

CEDAW AND RURAL WOMEN: LAW FROM THE TOP DOWN, ACTIVISM FROM THE BOTTOM UP

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INTRODUCTION

CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women, is one of the most widely ratified human rights treaties in history,¹ yet it is viewed by many as a failure in terms of what it has achieved for women.² In spite of the lack of a meaningful enforcement mechanism³ and various other shortcomings, CEDAW has inspired

¹ See *Short History of CEDAW Convention*, U.N. DIVISION FOR THE ADVANCEMENT OF WOMEN, <http://www.un.org/womenwatch/daw/cedaw/history.htm> (last visited March 6, 2011).

² See, e.g., Sandra Coliver, *United Nations Machineryes on Women's Rights: How Might They Better Help Women Whose Rights Are Being Violated?*, in *NEW DIRECTIONS IN HUMAN RIGHTS* 25, 38-44 (E.L. Lutz, et. al. eds., 1989) (comparing Women's Convention with the HRC) [hereinafter Coliver] (criticizing the failure of CEDAW to agree on minimum standards); Anne F. Bayefsky, *The CEDAW Convention: Its Contribution Today*, 94 *Am. Soc'y Int'l L. Proc.* 197, 200 (.2000) (arguing that CEDAW fails to define discrimination, and that instead of promoting equality, it rather promotes radical feminist agenda and refuses to recognize any legitimate distinction between men and women); Tracy E. Higgins et al., *Gender Equality and Customary Marriage: Bargaining in the Shadow of Post-Apartheid Legal Pluralism*, 30 *FORDHAM INT'L L.J.* 1653, 1660 (2007) (quoting U.N. Committee on the Elimination of Discrimination Against Women, General Recommendation 21, Equality in Marriage and Family Relations, P 13, U.N. Doc A/49/38 at art. 16(1)(a) and (b), comm. 15 (1994) [hereinafter General Recommendation 21] ("While most countries report that national constitutions and laws comply with the Convention, custom, tradition and failure to enforce these laws in reality contravene the Convention.")); Nancy Kim, *Toward a Feminist Theory of Human Rights: Straddling the Fence Between Western Imperialism and Uncritical Absolutism*, 25 *Colum. Hum. Rts. L. Rev.* 49, 79-82 (1993) (pointing out weak enforcement provisions of CEDAW and problems with too many countries having entered substantive reservations to its provisions); Susan Smolens, *Violence Against Women: Consciousness and Law in Four Central European Emerging Democracies--Poland, Hungary, Slovakia, and the Czech Republic*, 15 *TUL. EURO. CIV. L.F.* 1, 8 (2000-2001) (arguing that CEDAW was a failure from the beginning); Jennifer T. Sudduth, *CEDAW's Flaws: A Critical Analysis of Why CEDAW is Failing to Protect a Woman's Right to Education in Pakistan*, 38 *J.L. & EDUC.* 563 (2009) (arguing that CEDAW failed to protect a woman's right to education in Pakistan); Amanda Ulrich, *Can the World's Poorest Women Be Saved?: A Critical Third World Feminist Analysis of the CEDAW and Alternative Approaches to Women's Economic Empowerment*, 45 *ALTA L. REV.* 477, 492-93 (2007) (arguing that CEDAW failed to take into account status and societal context of rural woman, making it unlikely to help rural women reach their full economic potential without attention to local practices concerning power structures, co-ops, and other self-help groups).

³ See Marilou McPhedran et al., *THE FIRST CEDAW IMPACT STUDY: FINAL REPORT* 25-26 (2000); Upendra Baxi, *What May the 'Third World' Expect from International Law?*, in *INTERNATIONAL LAW AND THE THIRD WORLD: RESHAPING JUSTICE* 9, 17 (Richard Falk et al. eds., 2008); Jessica Neuwirth, *Inequality Before the Law: Holding States Accountable for Sex Discriminatory Laws Under the Convention on the Elimination of All Forms of Discrimination Against Women and Through the Beijing Platform for Action*, 18 *HARV. HUM. RTS. J.* 19, 40 (2005) (stating that lack of public visibility of monitoring process only makes it more difficult to hold states accountable).

feminist activism around the world⁴ and helped raise women's legal consciousness.⁵ This essay explores CEDAW's role as a source of and tool for rural feminist activism in both the developed and developing worlds.

CEDAW's Article 14 recognizes rural women as a particularly disadvantaged group in need of additional guarantees of particular rights.⁶ Under Article 14, rural women — like their urban counterparts — have rights to education and health care, as well as to an array of political rights.⁷ Article 14 also enumerates for rural women rights related primarily to agriculture, as well as to development activities more generally.⁸ It includes, for example, the right for women to organize self-help groups and cooperatives, a right not enumerated elsewhere in relation to all women.⁹ Finally, Article 14 enumerates for rural women a wider range of socioeconomic rights than is recognized elsewhere in CEDAW.¹⁰ These include rights to various types of infrastructure, including water, sanitation, electricity, transport and housing.

This essay will first consider how the text of Article 14 reflects contemporary feminism's greater focus on socioeconomic rights as a reflection of women's material concerns and lack of

⁴ See, e.g., City and County of San Francisco, Ordinance No. 128-98 (1998); Michele Grigolo, *The CEDAW Ordinance of San Francisco: Mainstreaming, Translating and Implementing Women's Human Rights at the City Level*, Paper submitted for the workshop *Gender Policies and Politics: Equal Opportunities, Welfare Models and State Actions* of the CORTONA COLLOQUIUM 2008 — GENDER AND CITIZENSHIP: NEW AND OLD DILEMMAS, BETWEEN EQUALITY AND DIFFERENCE, Nov. 7-9, 2008, Cortona, Italy, available at www.fondazionefeltrinelli.it/dm_0/FF/FeltrinelliCmsPortale/0389.pdf.

