pwescr
Programme on Women's Economic, Social and Cultural Rights

discussion paper

No. 3, July 2011

Locating Women's Livelihoods in the Human Rights Framework

Introduction

The right to livelihood is crucial to women and men around the world. It is a right that is fought for and defended by farmers, workers, peasants and the urban poor. Conceptually, it is much more than the right to work. It is the right to pursue a dignified life. In its essence, the right to livelihood offers people the opportunity to realise other rights with dignity. Particularly, it is a right that is embraced by women around the world, who frequently encounter obstacles to livelihoods and seek equal opportunities to realise their rights. Yet, despite its importance, the right to livelihood is not an internationally recognised human right. As a result, there is no consensus at the international level regarding its definition. However, conceptualisations of the right to livelihood are now developing from the ground.

The right to livelihood is a vibrant concept at the grassroots level. Advocates and activists in the Global South frequently evoke the right to livelihood as an essential right that must be defended and promoted, as well as one that is intricately related to other human rights. Indeed, there are various emerging definitions of the right to livelihood, including its component rights and related issues. In 2009, advocates from around the world met at several PWESCR-organised events at the World Social Forum, Belem, to discuss the right to livelihood and conceptualise the core components of this right.

Many issues are significant to the right to livelihood. At the World Social Forum, these issues were broken down into three different categories, together which comprise the emerging definition of the right to livelihood:

> *"Livelihoods are our human right. This concept is in our heart, it is our culture, it is our land and it is the environment. It is the basis of our human existence."*[1]
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1. The **right to food** and issues related to food—food security, food sovereignty, and food production including agriculture and seeds
2. Access to and ownership and control over **natural resources**, such as land, water, and forests
3. Issues related to **markets**, a space to trade both goods and services, and recognition of the fact that participation in markets requires education, skills, and credit.[2]

This paper explores the linkages between the right to livelihood and the right to food from a woman's perspective. Understanding the conceptual link between these two rights is important in moving forward the comprehension of both. Uncovering the linkages between the right to livelihood and right to food will facilitate a deeper understanding of what the right to livelihood entails, as well as illuminate the core aspects of the right to food. As such, this paper first discusses general understandings of both rights, drawing especially from PWESCR's experience of working on the right to livelihood. It then examines the conceptual link between the right to livelihood and the right to food.

[1] Tran Thi Lanh, Statement, PWESCR Report, Conference: World Social Forum 2009: Women and the Right to Livelihoods, 2009, 5.

[2] PWESCR Report, Conference: World Social Forum 2009: Women and the Right to Livelihoods, 2009, 17.

Finally, it considers what the concept of the right to livelihood adds to the right to food, as well as why it is important to incorporate the right to food in the definition of the right to livelihood. It concludes that locating women's right to livelihood as a key component of the right to food can be an effective strategy in recognizing women's agency and contributions.

The Right to Livelihood – Definition and Recognition

Currently, the right to livelihood neither has an established definition nor recognition as a human right at the international level. However, the right to livelihood is a concept that is increasingly discussed in the context of human rights. It is thus beginning to be defined from the ground up. While the right to livelihood is not elaborated as an entitlement in international instruments, the Universal Declaration of Human Rights (UHDR) does mention livelihood in relation to social security. Article 25(1) states that *"[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food…and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."*

A related right, although not nearly as expansive, is the right to work, an internationally recognised human right. Article 23 of the UHDR recognises that *"[e]veryone has the right to work,"* while Article 6(1) of the International Covenant on Economic, Social and Cultural Right (ICESCR) states that the States Parties *"recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts."* Based on the ICESCR's recognition of the right, the UN Committee on Economic, Social and Cultural Rights (CESCR) elaborated General Comment 18 on the right to work. While the right to work is integral to the right to livelihood, it does not cover some of the most crucial aspects of the right to livelihood, such as the right to food, access to productive resources, or access to markets. Moreover, it does not capture the understanding that livelihood is more than simply employment: *"it implies survival strategies for [the] poorest and vulnerable sections of society."*[3] Thus, while recognition of the right to work is important, it can never be a substitute for the right to livelihood. Similarly, while existing international laws and standards address working conditions, remuneration, and trade unions, they add context to the right to work, and do not serve as proxies for the right to livelihood.

In addition, the right to adequate standard of living as defined under Article 11 of ICESCR includes right to food, clothing, right to adequate housing, right to water and sanitation with an obligation to progressively improve living conditions. While the protection and promotion of these rights should, to a certain extent, afford minimum protection of people's livelihood, there are protection gaps. In most circumstances, issues connected with livelihood security are not sufficiently addressed. Work and livelihood are means through which people realise an adequate standard of living for themselves and their families and are therefore linked to these rights.

