of the same document, which states that “Everyone is entitled to all the rights and freedoms (...) without distinction of any kind(...)”. On the 56th session of the Convention on the Elimination of all Forms of Discrimination Against Women (hereinafter referred to as CEDAW), this UDHR article was taken into consideration and the Land Rights of Rural Women were discussed addressing its importance on the global landscape. Such rights represent an important start to achieve many development goals, including sustainable economic development, global food security, and combating the HIV/AIDS pandemic. However, the reality remains that in many parts of the world, land and property rights are not equally shared between men and women and such laws are given insufficient enforcement. Among some of the boundaries restricting women from owning land, or any other natural resources, are inadequate legal standards, wrong application of law, and denial based on discriminatory attitudes.

The rights to natural resources are of great importance for women (especially in rural areas), since their family's survival often relies upon them. The denial of these does not only affect women but their economy and as a consequence, the economic growth of the country. This situation shows the still existing gap between women and men's rights in the world.

The situation of rural women.

Throughout the world, it is women who overwhelmingly work on the land. They are in charge of providing food for themselves, their families, and communities. About

² See more in: <http://www.un.org/en/universal-declaration-human-rights/>

fifty per cent of global food is cultivated by women, percentage that increases in the case of countries in ways of development to 60-80%³. Women also rely on the land to generate family income and with it, support health care, as well as educational and nutritional needs of their family. This relationship becomes even more vital when women become the single head of the household due to divorce, men's migration, abandonment, or death. Thus, the welfare of women and their children is related to having secure rights to own land. However, since there's a lack of enforcement for said rights, women are vulnerable to *eviction* and dispossession, therefore, are at risk of falling into poverty and later on, being unable to work their way out of it. Without secure rights to own land, women are also restricted of other rights as stated in the CEDAW and other international human right treaties such as health, housing, education, participation in political and economic life, among others.

In many countries, women do not have equal legal rights to own or use land and are often restricted to secondary land rights, whereby they hold their rights through a male family member. Women thus risk losing entitlements in case their male relatives cut relationships with them, be it through a divorce or death. In Africa, land rights tend to be held by men or by groups controlled by men to which women have access mainly through a male relative. Women are also obliged to hand over the outcomes of any farm sales to a man and have little say over how those earnings are administered.

Furthermore, the spread of HIV/AIDS has only made women's land rights worse. Widows of men who die from the disease have often been accused of bringing the illness into the family. These accusations lead to the confiscation of their land and any other property. As a result, they and their children are frequently forced to survive on society's margins, getting by with selling food on the street, commonly finding themselves without a place to sleep as well as dealing with problems of food security. They often have troubles finding a decent job and, since they are unable to provide for themselves, they often lose custody over their children, becoming more vulnerable to violence and other types of abuse.

³ Preliminary study of the Human Rights Council Advisory Committee on the advancement of the rights of peasants and other people working in rural areas, 19 February 2011, A/HRC/16/63, p. 7.

Lesotho's policies on land rights.

Lesotho has a parliamentary constitutional monarchy as the form of government. For this reason, the country is governed by the *customary* and *statutory law*. Lesotho's policies on land are based on the statement that land in the country can only be owned by the state, except when the country's customary law is applicable to the case. This customary law is administered by regional chiefs who control and administer how land is used, owned, and worked. The customary law has social ranks, where women are catalogued in a minor level than men and they must always be related to a man. Unmarried women are under the guardianship of their father, while after marriage, said guardianship is transferred to their husband. Upon his death, it is transferred to his heir by law, who is the firstborn male child from the first married wife. This creates a barrier for women to own land since they are always going to be subjected to the will of the guardian. If she gets divorced, her guardianship is returned to her father, and he or one of her brothers can loan her a small part of land for a small period. However, said loan will stop when she remarries. In some cases, elderly unmarried women get a small piece of land, given by the chief, to produce their own food.

When on marriage, it is legal for men to take decisions regarding the *joint estate* without consulting his wife since law in Lesotho establishes that men have the right to have the major part of the property whenever a joint state is concerned. This is based on the idea that no property can be registered in the name of a married woman, according to the Deeds Registry Act of 1967. If the husband dies, the property is inherited to his heir, in case that he is not old enough to own and administer land, the property and administration is given to his mother, with consultation of the family of the deceased husband, until the heir is of an age to own it.

Advantages from equality on land ownership.

Ensuring equal land rights for men and women increases economic opportunities, encourages investment in land and food production, improves family security during economic and social transitions, and leads to better land maintenance. Furthermore, in order to meet the global goals for food security, rural women population should be able

to count with adequate land to produce more and better-quality food, while improving their economic situation simultaneously.