⁵ See generally SALLY ENGLE MERRY, *HUMAN RIGHTS AND GENDER VIOLENCE: TRANSLATING INTERNATIONAL LAW INTO LOCAL JUSTICE* (2006).

⁶ Lisa R. Pruitt, *Migration, Development, and the Promise of CEDAW for Rural Women*, 30 MICH. J. INT'L L. 707, 728 (2009) [hereinafter Pruitt, *Migration*]; *Short History of CEDAW Convention*, *supra* note 1.

⁷ Convention for the Elimination of all Forms of Discrimination Against Women, G.A. Res. 34/180, U.N. GAOR Supp., 34th Sess., Supp. No. 46 at 193, U.N. Doc. A/34/46, entered into force Sept. 3, 1981 [hereinafter CEDAW] at art. 14(2).

⁸ *Id.* See also Lisa R. Pruitt, *Deconstructing CEDAW's Article 14: Naming and Explaining Rural Difference*, 17 WM & MARY J. OF WOMEN AND THE L. 347 (2011) (examining the drafting history of Article 14 to better understand how rural women came to be identified as a distinct group and how drafters determined which needs were most significant for them).

⁹ CEDAW at art. 14(2)(e).

¹⁰ *Id.* at art. 14(2); see also Pruitt, *Migration*, *supra* note 6, at 749 -750.

economic power.¹¹ It also examines Member States' responses to their Article 14 commitments to empowering rural women, specifically regarding how Member States have encouraged and enabled self-organization by women. Member States' periodic reports to the Division for the Advancement of Women¹² indicate that their governments benefit from — and, indeed, seek to achieve rural women's empowerment through — women's grassroots activism, including via local self-help groups and cooperatives. The essay will then consider several specific organizations on the ground, looking at how they benefit from CEDAW's mandate (however weak a mandate it is) to encourage women's self-organization. We thus begin to construct a portrait of the symbiotic relationship between top-down lawmaking and bottom-up activism to empower women. In short, we focus on CEDAW's role not as an enforceable human rights treaty, but as an expressive document that has facilitated applied feminism.

I. BACKGROUND

Equality for women has been a fundamental principle of the United Nations since its inception in 1945. Acting on this principle, the United Nations adopted Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979; the Convention

¹¹ See Hilary Charlesworth & Christine Chinkin, *The Gender of Jus Cogens*, 15 HUM. RTS. Q. 69, 70 (1993)(asserting that international law has given primacy to civil and political rights, which tend to protect men in their functioning in public life, while less “importance has been accorded to economic and social rights, which affect life in the private sphere”); Hilary Charlesworth, *What Are Women's International Human Rights?* 58, 60 in HUMAN RIGHTS OF WOMEN: NATIONAL AND INTERNATIONAL PERSPECTIVES (Rebecca J. Cook ed. 1994)(arguing that the structure of human rights law has been based on the silence of women and that the reason women are in “an inferior position” is that “they have no real power in either the public or private worlds” and international human rights law “enforces their powerlessness”); Leilani Farha, *Women Claiming Economic, Social and Cultural Rights--the CEDAW Potential*, 553, 553 (asserting the greater significance of socioeconomic rights to women; citing Hilary Charlesworth, Christine Chinkin & Shelly Wright, *Feminist Approaches to International Law*, 85 AMERICAN J. OF INT'L LAW 613, 635 (1991); Montreal Principles on Women's Economic, Social and Cultural Rights, Reprinted in 26 760 (2004)) in SOCIAL RIGHTS JURISPRUDENCE: EMERGING TRENDS IN INTERNATIONAL AND COMPARATIVE LAW (Malcolm Langford ed. 2009). Farha repeatedly asserts the significance of CEDAW to “economic, social and cultural rights.” Farha, *supra* note [], at 554-55 passim.

¹² *Country Reports*, U.N. DIVISION FOR THE ADVANCEMENT OF WOMEN, <http://www.un.org/womenwatch/daw/cedaw/reports.htm> (last visited March 11, 2011).

entered into force in 1981.¹³ CEDAW was hailed by many as the Magna Charta for women's rights, or a Bill of Rights for women.¹⁴ More than ninety percent of the United Nations' members (i.e., 185 countries) are parties to the Convention.¹⁵ The United States is the only country to sign but not ratify the treaty.¹⁶ The Convention recognizes that women "suffer from various forms of discrimination because they are women,"¹⁷ and it responds with a very broad mandate. The Convention requires Member States to "eliminate direct or indirect discrimination in all spheres of life, improve women's de facto position within society; and, address prevailing gender relations and discriminatory stereotypes."¹⁸

CEDAW is unique among human rights treaties in that it enumerates particular rights for rural women.¹⁹ Indeed, CEDAW's Article 14 is entirely about this population.²⁰ Article 14(1) recognizes "the particular problems faced by rural women" as well as "the significant roles which women play in the economic survival of their families" and calls on States Parties to "ensure the application" of the entirety of CEDAW to "women in rural areas."²¹ This provision thus requires Member States to ensure that rural women, like their urban counterparts, enjoy all rights addressed by the Convention.²²

Article 14(2) goes further, enumerating particular rights for rural women. It provides:

¹³ See *Short History of CEDAW Convention*, supra note 1.

¹⁴ Pruitt, *Migration*, supra note 6, at [PIN]; *US: Ratify Women's Rights Treaty*, HUMAN RIGHTS WATCH, July 15, 2010, <http://www.hrw.org/en/news/2010/07/15/us-ratify-women-s-rights-treaty>; Christina Hoff Sommers, *The UN Women's Treaty: The Case against Ratification*, GLOBAL GOVERNANCE WATCH: UN TREATY WATCH, March 26, 2010, http://www.globalgovernancewatch.org/un_treaty_watch/the-un-womens-treaty-the-case-against-ratification.