The Development Approach to Livelihood: Setting the Groundwork for the Right to Livelihood

The right to livelihood is grounded in the concept of livelihood, which was embraced by the development community in the 1990s. The development approach conceptualised livelihood as "the means of gaining a living, including livelihood capabilities, tangible assets and intangible assets." Moreover, livelihood was deeply related to sustainability. For example, the United Nations Development Programme considered sustainable livelihoods to be "the capability of people to make a living and improve their quality of life without jeopardizing the livelihood options of others, either now or in the future."** Although ideas about the right to livelihood are based on those understandings, the current focus on the right to livelihood is different because it emphasizes that livelihood is a right, rather than simply a poverty reduction strategy.*

** Shoba Arun, Richard Heeks & Sharon Morgan, Researching ICT-Based Enterprise for Women in Developing Countries: A Livelihoods Perspective IDPM, University of Manchester, UK 2004, 2.*

*** Sustainable Livelihoods Unit of UNDP, Abstract of Sustainable Livelihoods Concept Paper, Nov. 3, 1999, http://www.nssd.net/references/SustLiveli/Abst_con.htm.*

[3] Darooka, Priti, *Social Security: A Woman's Human Right,* PWESCR Discussion Paper No. 2, April 2008, New Delhi, 14.

Several countries have mentioned the right to livelihood in their Directive Principles of Social Policy. Article 45 of the Constitution of Ireland says, *"The State shall, in particular, direct its policy towards securing: That the citizens (all of whom, men and women equally, have the right to an adequate means of livelihood) may through their occupations find the means of making reasonable provision for their domestic needs."*[4]

The right to livelihood and the right to work are mentioned in the Indian Constitution as well. Article 39, which falls under the Directive Principles of State Policy, instructs that *"[t]he State shall, in particular, direct its policy towards securing…that the citizen, men and women equally, have the right to an adequate means of livelihood" and "...that there is equal pay for equal work for both men and women."* In addition, Article 41 urges the state to *"...make effective provision for securing the right to work."* In recent years, the Government of India has taken this right to work seriously, enacting the National Rural Employment Guarantee Act (2005), which entitles individuals to unskilled manual employment on public works at the minimum wage, subject to a limit of 100 days per household per year.[5]

The Right to Livelihood is a Women's Issue

Though the right to livelihood is important for all, it is particularly important for women. The problems women face with regard to livelihood are compounded by a number of gender-specific factors. These include:

1. Women play a significant role in all livelihood efforts, which are crucial for them as well as their families. Women are often the main contributors to agriculture and household nutrition and food security.[6] They cultivate, plough and harvest more than half of all the food in the world.[7] They are also the primary users of forests and other natural resources including land and water for livelihood security. Despite the fact that women world over are the main actors in livelihood activities, their contributions are often undervalued or unrecognized. The work that women undertake within the household, in subsistence farming, their multiple roles in animal husbandry, fish processing, collection of non-timber forest produce, and the many activities they perform to supplement family incomes are rarely recognized as work creating economic value. Even when women work alongside their husbands, their efforts are often characterised as wifely duties and not as contributions to their family's food security and livelihoods. Thus, recognising the right to livelihood, which broadens the ambit of rights, is important in acknowledging women's contributions.
2. Realising the right to livelihood is important for women's ability to realise other human rights. The right to livelihood is intrinsically linked to other human rights, such as the right to food, the right to health, the right to social security, the right to work, and the right to education. The inter-linkages are more profound in the case of women. Loss of livelihoods adversely affects women's position in the power hierarchy and their bargaining capacity within the household and their community. The loss of income arising

[4] *Constitution of Ireland*, http://www.taoiseach.gov.ie/attached_files/Pdf%20files/Constitution%20of%20Ireland-Nov2004.pdf, accessed July 19, 2011.

[5] *The Right to Work*, Right to Food Campaign, http://www.righttofoodindia.org/rtowork/rtw_briefing.pdf, accessed July 19, 2011; *Employment Guarantee Act: A Primer,* Right To Food Campaign, December 2007, http://www.righttofoodindia.org/data/ega_english.pdf, accessed July 19, 2011.

[6] Women improve the food security of their household through (a) their access to income-generating activity and (b) through ensuring food availability. *Preliminary Study of the Human Rights Council Advisory Committee on Discrimination in the Context of the Right to Food,* A/HRC/13/32, February 2010, 55.