In many countries, agriculture plays a predominant role as export gaining and source of employment, therefore, ownership of land is directly associated with power. Access to land facilitates women's *bargaining power* within their households, as well as their representation and participation in decision-making processes at the community level, and increases rural women's power in areas such as equal property rights, social, economic, and political status.

One of the most tangible results of closing the existing gender gap in land rights would be the increase in productivity and total output of the agricultural sector as equitable access is related with improved efficiency in the farming sector. Security of tenure contributes in the creation of incentives needed for increased agricultural investments, which leads in turn to higher productivity. Since women provide a significant share of agricultural labor of about 43-50% according to Food and Agricultural Organization (FAO)⁴ in developing countries, by ensuring their land rights this 50% of agricultural labor would have important benefits and results in the agricultural sector as well as in the economic one.

Addressing the gender dissimilarities in land access would help improve social inclusion and identity. Having a land title would convey the ownership over a physical address and thus access to birth certificates, identity cards, and voting documents, all of which are indispensable if women are to exercise their citizens' rights and take part on issues of common interest. Also, when addressing gender inequalities, there is an existing obligation in pursuing the fulfillment of fundamental civil and political rights and the so-desired empowerment of women.

CEDAW optional protocol to secure women's land and property rights.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) achieves the realization of equal rights for women all around the

⁴ FAO. 2011. The State of Food and Agriculture. Women in Agriculture. Closing the gender gap for development. Rome: FAO. <http://www.fao.org/docrep/013/i2050e/i2050e.pdf>

world. The Committee on the Elimination of Discrimination against Women (hereinafter referred to as CEDAW committee) has as main function to monitor the implementation of the Convention and its Optional Protocol. The Committee is supported by a Secretariat located within the office of the UN Office of the High Commissioner for Human Rights (hereby referred to as OHCHR) with the role of assisting and advising NGOs wishing to engage with the Committee.

Adopted in 1979, the Optional Protocol is a document which dictates the guidelines regarding State duties about Women's Rights and the role of the CEDAW Committee. The CEDAW has been used to identify discrimination against women and find measures to prevent and eliminate it. For example: the right for women to reproductive health care in Dominican Republic, the right of living free of gender based violence in Mexico, the right of protecting housing of women in North America, and fighting for removing discriminatory evidentiary Court rules in the Solomon Islands.

Regarding women's land rights, the Article 14 states that "*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...*"⁵ This and many other articles stated at the Convention are relevant to women's land and property rights and should be taken into consideration by every country to achieve the reduction of the gender gap existing in the world. Even though there are existing articles such as the ones stated by the CEDAW, the situation of the denial of landownership to women is still present nowadays and needs to be addressed as soon as possible.

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⁵ Article 14 of CEDAW's Optional Protocol.

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(n.d.). Retrieved January 4, 2016, from <http://www.fao.org/docrep/005/y4311e/y4311e04.htm>

Topic B: Women's living conditions inside Yemen because of the Yemeni Civil War.

Yemen has been deemed the worst place to be a woman. This due to the lack of opportunities women have in economic, educational, social, and health sectors. They have no opportunity to exert their own freedom nor to gain an economic status because of the social belief that women should not receive education and should not have a job. Also their health service is ineffective. As of May 2008, one in 39 women in Yemen dies in childbirth. Reforms have been proposed to be implemented in Yemen's constitution, however, none of them have worked.

For this situation to be more difficult, Yemen is currently facing a civil war. Women and children are known to be the most affected during belligerent conflicts and said country is not the exception. During this type of conflicts, women are more vulnerable to suffer from violence. This is a problem that Yemeni women have been facing since years before.

Arab and Yemeni human rights activists informed that women in Yemen have suffered serious human right violations at the hands of the rebel Houthi, including torture, arbitrary arrest, forced disappearances, kidnappings, and the deprivation of basic educational and health services. The impact of these human rights violations on women are worse because of the lack of ability of the country to address gender equality issues before war started. Accusations against the country's government by International Organizations and Non-governmental Organizations have arisen in the last year and have, such as UN Women, the purpose of helping the most affected population sector which are females.

Yemen Civil War Timeline

Somewhat larger than Sweden and with 24.41 million inhabitants, Yemen is a country that has been in conflict for nearly a century. Back in 1918, Yemen is divided in North and South, the North ruled by the Ottoman empire, and the South by Great Britain. After the World War I, North Yemen gains independence and develops into a Feudal system-based country under the rule of Imam Yahya. He is murdered in 1948. After this, his son, Imam Ahmad, calls for an end to the Feudal rule and amasses power.