¹⁵ Pruitt, *Migration*, supra note 6, at 728-729; [CITE].

¹⁶ Pruitt, *Migration*, supra note 6, at 729; [CITE].

¹⁷ Pruitt, *Migration*, supra note 6, at 728; [CITE].

¹⁸ Pruitt, *Migration*, supra note 6, at 728; [CITE].

¹⁹ Pruitt, *Migration*, supra note 6, at 729; Pruitt, *Deconstructing*, supra note [].

²⁰ Pruitt, *Migration*, supra note 6, at 729; [CITE].

²¹ Pruitt, *Migration*, supra note 6, at 729; [CITE].

²² Pruitt, *Migration*, supra note 6, at 729; [CITE].

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counseling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.²³

Our focus here is subsection (2)(e), which instructs Member States to take appropriate measures to ensure that women have the right to organize self-help groups and cooperatives.²⁴

The proposal to include this right came from Bangladesh,²⁵ a country whose population is predominantly rural.²⁶ Perhaps more importantly, the Bangladesh Integrated Development Programme, later reorganized as the Bangladesh Rural Development Board, recognized in the early 1970s that encouraging self-help groups and cooperatives is one of the best practices to

²³ For a discussion on the significance of this eight-item list, see Pruitt, Migration, *supra* note 6, at 729.

²⁴ See Pruitt, Migration, *supra* note 6, at 729 (discussing drafting history of Art. 14).

²⁵ Pruitt, Migration, *supra* note 6, at 732-33.

²⁶ Over 72% of Bangladesh's population was rural in 2009. See *Rural Poverty in Bangladesh: Statistics*, RURAL POVERTY PORTAL, <http://www.ruralpovertyportal.org/web/guest/country/statistics/tags/Bangladesh> (last visited March 6, 2011).

eradicate rural poverty.²⁷ Countries as diverse as Ghana and Sweden supported the proposal, noting that discrimination in these sectors exists in some countries.²⁸

We focus on Article 14(2)(e) because international organizations from the World Bank to the International Fund for Agricultural Development have long highlighted the significance of cooperatives and self-help organizations to successful rural development.²⁹ One reason for this is the nature of rural spatiality; unlike their urban counterparts, impoverished rural populations “are spread over large areas.”³⁰ While they may be networked with one another, they are not necessarily in a position to organize in order to improve their lot. The World Bank and other members of the Global Donor Platform have thus called for governments “to provide the necessary legal framework” to facilitate organization by the rural poor.³¹ We consider both how CEDAW has motivated Member States to foster such frameworks and how feminist activists have made use of those frameworks.

II. CEDAW COUNTRY REPORTS: TOP-DOWN DEVELOPMENT EFFORTS

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations. The Member States

²⁷ Welcome to Bangladesh Rural Development Board, BRDB ICTPRO, Dec, 5 2007, <http://www.brdb.gov.bd/>. The Comilla Model, developed by Dr. Akhtar Hameed Khan in the early sixties, a renowned social scientist and social reformer, through an action research work at the Bangladesh Academy for Rural Development (BARD) in Kotbari, Comilla. The model advocated the use of cooperatives in addition to infrastructure investments by the state. The model’s “Two-Tier Cooperative System” became the main vehicle of rural development in Bangladesh. Bangladesh also proposed what became part of Article 14(2)(f), “the right to participate in all community activities.” [CITE]

²⁸ Pruitt, *Migration*, *supra* note 6, at 733.

²⁹ See, e.g., AXEL WOLZ, GLOBAL DONOR PLATFORM FOR RURAL DEVELOPMENT, THE ROLE OF AGRICULTURE AND RURAL DEVELOPMENT IN ACHIEVING THE MILLENNIUM DEVELOPMENT GOALS iv-v, 45 (2005), available at http://www.donorplatform.org/component/option,com_docman/task,doc_details/gid,219/; IFAD, RURAL POVERTY REPORT 2011, at 22-23 (2011), available at http://www.ifad.org/rpr2011/report/e/print_rpr2011.pdf.

³⁰ WOLZ, *supra* note [], at 45.

³¹ *Id.* at 45.

have broad discretion as to what information to include in their reports. They may include, for example, “factors and difficulties affecting the degree of fulfillment of obligations under CEDAW.”³² The reporting mechanism nevertheless affords researchers a birds-eye view of what practices the Member States encourage and support.

In this paper, we draw on the reports of four sizeable and populous Member States to assess their governments' attitude towards grassroots women's organizations and cooperatives. This, in turn, provides an opportunity to assess the synergy between law's "top down" role in endorsing women's economic and political empowerment on the one hand, and feminist activists' "bottom up" role on the other. In particular, we consider the significance of feminist activism in rural contexts, where law and legal actors are often assumed to be largely absent³³ and where patriarchy may be more entrenched.³⁴

Specifically, we consider the reports submitted by two developed countries: Australia and Canada, and two unevenly developed ones: China and India. The four countries are similar in size and the extent of their rural regions, while also boasting megacities with suburban outskirts. Thus, understanding the steps the developed countries took to facilitate women's grassroots organization could be used to improve such organization in less developed or unevenly developed countries. Similarly, examining the unevenly developed countries' approach could provide insight into the best practices for sustaining grassroots organizations in the relatively neglected areas of the developed countries.

³² [CITE]

³³ Pruitt, *Gender, Geography and Rural Justice*, 23 BERKELEY J. OF GENDER, L. & JUSTICE 347 (2008); Pruitt, *Migration*, *supra* note [].

³⁴ Pruitt, *Gender, Geography and Rural Justice*, *supra* note []; Pruitt, *Migration*, *supra* note [].