[7] In sub-Saharan Africa and the Caribbean, women produce up to 80 percent of basic foodstuffs. In Asia, they account for around 50 percent of food production. In Latin America, they are mainly engaged in subsistence farming, horticulture, poultry and raising small livestock. Erwin Northoff, *FOOD: Women Farmers are Invisible Actors in Hunger Drama,* World News, Inter Press Service, http://classic-web.archive.org/web/20040214085507/http://www.oneworld.org/ips2/oct98/22_39_068.html.

out of the disruptions of livelihoods affects women's health and wellbeing as they usually eat last and eat fewer meals. Livelihood insecurity makes women vulnerable to violence and abuse, both within the household as well as outside.

3. Women confront multiple forms of discriminations that have a negative impact on their livelihood. These include discrimination in employment and access to productive resources and markets. Women also face discrimination in equal access to control and ownership of land, which is "crucial for the purpose of strengthening their security and livelihood."[8] Traditionally prescribed gender roles also result in significant differences in terms of the resources that men and women are able to mobilize to carry out their work related responsibilities.

4. Most policy interventions are based on the male breadwinner model. Schemes to reduce poverty usually target men, while women continue to carry out precarious livelihood activities and provide care to family with no recognition or support.

5. Women are subjected to a time burden that is much greater than that of men, as they are expected to take care of nearly all the responsibilities of household upkeep and childcare. Women are increasingly made responsible for generating income for themselves and their families in addition to the unpaid work they do. "For many women, unpaid work in and for the household takes up the majority of their working hours, with much less time spent in remunerative employment. Even when they participate in the labour market for paid employment, women still undertake the majority of the housework."[9] Ironically, this burden becomes even more intense and women's health is often impacted with the advent of development schemes, introduced by government and/or development NGOs, that center on women's labour.

6. Women are not involved in the decision making process on resources, including money, even when they earn it. Even though 70 to 80 percent of all rural economic activities are carried out by women, they do not view themselves as economic agents.

To ensure that women are able to realise their right to livelihood, advocates and policymakers must take steps to address the obstacles that women confront. Such a recognition must be gr ounded in an understanding of the importance of the right to livelihood in the lives of women. Equally important, however, is the acknowledgment of women's contributions to economic activities and the recognition of women as equal citizens. Women are not mere members of households that are dependent on the male breadwinner. They cannot be reduced to the roles of passive welfare recipients or viewed only as a vulnerable group that needs to be protected and taken care of. They are active economic agents with rights, and contribute to both the productive and reproductive economy. *"A gender perspective means recognizing that women stand at the crossroads between production and reproduction between economic activity and the care of human beings, and therefore between economic growth and human development."*[10] Enhancing women's access to productive resources and ensuring that greater social value is accorded to their contributions can bring about greater balance between economic growth and human development.

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[8] *Preliminary Study of the Human Rights Council Advisory Committee on Discrimination in the Context of the Right to Food,* A/HRC/13/32 (Feb. 2010), 32 states that "The right to control, access, and manage land is tied to a woman's right to exercise financial independence, earn a livelihood, and subsequently provide a livelihood for herself and her household."

[9] *State of the World's Children,* UNICEF, 2007.

[10] Sen, Gita, *Gender Mainstreaming in Finance: A Reference Manual for Government and other Stakeholders,* Commonwealth Secretariat, 1999, London.

The Right to Food – Definition and International Recognition

The right to food is recognised by governments around the world, and discussed in several international instruments. In 1966, it became a binding obligation for States Parties to the ICESCR.[11] Under the ICESCR, "States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food."[12] In 1999, the CESCR, a body of independent experts that monitors implementation of the ICESCR by States Parties, elaborated on the right to food in its General Comment No. 12. Noting that the right to adequate food applies to everyone, CESCR stated that the right to adequate food "is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement. The *right to adequate food* shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients."[13] Indeed, the core components of the right are the "availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; [and] [t]he accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights."[14]

As CESCR noted, "[t]he right to adequate food, like any other human right, imposes three types or levels of obligations on States parties: the obligations to *respect*, to *protect* and to *fulfil*. In turn, the obligation to *fulfil* incorporates both an obligation to *facilitate* and an obligation to *provide*."[15] To respect the right to food, governments are obliged to refrain from impeding existing access to food and resources. To protect it, governments must ensure that third parties do not deprive individuals of their existing access to food and resources. To fulfil by facilitating the right to food, governments "must proactively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security."[16] In certain cases, when individuals or groups remain unable to enjoy the right to adequate food, governments have the obligation to fulfil by providing food directly.

Elaborating on these definitions of the right to food, the current United Nations Special Rapporteur on the right to food has stated that "the right to food is the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear."[17] The Special Rapporteur has stressed that, although States sometimes have an obligation to provide food, "the right to food is not primarily about being fed. It is about being guaranteed the right to feed oneself, which requires not only that food is available (that the ratio of production to the population is sufficient), but also that it is accessible—i.e., that each household either

[11]The ICESCR was opened for signature in 1966; it entered into force on January 3, 1976. To date, it has been ratified by 156 States. FAO, *Women and the Right to Food: International Law and State Practice,* 2009, 9.