1962

Imam Ahmad dies, his son tries to succeed him but a coup d'état occurs and establishes the Yemen Arab Republic. This causes an uprising, with the Ahmad family counting with the support of Saudi Arabia and Jordan, which starts a Civil War in North Yemen against the republicans, who were supported by Egypt. Egyptian president Gamal Abdel Nasser sends a total of 70,000 troops to support the republicans. This conflict claims 100,000 - 200,000 lives before a republican victory. Although republicans never brought to an end insurgent attacks.

1963-1970

In 1963, uprisings start in southern Yemen against Great Britain's rule in the country. By 1967 these uprisings succeed causing Great Britain to deploy. South Yemen is created and in 1970, Marxism gains power, and the People's Democratic Republic of Yemen is established. In addition, the country acquires close political and military connections with the USSR.

1972-1979

Border clashes start between northern and southern Yemen. The Arab League intervenes to settle peace. Later, in 1978, Ali Abdullah Saleh becomes North Yemen's president (he has been in power since). By 1979, new border clashes start and the Arab League has to intervene again.

1986-1990

A civil war emerges in South Yemen between two pro-Soviet blocks. This causes thousands of deaths. The president of the country flees away and in 1990, with this Communist block starting to fade, North and South Yemen unite as a new country with the name of the Republic of Yemen. Despite the union, tension and clashes remain causing each sector to have its own separate army.

1993-1994

South and north governments form a coalition and unite as a whole, but the vice president of the south sector, Ali Salim al-Baid, claims that south-people are being subject of

northern hostility. President Ali Abdallah Saleh declares state of emergency and dismisses the southern vice president and other separatists. This triggers al-Baid to declare an independent republic in the South, after the two armies fight, the northern army captures southern capital, Aden. This pushes al-Baid and his fellow leaders to flee the country.

2000-2003

In 2000, Al-Qaeda attacks a U.S. destroyer, the USS Cole, on such attack seventeen American sailors died. After this, a hundred Islamic clerics are expelled from Yemen, causing an attack by Al-Qaeda to an important oil deposit. Attacks from Al-Qaeda and Yemeni army (supported by the U.S.) escalate.

2004-2007

Hussein al Houthi starts a rebellion in the north, and hundreds of “Houthi” insurgents are killed, including Houthi himself. They agree to a ceasefire, but several intermittent clashes persist. President Saleh orders the release of six hundred Houthi upholders from prison, wishing to maintain peace but the conflict later resumes.

2007

Al-Qaeda suicide bombers kill several tourists, and an attack to the U.S. embassy kills eighteen people. More clashes occur between government forces and Houthi advocates. Al-Qaeda in the Arabian Peninsula (AQAP) surges from the union of Yemeni and Saudi Al-Qaeda Affiliates.

2008-2009

Al Qaeda continues attacks against the U.S. embassy. Yemeni and Saudi Al Qaeda affiliate to create ‘Al Qaeda in the Arabian Peninsula’(AQAP). U.S.- backed Yemeni forces keep on fighting against several Al Qaeda strongholds. Saudi troops and Houthi fighters clash along border areas of northern Yemen. Tens of thousands of civilians, especially orphans and women, are displaced by the conflict in the north.

2010

The government and Houthi rebels agree to a ceasefire. However, AQAP militants continue bombing the country. Then, the fighting between the government and Houthi forces resumes. The government later releases hundreds of imprisoned rebel fighters.

2011

Arab Spring protests spread to the streets of Yemen's capital. Violent clashes escalate leaving hundreds of deaths. The United States intensifies its drone campaign against Al Qaeda militants in Yemen. President Saleh returns to Yemen after being injured and promises to hand over power to his deputy Adbrabbuh Mansour Hadi.

2012-2013

President Saleh leaves the country. Around a hundred soldiers die in two suicide attacks; one of them takes place on the presidential palace during Hadi's inauguration as a president. United States further extends its attacks against the AQAP, and the government captures several AQAP strongholds. In 2013, a National Dialogue Conference starts to draft a new constitution.

2014

After the 10-month National Dialogue Conference, it is proclaimed that Yemen will become a six region federation. AQAP intensifies attacks and suicide bombings. Meanwhile, Yemen's largest oil pipeline is blown up by tribesmen, which causes more protests led by Houthi rebels who also seize control of the capital Sana'a.

2015

Houthis take the power, and the United Nations Security Council denounces the move. Later on, Hadi gets arrested but manages to escape from detention in Sana'a and goes to Aden. This causes Houthi rebels to advance to South Aden, which forces Hadi to run away to Saudi Arabia. The Islamic State carries out two suicide bombing attacks against Shia mosques. Finally, the United States supports a coalition of Arab states to launch airstrikes against Houthi.

Women living conditions in Yemen before and during war.