A. Encouraging Formation of Cooperatives

To fulfill their obligations under CEDAW's Article 14(2)(e), many Member States provide funding and bureaucratic assistance to women's cooperatives and self-help groups (SHGs). These cooperatives and SHGs can then deliver services to the local population, or establish businesses there, thus improving the lives and livelihoods of rural women and their families. For example, in Canada, the Federal Economic Development Initiative for Northern Ontario (FedNor) delivers the Community Futures program in Ontario, which provides support to over sixty Community Futures Development Corporations (CFDCs) located throughout rural Ontario. In turn, these non-profit economic development organizations provide assistance to build small businesses.³⁵ FedNor also provides funding to women-targeted projects across the province: between 2003 and 2006, over 500 women-led businesses received loans valued at over CAD 22 million. Further, FedNor supports the PARO Centre for Women Enterprise in Northwestern Ontario, a not-for-profit and grassroots organization focusing on the many unique challenges facing women as entrepreneurs and primary family caregivers. Lastly, FedNor partners with the Network for Women Entrepreneurs ("NWE") in rural and northern Ontario to promote their services to women across the province. Administered by the Canada-Ontario Business Service Centre, the NWE provides women business owners with access to programs,

³⁵ Canada Seventh, at ¶ 133. *Community Futures Give Small Towns a Second Chance*, THE GLOBE AND MAIL, May 11, 2010, <http://www.theglobeandmail.com/report-on-business/your-business/start/location/community-futures-give-small-towns-second-chance/article1564574/>.

information, and services specifically tailored to the needs of businesswomen in the province.³⁶ In 2005-2006, the NWE served over 18,000 clients.³⁷

Similarly, Australia reports that its National Women's Development Programme supports women's NGOs with the aim to achieve broadly representative, effective and viable national women's organizations that contribute actively to government policies and strategies affecting women.³⁸ In 2001-02, Australia set aside AUD 5.6 million over four years for this program.³⁹ In India, a pilot program attempts to improve women's access to land by providing leases on community wasteland, fallow land, or surplus land exclusively to women's SHGs.⁴⁰ The Indian Scheduled Caste Development Corporation (SCDC) in the state of Andhra Pradesh provides subsidized credit to women's SHGs to purchase or lease private land in the marketplace.⁴¹ Moreover, this Indian rural antipoverty program earmarked about forty percent of its funds for women's SHGs.⁴² Thus, the Indian government sees SHGs,⁴³ or women's collectives,⁴⁴ as a key strategy for enhancing rural women's livelihoods.⁴⁵ About 84% of Indian SHGs are women-only

³⁶ See [CITE]; *see also* *WD Success Stories 2009-2010, Alberta Women Entrepreneurs – Alberta*, WESTERN ECONOMIC DIVERSIFICATION CANADA, <http://www.wd.gc.ca/eng/12241.asp#b1> (last visited March 9, 2011) (stating that Western Economic Diversification Canada has provided CAD 544,000 over three years to implement Access to Supply Chains program assisting women entrepreneurs in Western Canada to gain better access to domestic and international supply chains).

³⁷ These programs are not unique to Ontario: for example, the Yukon Human Rights Commission involves women's organizations within the Yukon. See Canada Sixth and Seventh, at ¶ 715. But limits on funding for such programs limits what they are able to do: "Due to limited resources, the Commission has not been able to develop specific programs for Aboriginal women. It relies on direct requests from community groups and assists as it is best able." *Id.* at ¶ 716.

³⁸ Australia Fourth and Fifth, at ¶ 129.

³⁹ Australia Fourth and Fifth, at ¶ 129. The funding provides the opportunity to expand, strengthen and enhance the status and position of women in Australia through national secretariats, targeted projects, capacity building projects, as well as training and mentoring.

⁴⁰ India Second and Third, at ¶ 281.

⁴¹ *Id.*

⁴² *Id.* at ¶ 82.

⁴³ India, *Second and Third*, at ¶¶ 28, 78, 82, 103, 292, 311. The rural poverty alleviation program, Swarnajayanti Gram Swarozgar Yojana (SGSY), emphasizes the importance of SHGs to allow the rural poor access to the financial system, infrastructure support, technology and marketing contacts, *etc.* *Id.* at ¶ 294. Under this program, about 50% of the SHGs are exclusively by women. *Id.*

⁴⁴ *Id.* at ¶¶ 65, 200.

⁴⁵ *Id.* at ¶ 294; *see also supra* note 43.

groups.⁴⁶ The SHGs and collectives are typically organized at the village level and provide an outlet for rural women to discuss specific problems, explore solutions, and prepare to run for local political office.⁴⁷ Similarly, Women's Federations in China are similarly major actors in the implementation of development policy.⁴⁸ Women's Federations coordinate and provide on-the-job training, and they participate in disbursing micro-loans to rural women.⁴⁹

One of Member States' most frequent uses of women's SHGs is as guarantors or distributors of micro-loans. India's Rural Women's Development and Empowerment Project, for example, allocates income-generating funds to many SHGs.⁵⁰ The National Bank for Agricultural and Rural Development also focuses on micro-financing SHGs,⁵¹ of which about 90% are exclusively women's collectives.⁵² Women as small borrowers accounted for 14.5% of the loans disbursed.⁵³ China similarly provides micro-credit to rural women-owned enterprises.⁵⁴ These loans are either underwritten by local women's federations⁵⁵ or via rural credit cooperatives.⁵⁶ Such small loans have a 95–99% loan return rate, making them a sound

⁴⁶ *Id.* at ¶ 292. Thus, nearly 2 million rural poor families have accessed India's financial system through SHGs. *Id.*

⁴⁷ *Id.* at ¶¶ 65, 200; [CITE – article assigned by Naeha].

⁴⁸ China, *supra* note, at 49, 56.

⁴⁹ China, at 49, 55-56.