[12]Article 11.1, ICESCR.

[13]CESCR, General Comment 12, para 6.

[14]CESCR, General Comment 12, para 8.

[15]CESCR, General Comment 12, para 15.

[16]CESCR, General Comment 12, para 15.

[17]Website of Olivier De Schutter – United Nations Special Rapporteur on the Right to Food, http://www.srfood.org/index.php/en/right-to-food, accessed July 19, 2011This formulation is almost identical to the one used by his predecessor, Jean Ziegler. See Commission on Human Rights, *Report of the Special Rapporteur on the Right to Food,* Jean Zieglar, February 2001, UN Doc E/CN.4/2001/53.

What are States' Right-to-Food Obligations Regarding Women?

Respect: States must not impede women's existing access to food, income, or natural resources

Protect: States must protect women from discrimination by third parties, including in the workplace and in access to resources

Fulfil (facilitate): States must "create an enabling environment to ensure that women have sufficient access to resources to be able to feed themselves."

Fulfil (provide): In certain situations, States must support women who are unable to feed themselves

Women and the Right to Food: International Law and State Practice, FAO, 2009.

has the means to produce its own food, or has sufficient purchasing power to buy the food it needs."[18]

Drawing from those definitions, the key components of the right to food are thus adequacy, sustainability, availability, and accessibility. **Adequacy** is clearly important: the ICESCR asserts the right to adequate food, the Special Rapporteur focuses on "quantitatively and qualitatively adequate and sufficient food,"[19] and CESCR noted that adequacy "underline[s] a number of factors" for considering whether foods or diets are appropriate.[20] **Sustainability** is linked to the notion of adequacy, but also to food security, which implies that food will be accessible in the present and for future generations. Thus, while the definition of adequacy can be determined by a number of conditions, sustainability "incorporates the notion of long-term availability and accessibility."[21] **Availability** can be met in two ways: it "refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand."[22] Finally, **accessibility** can be broken into two parts: economic accessibility and physical accessibility. Economic accessibility "implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised. Economic accessibility applies to any acquisition pattern or entitlement through which people procure their food...."[23] Physical accessibility simply means that adequate food must be physically accessible to all individuals, including vulnerable people.

Discourse on the right to food often involves two other terms: "food security" and "food sovereignty." Neither term is interchangeable with the right to food, yet they are related. Indeed, one of the most detailed international documents issued on the right to food is the FAO Right to Food Guidelines, which notes that a human rights-based approach to food security "emphasizes the achievement of food security as an outcome of the realization of existing rights."[24] This follows the 1996 Rome Declaration on World Food Security, which viewed the realisation of the right to food as a way of achieving food security.[25] Thus, food security has been defined as existing "when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life."[26] Because it comprises "access to … food, effective consumption and adequate nutri-

[18]Website of Olivier De Schutter – United Nations Special Rapporteur on the Right to Food, http://www.srfood.org/index.php/en/right-to-food., accessed July 19, 2011.

[19]Website of Olivier De Schutter – United Nations Special Rapporteur on the Right to Food, http://www.srfood.org/index.php/en/right-to-food, accessed July 19, 2011.

[20]CESCR, General Comment 12, para 7.

[21]CESCR, General Comment 12, para 7.

[22]CESCR, General Comment 12, para 12.

[23]CESCR, General Comment 12, para 13.

[24]*Voluntary Guidelines on the Progressive Implementation of the Right to Adequate Food in the context of National Food Security,* FAO, para 19. 6.

[25]*Voluntary Guidelines on the Progressive Implementation of the Right to Adequate Food in the context of National Food Security,* FAO, para 2, 1.

[26]World Food Summit Plan of Action, http://www.fao.org/docrep/003/w3613e/w3613e00.HTM, accessed July 19, 2011

tion outcomes[,] … it is intricately linked with a woman's multiple roles expressed in her productive, reproductive and caring functions."[27]

Some activists and scholars argue that food security, as it has been defined, is not an appropriate goal. This is because food security "does not specify *where* that food should come from or *how* it should be produced, or *who* should have control over agricultural resources and decisions regarding food production and distribution. International trade, the use of biotechnology, and distribution of land and rights over seeds, for example, are not considered relevant by this definition."[28] In contrast, the concept of food sovereignty does address those important issues. It "focuses on people's and countries' rights to decide their own agriculture and food policies. It calls for equal control over resources and decision making, especially for the world's producers of food …."[29] Food sovereignty is therefore "the right of peoples, communities and countries to determine their own production systems related to agricultural labour, fishing, food and land and associated policies which are ecologically, socially, economically and culturally appropriate to their unique circumstances."[30] There are, thus, clear links between food sovereignty and the right to food as it has been defined and interpreted at the international level.