In 2011, an article from The Huffington Post⁶ based on the Global Gender Gap Report declared Yemen the “worst place to live as a woman”. Yemen is one of the countries in the world with the highest index for gender disparity and women discrimination including economic opportunities, health and survival, education, and political empowerment. Particularly because of the fact that Yemen is a traditional society where prevailing cultural attitudes grant women low status in the family as well as in the community.

Yemen has a female literacy rate of 35 per cent and is ranked 134 globally in education attainment for women. These numbers show the existing gap between men and women in the educational sector. Yemeni women are also convinced to stay at home instead of getting an education or a job. In addition, most women do not have identification cards or voter status. Their lack of identification cards represents an impediment for the authorities when addressing problems of the kidnapping or killing of women.

Furthermore, according to the United Nations Children’s Fund (UNICEF) in 2006, 14 per cent of Yemeni girls are forced to get married before reaching the age of 15, and 52 per cent before reaching the age of 18. In rural areas, this presents a significant problem since girls are forced into marriage at an extremely young age (8 years old) and they get pregnant shortly after marrying. This also leads to mortality problems, putting Yemen in the highest rates of maternal mortality.

In situations of war, women and children suffer some of the utmost health and social inequalities. The effects of war on these groups go far beyond the conflicts itself. Women have been unduly affected by the conflict. Their access to indispensable services, livelihood, and protection needs are limited and have been complicated by gender inequalities.

⁶ The Huffington Post: 2011 Global Gender Gap Report: The best (And Worst) Countries For Women:

http://www.huffingtonpost.com/2011/11/01/global-gender-gap-report_n_1070466.html

Yemeni women have not only been victims of all kinds of violence but also have been forced to accept these conditions as they have no other choice. Violence has existed years before the Civil War and it has been claimed to be mostly administered at their home. Likewise, violence against women has been recognized as a major health, human rights, and development issue.

The current conflict in Yemen has further degenerated conditions for women. Many Yemeni women face the struggle of figuring a way to support and finance their families, while their husbands are at war. The lack of sufficient health services, education, and work opportunities has increased since the beginning of the on-going conflict in the country. Women are forced to scavenge for food in order to feed their families, walk for miles to get water and try to get by with only two hours of electricity a day. At the same time, they are constantly facing the threat of violence including robbery, kidnapping, bombing, and sexual violence.

NGO's accusations to Yemen

The coalition between the Saudi Arabian government and Yemen's Hadi government has been accused by the United Nations, Amnesty International, and Human Rights Watch due to the air campaign against Yemeni territory that started on March 26, 2015. As a result of the air bombing, more than 1 million people have been forced to flee their home and live in refugee camps. Amnesty International has urged the United States and the United Kingdom to stop providing weapons to the Saudi Arabian government to decrease the casualties that these weapons are providing. These casualties consist in their majority of women. Despite the multiple warnings that the Arab League & the United Nations have made against the Saudi Arabian and Yemeni government because of the launching of "unlawful" airstrikes against innocent Yemeni territories, these cities are still under attack by the several groups disputing the civil war and the extremist groups, the Islamic State & Al-Qaeda.

Human Rights Watch also mentioned the excessive use of force against innocent Yemeni people, in an effort to force them to leave their home. Not only Yemeni government is applying these actions, these also imply several disruptions and violations of basic human rights. Due to these forceful methods, a considerable part of the population has fled from their homes in Yemen to the country's neighboring countries,

Oman and Djibouti, but other refugees are going to Somalia and even Indonesia. Fleeing from their country has caused the female population to lose their husband, thus, losing the income for their basic needs.

Women inside the country are suffering because the multiple ceasefire petitions towards the militant groups involved in the civil war are being denied, as a result, necessary medical aid and food supplies are not being delivered to those that lack resources. Female population is in danger due to the harassment of the extremist groups such as the Islamic State; male groups often abuse the female population either, sexually, physically or mentally. These actions occur more commonly inside the different refugee camps. Meanwhile, Yemeni women who are seeking for peace have been calling for forces outside the country to help find a resolution to obstruct the internal conflict that has shaped into a humanitarian crisis, or at least to diminish the negative impact it is having in their lives. The crucial role of women in development, peace, security and human rights cannot be denied such as the country has been doing for the past years. Women deserve to have equal human rights globally as well as a better quality of life, and the lack of these in Yemen is a matter that needs to be recognized and solved.

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Glossary

Eviction.- to force (someone) to leave a place

Customary law.- a law that is based on a usage or practice common to many or to a particular place or class or habitual with an individual.

Statutory law.- a law enacted by the legislative branch of a government.

Joint estate.- property owned by two or more people at the same time, under the same title, with the same interest, and with the same right of possession.

Bargaining power.- the relative capacity of each of the parties to a negotiation or dispute to compel or secure agreement on its own terms.

Levirate.- the sometimes compulsory marriage of a widow to a brother of her deceased husband.