⁵⁰ India, *supra* note [], at ¶¶ 200, 310. *See also id.* at ¶ 82 (SGSY, the rural poverty reduction program, distributed micro-credit loans to over 220,000 SHGs); ¶ 103 (government sponsored SHGs of asset-less SC women are able to access micro-credit financing for income generating activities); ¶ 281 (a Scheduled Caste Development Corporation operates in Andhra Pradesh, providing subsidized credit to SC women's SHGs to purchase or lease land for community cultivation); ¶ 286 (describing a state program in Kerala, which created an informal bank of rural women with savings and credit operations, thus encouraging rural women to take up micro-enterprises). Some programs allow for a higher loan-to-value ratio for project lending by women entrepreneurs. *See id.* at ¶ 285.

⁵¹ *Id.* at ¶¶ 78, 225. Several Non-Governmental Organizations (NGOs), such as the Society for Helping the Awakening of the Rural Poor (SHARE) and the Rural Development Organization (RDO), also set up micro-finance schemes for the rural poor. *Id.* at ¶¶ 225, 281. Numerous micro-finance institutions operate as credit cooperatives or credit unions. *Id.* at ¶ 225.

⁵² *Id.* at ¶ 78.

⁵³ *Id.* at ¶ 225.

⁵⁴ China, at 49.

⁵⁵ *Id.*

⁵⁶ *Id.* at 49–50.

investment.⁵⁷ In Canada, for example, FedNor distributes loans to women-owned enterprises.⁵⁸ In Australia, the Rural Access Program (RAP), which began in July 1991, allows people in rural and remote regions to plan, organize, and deliver activities and projects to meet community needs.⁵⁹ Around one-third of the AUD 1.51 million available in 1992-93 went to women's organizations and their projects.⁶⁰

At the same time, the country reports reflect problems for women's self-organization. The Canadian Government reported the need for increased collaboration among the stakeholders in the rural communities.⁶¹ Australia,⁶² India,⁶³ and China⁶⁴ echo similar concerns to differing degrees.

B. Building Local Capacity

One of the significant problems rural women face when organizing SHGs is the lack of communication among localities and organizations within a region. The governments of Member States can alleviate this problem by providing a platform for women to share information about themselves and their organizations. Women's secretariats, alliances, and registers are the primary vehicles for developing and networking local capacity, ensuring that talented and ambitious women remain involved with their local communities. In Australia, based on the success of three

⁵⁷ *Id.*

⁵⁸ Canada Seventh, at ¶ 132.

⁵⁹ Australia Third, at 48.

⁶⁰ *Id.* at [PIN]; *see also id.* at ¶ 457 (discussing Women Tasmania initiative, which has a number of programs and project initiatives targeted at women from economically disadvantaged groups and regional areas including the *Women's Development Small Grants* program, providing small grants to women's groups to assist with projects aimed to meet identified local needs).

⁶¹ Canada Seventh, at ¶ 433 ("Some of the challenges to eliminating the service gaps for First Nation women and girls include accessibility issues for those in remote and isolated communities, lack of culturally appropriate resources and training, and need for increased collaboration among stakeholders including communities and band councils.").

⁶² Australia Fourth and Fifth, at ¶ 473.

⁶³ *See* India Second and Third, at ¶ 362.

⁶⁴ *See* China Fifth and Sixth, at 54.

earlier women's secretariats,⁶⁵ a National Rural Women's Secretariat was established in 2002, strengthening the "diversity of women and women's organizations throughout the community."⁶⁶

The Australian government provided funding specifically for training and mentoring women's community and organizational capacity.⁶⁷ The Australian states also shoulder the burden of developing local capacities of rural women interested in leadership.⁶⁸ For example, the state of

⁶⁵ Engaging with Women's Organizations: History of the Alliances, DEPARTMENT OF FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS (FAHCSIA), http://www.fahcsia.gov.au/sa/women/progserv/equal/Pages/engaging_womens_org.aspx#3 (last visited March 6, 2011).

⁶⁶ Australia Fourth and Fifth, at ¶ 130.

⁶⁷ *Id.* The Australian government offers a range of opportunities to specifically enhance the leadership skills of women in regional and rural areas. State and Territory Rural Women's Award winners attended a national leadership seminar in March 2001 and also received funds to help develop their management, business or leadership skills. *Id.* at ¶ 141. The Government also funds an annual scholarship for one mature age rural woman to participate in the Australian Rural Leadership Programme. *Id.* Further information about the Rural Women's Award is available at www.ruralwomensaward.gov.au. *See also id.* at ¶ 167 (discussing importance of Annual Women's Summit, and stating that inaugural Victorian Women's Summit held for rural women in May 2000, was attended by over 200 women from diverse organizations and backgrounds); ¶ 510 (discussing the strategies of the Department of Primary Industries to promote women in leadership, such as sponsorships for ten women working in agricultural industries to attend the Third Rural Women's Congress in Spain in October 2002; training and skills development through the *Building Rural Leaders* program, and scholarships to attend the Company Directors Course; publication of a *Vision for Change — Women Working for the Future of Rural Queensland* and *Getting Women on Board: a guide to nominating, selecting and appointing women to rural industry boards and committees* which offers support and practical ideas for women, industry organizations and government agencies in promoting women in leadership and decision-making roles; celebration of World Rural Women's Day; the *Ministerial Advisory Committee for Women in Agriculture and Resource Management* to provide practical support to the Minister in improving the diversity of decision-making through the active involvement of women and young people; participation in the Rural Industries Research and Development Corporation; and a Rural Women's Award to celebrate women's achievements and encourage more women to become involved in their community, industry and business); ¶ 515 (discussing the South Australia (SA) Rural Network, established in 1999 to bring together rural community organizations and individuals, which had key role in the development of sustainable rural communities by providing opportunity for information sharing); ¶ 516. (discussing *Shaping the Future: SA Rural Women's Developing Leaders Course*, held every 2 years for 25 rural women from across the State to attend, aiming to encourage and provide rural women with the skills, motivation and information to seek an active role in addressing current and future issues affecting rural communities); ¶ 523 (discussing other initiatives, such as *Rural Women's Network* and related website; the *Rural Industries Research and Development Corporation Rural Women's Award*; *Rural Women's Leadership Bursary Programme*; *Promoting Diversity: Rural Women in Business and Decision Making Project* to improve business and leadership opportunities for women by identifying emerging issues, conducting research, and identifying good practice; a *Women in Agriculture and Resource Management Register*; a *Rural Women's Business and Leadership Training Directory*; the *Networking the Nation Project* which will link the majority of rural Adult and Community Education providers and increase access by women and girls to technology; *Rural Women's Business Entrepreneur Support Scheme*; and new family violence services to assist Indigenous women and their families in rural areas); ¶ 525 (discussing other initiatives for rural and remote area women such as the *Rural, Remote and Regional Network* which brings together women in rural, remote and regional areas to recognize, promote and expand the contribution they make to their communities; and a conference for women in agriculture involving and showcasing the diversity of women in agriculture across Western Australia).