The Right to Food is a Women's Issue

The right to food is a women's issue, because it is integral to women's well-being and central to the realisation of their other rights. Although many governments and entities recognise how important the right to food is for women, the discourse focusing on such right is often framed with the perspective of women as a vulnerable group that needs protection. It is true that women often confront discrimination, as well as societal, cultural, and other pressures, that negatively affect their right to food. It must also be acknowledged, however, that the right to food is a women's issue because women are the key to the realisation of the right to food for all.

In many places, women have unequal access to food and access to resources for food. They "account for 70 percent of the world's hungry and are disproportionately affected by malnutrition, poverty and food insecurity."[31] Although women often hold primary responsibility for feeding the family, they frequently receive less food than other household members.[32] In addition, women also lack control over family resources.[33] This is contrary to States Parties' obligations under the ICESCR to guarantee that rights, including the right to food, "will be exercised without discrimination of any kind"[34] and "to ensure the equal right of men and women

[27]Ramachandran, Nira, *Women and Food Security in South Asia: Current Issues and Emerging Concerns,* UNU-WIDER, November 2006.

[28]Clapp, Jennifer, *The World Food Summit on Food Security and the People's Forum: Same Problem, Different Takes,* November 27, 2009, http://www.cigionline.ca/publications/2009/11/world-summit-food-security-and-peoples-forum-same-problem-different-takes.

[29]Ibid.

[30]People's Convention on Food Sovereignty, www.foodsov.org, accessed July 19, 2011.

[31]*Preliminary Study of the Human Rights Council Advisory Committee on Discrimination in the Context of the Right to Food,* A/HRC/13/32, Feb. 2010, para 31.

[32]U.N. Special Rapporteur on the Right to Food, *Building Resilience: A Human Rights Framework for World Food and Nutrition Security,* A/HRC/9/23, September 8, 2008, 14.

[33]Ibid.

[34]ICESCR Article 2.2. Note that the non-discrimination obligation "is one of immediate effect and is not, therefore, limited by the provision of progressive realization applied to other obligations under the ICESCR." FAO, *Women and the Right to Food: International Law and State Practice,* 2009, 13.

to the enjoyment of all economic, social and cultural rights."[35]

To address such problems and fulfil obligations regarding the right to food, CESCR stated in General Comment No. 12 that governments should prevent discrimination with respect to the right to food by providing, *inter alia*, "guarantees of full and equal access to economic resources, particularly for women, including the right to inheritance and the ownership of land and other property, credit, natural resources and appropriate technology."[36] Similarly, the FAO's *Voluntary Guidelines on the Progressive Implementation of the Right to Adequate Food in the context of National Food Security* ("Right to Food Guidelines") encourages states to take into account the specific situations and needs of women in a wide range of laws and programmes, and stresses the need for equal rights for women. In addition, although the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) does not specifically mention the right to food, Article 14.2(g) requires states to ensure that women have the right "[t]o 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."

Globalisation of Agriculture: Distinctive Impact on Women in South Asia

World Trade Organization rules and the increasing globalisation of agriculture have had a distinct negative impact on women in South Asia for several reasons: the consequential displacement disproportionately affects women; the destruction of livelihood is worse for women, who carry more of the work burden in food production; and the shift to cash crops displaces women from their productive roles, thereby devaluing their status.

Shiva, Vandana and Kunwar Jalees, *Impact of WTO on Women in Agriculture.*

Simply enacting legislation, however, will not guarantee women equal access to resources, because even when *de jure* gender equality is established, many women face *de facto* discrimination.[37] Indeed, enacting laws is only the first step of any process to move towards equality; implementation is just as important. Thus, the FAO's Right to Food Guidelines also encourage states to undertake efforts that give due regard "to the need to ensure equality in practice … between women and men."[38]

Despite the difficulties they face, women are the key to realising the right to food. First, women hold central roles in food production. Globally,[39] "women cultivate more than 50 percent of all food grown." In some areas, women supply even more of the agricultural labour, working as subsistence or small-scale farmers and as waged agricultural labourers. In particular, women's work in subsistence farming is often critical to household nutrition and food security.[40] Women are also predominately responsible for seed saving,[41] and their valuable knowledge in this area is crucial to many farming systems. Second, women are often responsible for the preparation of food and household food security.[42] This means that they have

[35]Article 3, ICESCR, accessed July 19, 2011.

[36]CESCR, General Comment 12, para 26.

[37]*Women and the Right to Food: International Law and State Practice,* FAO,2009.

[38]*Voluntary Guidelines on the Progressive Implementation of the Right to Adequate Food in the Context of National Food Security,* FAO, para 12.

[39]*Preliminary Study of the Human Rights Council Advisory Committee on Discrimination in the Context of the Right to Food,* A/HRC/13/32, February 2010, para 31.

[40]Shiva, Vandana, *Caliber of Destruction: Globalization, Food Security and Women's Livelihoods,* Isis International-Manila ,1996; see also Former Special Rapporteur on the Right to Food, The Right to Food: Report to the U.N. General Assembly, A/58/330 (2003); Ramachandran, Nira, Women and Food Security in South Asia: Current Issues and Emerging Concerns, UNU-WIDER, November 2006.

[41]Karl, Marilee, "Inseparable: The Crucial Role of Women in Food Security Revisited," *Harvest Reaped but Hard to Reach: The Food Crisis and Women in the Global South,* 2009; *see also* Akhtar, Farida, *Seeds of Movements: On Women's Issues in Bangladesh,* 2007, 231-246.

[42]Special Rapporteur on the Right to Food: *The Right to Food*: *Report to the U.N. General Assembly,* A/58/330 (2003); *see also* Karl, Marilee, "Inseparable: The Crucial Role of Women in Food Security Revisited," *Harvest Reaped but Hard to Reach: The Food Crisis and Women in the Global South,* 2009.

important influence over individuals' nutrition status. Third, around the world, women have been leading movements to ensure the sustainable production of food.[43] Women are integrally involved in efforts to protect seeds and biodiversity, advocate for rights to land and resources, promote collective and biodynamic farming, and encourage local production and consumption of food.[44] Their leadership is necessary for ensuring the right to food for all.

Issues Related to the Right to Food

Food production is integrally related to the right to food, and two aspects of it merit brief mention. First, agriculture itself is obviously very important to the right to food. Different types of agricultural production can have varying impacts on the right to food, depending on crops, yields, labour intensity, whether organic or biodynamic farming methods are used, and other factors. In addition, food producers—including subsistence farmers, smallholders, and agricultural labourers—produce most of the world's food, yet comprise the majority of the world's hungry. Thus, food production as an employment or livelihood option has serious implications for the right to food. Of course, it is also important to remember that agriculture is more than just food production: it is a way of life and cultural practice and women are extensively engaged in all aspects of it.[45]

Second, seeds and the intellectual property rights that cover them strongly influence the right to food. In many developing countries, most farmers depend on traditional seed systems, which are typically managed by women.[46] Control over seeds and seed banks is seen as important for addressing the crisis of agricultural biodiversity,[47] for ensuring sustainable livelihood solutions for food security,[48] and for maintaining rural women's empowerment.[49] Many policymakers and development organisations, however, assert that improved (and patented) seed varieties are one of the best ways to improve food security, because such seeds will lead to higher yields and more food. The promotion of such seeds threatens farmers' and women's abilities to maintain control over seeds, one of the most important resources for farmers. In addition, control over seeds often gives women status in their communities and families; loss of control can have a particular impact on women's overall status. The promotion of these seeds also ignores the human rights framework, which "obliges us to ask not only which policies may maximize agricultural outputs, but also, and primarily, who will benefit from any increases achieved by whichever policies are put in place. The right to food requires that we place the needs of the most marginalized groups, particularly including smallholders in developing countries, at the centre of our efforts."[50]

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[43]Shiva, Vandana, *Caliber of Destruction: Globalization, Food Security and Women's Livelihoods,* Isis International-Manila ,1996

[44]Ibid.

[45]Akhter, Farida, "Development and Development Walahs: It is Time to say 'Sorry,'" *Seeds of Movements: On Women's Issues in Bangladesh.* 2007.

[46]*Seed Policies and the Right to Food: Enhancing Agrobiodiversity and Encouraging Innovation,* Report of the U.N. Special Rapporteur, 15-16; see also Shiva, Vandana and Kunwar Jalees, *Impact of WTO on Women in Agriculture,* Research Foundation for Science, Technology and Ecology for National Commission for Women, 2005.

[47]Navdanya, http://www.navdanya.org/earth-democracy/seed-sovereignty, accessed July 19, 2011.

[48]Goswami, Rahul, *Between seed and straw: When will we get agriculture right?* InfoChange, June 2009; see also Akhter, Farida, Seeds in Women's Hands – A symbol of food security and solidarity, Development, 2001.

[49]Akhter, Farida, *Reflections on 'Empowerment,* Seeds of Movements: On Women's Issues in Bangladesh, 2007); *see also* Akhter, Farida, *Seeds in Women's Hands: The Fundamental Issue of Food Security,* Seeds of Movements: On Women's Issues in Bangladesh, 2007.