⁶⁸ *See, e.g.,* Australia Fourth and Fifth at ¶ 151 (discussing NSW programs to support rural women's leadership, including NSW Agriculture's *Rural Women's Network* leadership training pilot program for women in isolated communities); *id.* at ¶ 457 (discussing Women Tasmania programs, such as the *Women in Decision Making and*

Victoria created a register of women, the VicWomen Directory, listing over fifteen hundred women interested in, and available for, board appointments.⁶⁹ Government departments are encouraged to consult the Directory when making recommendations for new appointments and reappointments.⁷⁰ Based on the success of the VicWomen Directory, the Australian government is planning to develop a register specifically to increase the representation of Indigenous women on boards, committees and tribunals.⁷¹ In 1996, Agriculture, Fisheries and Forestry Australia (AFFA) established “*Balance*” — a database of women with experience and expertise in rural areas to encourage more appointments of women to departmental boards and committees.⁷²

In China, the All-China Women’s Federation and its local federations provide the platform for the government’s efforts to develop the local leadership capacity of women. The All-China Women’s Federation organizes leadership training courses for women cadres, develops a database of women of excellence, and recommends qualified women candidates for leadership posts.⁷³ India’s Awareness Generation Programme (AGP), introduced in 1986-87, aims to create awareness among rural and poor women on various social issues so that they can realize their potential in the family and society.⁷⁴ Both the local government and women’s grassroots organizations are involved in the implementation of the awareness program, which emphasizes the participation of women in their regional institutions.⁷⁵

Leadership Programme which includes leadership training and mentoring programs for young women from disadvantaged areas).

⁶⁹ Australia Fourth and Fifth, at ¶ 166.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.* at ¶ 477. AFFA also participated in the OSW Executive Search Pilot Programme to “head-hunt” suitable women for positions on Commonwealth boards. *Id.*

⁷³ China Fifth and Sixth, at 27. The women recommendations by the local women’s federations achieved a success rate of almost 50% elected to leadership positions in local people’s congresses and governments. *Id.*

⁷⁴ India Second and Third, at ¶ 361.

⁷⁵ *Id.*

Canada reported a great need to build local capacity, especially in developing strategies to support Northern, Aboriginal, immigrant, and rural communities to build local capacity for leadership, organizational development, and coordinated services.⁷⁶ Australia also acknowledged the importance of coordination between governmental and non-governmental organizations, especially in rural areas. The *Regional Forums Australia Programme* was established in 1999 to foster the building of partnerships between businesses, local communities and governments to improve the economic viability of rural communities.⁷⁷

C. Improving Access to Telecommunications

Technology can help close the opportunity gap between rural and urban communities, bringing training and instruction that may otherwise be accessible only in metropolitan regions. Many developed countries have utilized technology to offer training programs that help rural women retool and become competitive players in the economy.⁷⁸ In June 1999, the Australian Regional and Rural Women's Roundtable identified five key areas of concern for rural women.⁷⁹ Their first area of concern was improved access to telecommunications.⁸⁰ This concern preceded the need for building social capital and social cohesion; economic and business development; service provision including health, child care, transport, counseling and banking; and skill building and training.⁸¹ This is all the more surprising because Australia pioneered the establishment of "Telecentres" — local hubs that provide up-to-date computing and telecommunications services for rural and remote areas as a way of enhancing economic,

⁷⁶ Canada Sixth and Seventh, at ¶ 551.

⁷⁷ Australia Fourth and Fifth, at ¶ 472.

⁷⁸ See e.g., Australia Fourth and Fifth, at ¶ 467.

⁷⁹ Australia Fourth and Fifth, at ¶ 467.

⁸⁰ *Id.*

⁸¹ *Id.*

educational, training and social opportunities.⁸² However, the development of these centers proved much slower than the expanding importance of telecommunication in our lives.⁸³ Nevertheless, women are strongly involved in *Telecentres* and are members of most community *Telecentre* committees.⁸⁴ Twenty-five percent of successful *Telecentre* applications are coordinated by women.⁸⁵

To further increase rural women's access to telecommunication services, Australia initiated the *Networking the Nation* program in 1997. The program is managed by several local women's NGOs, and allows rural women to take advantage of improved communications, on-line training, up-to-date commodities information, worldwide marketing opportunities and the ability to work from home.⁸⁶ Furthermore, Australia established a national interactive computer network that provides men and women living in rural areas information on education and training opportunities.⁸⁷ Australian rural women actively use online training and participate on message boards for employment or business advice.⁸⁸ These programs are exemplary in bringing together governmental and grassroots women's organizations to solve a particular problem.⁸⁹

⁸² Australia Third, at 49[?].

⁸³ *Id.* ("Funding of AUD 2.8 million over four years from 1992-93 has been provided to assist community organisations to establish telecentres. By 30 June 1993, the Minister for Primary Industries and Energy had announced funding for 13 telecentres, with three being fully operational. . . . Additional funding of \$300 000 was provided in the 1993-94 Budget to increase the coverage of the program by increasing the number of Telecentre approvals from 33 to 45.").