[50]*Seed Policies and the Right to Food: Enhancing Agrobiodiversity and Encouraging Innovation,* Report of the U.N. Special Rapporteur, 3.

Linking the Right to Food and the Right to Livelihood

There is already a strong conceptual link between the right to food and the right to livelihood. Although it has not been explored in depth, it is evident in how organisations and individuals have discussed both the right to livelihood and the right to food. (Of course, as stated in the Vienna Declaration and Programme of Action, "[a]ll human rights are ... interrelated.") Aside from examining the link between the two rights, it is worth exploring why the right to food is important to the right to livelihood. Likewise, this section also considers the importance of the right to livelihood for the right to food.

Current Conceptual Link between the Right to Food and the Right to Livelihood

The conceptual link between the right to food and the right to livelihood has not been explored in much detail. The link is best grasped when looking at how individuals and organisations have articulated the two rights, both together and separately. One of the main ways in which the right to livelihood has been discussed is with respect to food-related issues, such as food security, food sovereignty, and food production. Indeed, in elaborating on the right to livelihood, PWESCR has suggested that one major component of that right is the right to food and related issues, such as "agriculture, food security and food sovereignty, which begins and ends with the right to life."[51] Thus, the right to livelihood also covers "struggles to use local, organic products and regain control of seeds; loss of work; massive displacement of the indigenous; agrarian reform and State withdrawal from agriculture; destruction caused by the agro-business of the rural economy and environment; and the invisible role of women as workers in agriculture."[52]

Women activists at the World Social Forum also agreed that food issues are closely related to the right to livelihood, highlighting several ways that they are connected. Consensus emerged that food security and food sovereignty are both seen as linked to livelihood because the right to life is at the core of women and livelihoods, growing food and maintaining food sovereignty is one way that livelihoods are made possible.[53] Retaining control of seeds and agricultural inputs, therefore, is crucial for employment and livelihoods. In addition, trade liberalisation in agriculture poses threats to livelihoods and food security by redefining farming and affecting sustainability.[54]

Those same food issues are also directly related to the right to food. Food production and agriculture, food security and food sovereignty, are all intertwined with the right to food, as discussed above. Thus, the link between the right to food and the right to livelihood hinges, in part, on how the same food issues are closely connected with both rights. Collective action is seen as a tool that is important for addressing food issues and obtaining both rights for women.[55]

Similarly, the conceptual link between the two rights can be observed in how food issues are discussed alongside livelihood as an activity and as security, rather than livelihood as a right. For example, because food production is "the main livelihood activity for most of the rural communities…food security is also related to the livelihood security of the food producing communities."[56] In addition, the issue of chronic hunger in

[51] Statement, PWESCR Report, Conference: World Social Forum 2009: Women and the Right to Livelihoods, 2009.
[52] PWESCR Report, Conference: World Social Forum 2009: Women and the Right to Livelihoods, 2009, 5.
[53] Rao, V. Rukmini, Statement, PWESCR Report, Conference: World Social Forum 2009: Women and the Right to Livelihoods, 2009, 10.
[54] Gigi Francisco, Statement, PWESCR Report, Conference: World Social Forum 2009: Women and the Right to Livelihoods, 2009, 12.
[55] Statement, PWESCR Report, Conference: World Social Forum 2009: Women and the Right to Livelihoods, 2009.
[56] Akhter, Farida, *Seeds in Women's Hands – A Symbol of Food Security and Solidarity,* Development, 2001.

India, for example, despite many programmes that have been implemented to address food security, is viewed as a direct consequence "not only … of gaps in implementation, but also because, as many activists argue, [the programmes] do not provide for sustainable and lasting livelihood options."[57] Thus, academics and advocates argue that, to ensure the right to food, the Government of India must support agriculture and livelihoods.[58]

The link between the two rights is also apparent when comparing the core components of the right to food—adequacy, availability, and accessibility—with factors that are already considered a part of livelihood or part of the right to livelihood. First, adequacy, which is integral to the right to food, is linked to sustainability: sustainability is necessary for adequacy to continue into the future. Sustainability, in turn, is connected to livelihoods. Indeed, most development organisations focus on "sustainable livelihoods," which intend to enhance individuals' capabilities to make a living in the present and in the future. Second, availability can be achieved either through feeding oneself directly using productive land or other natural resources, or through well-functioning market-based systems. The first way to meet availability—using productive land or natural resources to feed oneself—is clearly a part of the right to livelihood, which conceptually includes the use of resources to meet one's needs. The second way to meet availability, through the markets and well-functioning systems, has also been identified as essential to the right to livelihood. Third, economic accessibility, which closely tracks availability, has been defined by the Special Rapporteur as a household's ability to produce its own food or possession of sufficient purchasing power to buy food. Both of those ways of achieving accessibility are linked to livelihood: producing food or earning sufficiently to purchase food are at the heart of the right to livelihood.

Importance of Incorporating the Right to Food in the Concept of the Right to Livelihood

As the definition of the right to livelihood continues to evolve, it is important that the right to food remains central to its description. The component parts of the right to food, such as adequacy, availability, and accessibility, are integral to the right to livelihood. Similarly, issues linked to the right to food, including food production, agriculture, access to seeds, food security, and food sovereignty, are all important to the right to livelihood. They are important because the right to livelihood presumes that all individuals have the right to produce for themselves or earn sufficiently in a way that retains their dignity and is sustainable. Given the strong links between the two rights, it is natural that the right to livelihood incorporate the right to food.

Linking the Two Rights in India

In India, there is another conceptual link that can be made between the right to food and the right to livelihood. Article 21 of the Constitution, which states that "No person shall be deprived of his life or personal liberty except according to procedure established by law," has been interpreted by the Supreme Court as a fundamental "right to life." The Supreme Court has determined that the right to life includes the right to livelihood, Olga Tellis v. Bombay Municipal Corporation AIR 1986 Supreme Court 18, as well as the right to food, Shantistar Builders v. Narayan Khimalal Totame (1990) 1 SCC 520. Thus, in India, it is possible to link these two rights through their common grounding in the right to life.

Moreover, retaining focus on the right to food provides greater depth and meaning to the right to livelihood. In a period in which there is still no common understanding of the right to livelihood, the right to food imparts clarity on what it encompasses. Including the right to food in the definition highlights the fact that the right to livelihood is much more than the right to work—it includes livelihood options that are completely outside the workplace, yet central to many people's survival.

Ultimately, including the right to food in the definition of the right to livelihood is important because the right to food itself must be realised for the right to livelihood to

[57] Patnaik, Biraj, *The Right to Food,* InfoChange, October 2006.

[58] Lahoti, Rahul and Reddy, Sanjay G., *Right to Food Act: Essential but Inadequate,* The Hindu, July 28, 2009.

be realised. Realisation of the right to food means that women are empowered to sustain themselves and their families. That ability is necessary for the realisation of the right to livelihood; if an individual cannot realise her right to food, neither will she be able to realise her right to livelihood. Linking the two rights is also important from a gender perspective. Incorporating the right to food into the right to livelihood is essential for empowering women and creating an enabling environment that recognises women's significant roles and allows women to realise their right to livelihood with dignity.

Importance of the Right to Livelihood for the Right to Food

Just as the right to food is crucial to the right to livelihood, so is the right to livelihood an important concept for the right to food. Indeed, the right to livelihood, in its emerging conceptualisation, matches squarely with the already established framework of the right to food. The right to livelihood—to make a living and survive with dignity—is at the core of the right to food, which is the right to produce one's own food or earn sufficiently to purchase it.

The right to livelihood's main value with respect to the right to food is that it helps to clarify the meaning of the right to food. Indeed, at the grassroots level, one of the best ways to explain the right to food is by discussing livelihoods. Referring to the right to livelihood illustrates that the right to food is not, essentially, the right to be fed. Thus, the right to livelihood helps to remove one of the most common incorrect assumptions about the right to food. In doing so, it illuminates the core components of the right to food.

Conclusion

The right to livelihood and the right tofood share common aspects, and realising both rights is critical for women everywhere. The right to livelihood offers women the opportunity to survive and live with dignity. It recognizes women as an active economic agent with rights. It incorporates other human rights into the one right that is already being discussed on the ground by women around the world. By addressing the most pressing needs, it brings the elite human rights framework closer to women's realities. It includes the right to food, to which it is deeply connected. At the same time, it helps to clarify the very concept of the right to food, underscoring the essence of that right. The right to livelihood—to make a living and survive with dignity—is situated at the core of the right to food, which is the right to produce one's own food or earn sufficiently to purchase it. Indeed, at the grassroots level, one of the best ways to explain the right to food is by discussing livelihoods. Referring to the right to livelihood illustrates that the right to food is not, essentially, the right to be fed. Thus, the right to livelihood helps to remove one of the most common erroneous assumptions about the right to food. In doing so, it illuminates the core components of the right to food—enhancing capabilities to feed oneself and one's family.

Acknowledgement:

This paper was developed with contributions from Priti Darooka. Shalini Mishra and several interns provided research support. It was reviewed by Pramod Dev and copy edited by Marjorie Brands-McCarthy. Special thanks to Ton Waarts, Virginia Bras Gomes and Uma Ramaswamy for providing comments on several drafts of this paper. Systems Vision designed and printed it.

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