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.* at ¶ 493. For example, the *Australian Virtual Centre for Women and the Law* project is managed by the National Women's Justice Coalition and includes about 600 community organizations, using almost 170 e-mail groups created and supported through the project. *Id.* The *Women's Justice Network*, which aims to provide legal information, advice, and referral to women in southwest Queensland, comprises a network of community organizations and legal advice services connected through computer video conferencing facilities and a legal information database. *Id.*

⁸⁷ See Australia Fourth and Fifth, at ¶ 476. The formal name of the interactive computer network is the Education Network Australia, known as EdNa. *Id.* With its online delivery of courses, rural women are afforded flexibility in participating in education and training. *Id.*

⁸⁸ See *id.* at ¶ 493. The Australian Virtual Centre for Women and the Law, a project managed by the National Women's Justice Coalition, hosts a wide range of online discussion groups and associated services for rural women.

III. BOTTOM-UP: SELF-ORGANIZING ON THE GROUND

The four Member States we examined all utilize women's networks, cooperatives, and SHGs to effect governmental policy of achieving the goals they agreed to by ratifying CEDAW. Rural women face a range of obstacles to [economic independence, self-realization, ...]. Lack of transportation, home and farm responsibilities, and privacy issues may all impede their access to services. Given these issues and the limited resources available in rural communities, women's organizations have historically stepped in and provided services and information to women. Women's organizations have also undertaken valuable research into the factors that distinguish the rural situation from that of urban areas, and they have advocated for women on issues that affect them.

In this Part, we look at a few exemplary women's organizations in each of these countries, using them as ad-hoc case studies. Specifically we examine the ways in which the women's groups utilize the rights articulated by CEDAW, or receive funds due to CEDAW's presence. We also examine the impact of these organizations increasing opportunities for rural women to improve their livelihoods, network with other women's organizations, and achieve progress towards the socioeconomic rights secured by CEDAW.

A. Canada

1. *Rural Women Making Change*

Rural Women Making Change ("RWMC") is a Community University Research Alliance funded in 2005 by the Social Sciences and Humanities Research Council of Canada, a federal government organization. Researchers working at labor organizations and universities

Id. As of 2003, the project had approximately 5,000 participants. *Id.* Most notably, the Australian *Women's Justice Network* provides advice and legal information, and is comprised of a network of community organizations. *Id.*

⁸⁹ See *id.* at ¶¶ 493, 509. ("The Queensland Office for Women established a partnership with the Queensland Rural Women's Network to extend Internet access and training to women around the State through the *BridgIT* programme.")

collaborate on several projects examining rural women's work life and everyday life, and formulating gender- and rural policy in trans-local areas. RWMC also developed a research database of documents prepared by other rural women's organizations. One of the RWMC's projects aims is to understand how and why women access rural women's organizations and what type of services are provided by these organizations across Canada. To this end, the RWMC researchers catalogued the active Canadian rural women's organizations. Their database of more than 250 of these organizations will be available on the RWMC's website. The research project also considers the services offered by these organizations, and how women access them in their communities. Notably, the RWMC was funded by a federal agency of the Canadian government, and it uses the funds provided to connect rural women's organizations to one another, and to conduct research activities and provide the results to the government and to the public. We have found that this form of cooperation between government agencies and feminist organizations is quite common in Canada.

2. *Rural Women's Health Networks*

Perhaps in no other field is cooperation between governments and NGOs more essential than in the field of health services. Most health organizations understand that sharing information, research, and the burdens of services as widely as possible is the most efficient way of conducting their business. For example, the Canadian Breast Cancer Network (CBCN) is a survivor-directed, national network of organizations and individuals. CBCN represents the concerns of all Canadians affected by breast cancer and those at risk. Its aim is to develop and encourage networking between groups and individuals concerned about breast cancer. To this end, the CBCN provides a list of rural women's organizations on its website. These organizations are mostly organized by state or region, although some of them are national organizations, or feminist sub-groups of other national organizations.

Similarly, the Canadian Women's Health Network (CWHN) was created in 1993 as a voluntary national organization to improve the health and lives of girls and women in Canada and the world by collecting, producing, distributing and sharing knowledge, ideas, education, information, resources, strategies and inspirations. The CWHN is a far-reaching network of researchers and activists, employees of provincial and federal health ministries, and women's organizations, all dedicated to bettering women's health and equality. The CWHN advocates that, in order to improve the health status of women, Canadians must address social and economic conditions such as education, housing, environment and gender which all impact on health. And, naturally, the CWHN promotes and develops links to information- and action networks.

The CWHN also collaborates with Canada's regional Centres for Excellence for Women's Health, a loosely related network of organizations itself, established in 1996. The Centres have set a health research agenda addressing the socioeconomic factors affecting the health of Canadian women. The Centres support policy-oriented and community-based research and analysis on the social and other determinants of women's health. The Prairie Women's Health Centre for Excellence (PWHCE), for example, conducted a study exploring the impact of eroded supports for farm communities in Saskatchewan, and has made suggestions to the mental health system there to be more responsive to local women's needs. This was part of an action plan designed by hundreds of Prairie women to improve their health and well-being. Thus, this research center, supported by the Women's Health Contribution Program of Health Canada, actively engages in organizing the rural women of Manitoba and Saskatchewan and assisting them with articulating an agenda for change. The PWHCE is also supported by the women's organizations in their region.

Two Health Centres — the National Network on Environments and Women's Health (NNEWH) and the Prairie Women's Health Centre of Excellence (PWHCE) proposed the establishment of a “cross-center initiative” to conduct a national pilot study in rural and remote women's health. The resulting project was called Rural and Remote Women's Health: Policy and Research Directions, and was established in cooperation with the Atlantic and British Columbia Centres of Excellence, the CWHN, and the Women's Health Bureau of Health Canada. Thus, several women's health research centers, a non-profit organization and a government organization collaborated in producing a directive of best practices and policies in providing rural women with optimal health services.

B. Australia

1. Australian Women in Agriculture

While being one's livelihood coming from agriculture is not a straight equivalent of rural livelihoods (as agriculture is but one of the many livelihoods of rural residents) agriculture is only practiced in the countryside. Thus, many rural organizations are agriculture-oriented. For example, the Australian Women in Agriculture (AWiA) is Australia's premier organization of rural women. Since its founding in 1993, AWiA has grown to a national body, with members involved with creating a positive future for Australian agriculture. Members come from different backgrounds, such as farmers and researchers, and include providers of services, too. AWiA confers with the various state, local, and national governments whenever rural issues are addressed. AWiA also aims to partner with a number of industry bodies, government departments, and other organizations to broaden opportunities for its members.

2. Rural Women's Network

Perhaps more illustrative of the collaboration between governments and grassroots organizations is the Rural Women's Network (RWN) in the state of Victoria. The Victoria

Department of Planning and Community Development supports networking between rural women through the informal RWN, established in 1986. The RWN publishes a quarterly newsmagazine, the Network, and also organizes educational seminars and events, such as the Rural Women Leading Change Program and the Rural Women in a Changing Climate Forum. Within two years, the Department hired a full-time researcher to explore the relationship between farm women and the Victorian Department of Agriculture and Rural Affairs. Furthermore, in 1989, the Department appointed two part-time officers for the Women in Agriculture project. The Women in Agriculture project aimed to modify programs and service delivery to actively include women as clients. The government's having more interaction with the rural women in the network resulted in more women's organizations becoming involved with the government. For example, the same year the Department of Conservation and Environment appointed a project worker for women's participation in natural resource management, the women's environment network CONSERVE was also established. In 1997, RWN formed the Rural Women's Working Group to advise the Standing Committee of the Agriculture and Resource Management Ministers of Victoria. In the same year, RWN established the Rural Women's Leadership Bursary Program in partnership with the governmental Office of Women's Policy.

C. India

India's rural landscape is "studded with SHGs," connecting individuals with banks and cooperatives.⁹⁰ Increasingly SHGs are formed and supported not by NGOs but by government

⁹⁰ Kim Wilson, *Foreword*, in SELF HELP GROUPS IN INDIA: A STUDY OF THE LIGHTS AND SHADES, EDA RURAL SYSTEMS PVT. LTD., at i, available at <http://www.edarural.com/documents/SHG-Study/Executive-Summary.pdf> (last visited March 11, 2011). This study examined 214 self-help groups in 108 villages in four states and nine districts, to understand the promotion and operation of self-help groups, how members related to one another, how groups interacted with their communities, as well as the effect groups had on their social, political, and economic environments and vice versa. *Id.* at ii.

agencies, while executing the government's various anti-poverty programs.⁹¹ There are apparent synergies between SHGs and local politics since through membership of SHGs, or SHG clusters and federations, village women can gain experience of relevant processes (regular meetings, taking decisions, allocating money). They also become more 'visible' in the village, which is important for campaigning. Thus, studies show that membership in an SHG was a critical component of the political experience of women who ran for elected office, and for winning such elective office, too. Thus, SHGs are instrumental as a vehicle for building local capacity. Further, about a third of Indian women's SHGs are actively delivering services to their communities, such as improving the water supply, education, health care, veterinary care, or roads of their village, contributing funds for, and work on, new infrastructure, and protecting natural resources.⁹²

1. Self-Employed Women's Association

The Self Employed Women's Association (SEWA) established in 1972, is an organization of poor women workers without formal employment, which amounts to a whopping 93% of the women in the labor force in India. Because they do not receive medical coverage and other benefits, they are the least protected segment of the in the organized labor force. Being in the informal sector, their work remains undercounted, undervalued, and mostly invisible to the government agencies. SEWA aims to achieve full employment for women workers, i.e., employment that obtains work-, income-, and food security, as well as social security for the workers. In this mission, SEWA is not merely an organization of women, but also a political movement to bring the informal sector of India into the limelight. In practice, SEWA's strategy is carried out through the joint action of union and cooperatives. In rural areas, SEWA sets up

⁹¹ SELF-HELP GROUPS IN INDIA, *supra* note 90, at 1.

⁹² *Id.* at 7.

hubs, called SEWA Sanskar Kendra (SSK), one for every ten to fifteen villages. SSK distribute information on a wide range of topics; provide online connectivity; establish food, seed, and fodder depositories; and information and application forms for governmental poverty-alleviation schemes for receiving funds. The SSK also establish Community Learning Centers (CLCs) which provide skills trainings, health education, education on social issues, disaster preparedness, use of computers and information technology. The CLCs also provide space for the livelihood cooperatives: the groups of artisans, harvesters of natural medicinal plants, salt workers, etc. may have their workshops held at CLCs.⁹³

D. China

CONCLUSION

The mutually beneficial cooperation between Member States' and NGOs is critical to understanding CEDAW's role in stimulating feminist grassroots organizations. That symbiotic cycle may begin with the government supporting women's organizations either indirectly, providing them with a legal framework and favorable bureaucratic environment or, more directly, by providing their funding in whole or in part. In turn, the women's organizations take over the government's responsibility to provide services, in which the local and more nimble grassroots organizations have a comparative advantage. The services provided then assist rural women to reach their full potential, thereby springing more organization and action. Neither State nor NGO nor community nor individual is working in isolation. Rather, they are all critical parts of a complex system working toward the common goals of women's empowerment and rural development.

⁹³ http://www.sewasanskarkendra.org/Capacity_Building.asp