

Comments and suggestions to the elaboration of the draft Terms of Reference (TORs) for the Voluntary Guidelines on Gender Equality and Women's Empowerment in the Context of Food Security and Nutrition

1) The document should only cover gender issues that are directly related to food security and nutrition. In other words we urge to follow the CFS mandate and the chosen title of the Voluntary Guidelines. We are reluctant to consider here in Rome any issues that go beyond the CFS competence, especially those on which no intergovernmental consensus have been reached so far at the respective platforms in Geneva and/or New York.

2) The concepts and definitions should be based on the agreed terminology of the relevant UN bodies and the multilaterally agreed UN documents, primarily the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Platform for Action, the Agenda-2030. Unfortunately, many of concepts and definitions in the current draft TORs, in particular in its Annex, are controversial and are not agreed by the respective governing bodies of the UN system. For example, there is no such definition of "gender" or "gender gap" in the intergovernmental practice as provided in Annex. The same is about the term "gender discrimination" as the agreed term is "discrimination against women" (for example, we can find it in the Article 1 of CEDAW). We propose to adhere to this very term throughout the document. Having in mind the complexity of the issue and the timeframe, we propose not to include the Annex in the TORs unless there is no consensus on the definitions. As for the rest of the document we strongly insist on using only verified and agreed terms, and avoiding "loose" interpretation of the concepts.

3) Paragraph 15.5. In accordance with the Beijing Platform for Action and its Annex IV, gender equality is interpreted as equality between men and

women. In this regard, it is important to use either the term “sex” or “gender”, but not together in the paragraph. Otherwise, it will lead us to discussion on the allocation of separate “gender” categories (besides men and women), which is not the competence of CFS. We would like to avoid such discussions within the CFS and provide an opportunity for the relevant intergovernmental bodies of the UN system to sort out these issues on their platforms.

4) Paragraph 5. Formally, “gender equality” can not be treated as a “fundamental human right”. We studied the language of the fundamental international human rights treaties and did not find such interpretation. This, of course, does not devalue in any way the importance of the achievement of gender equality. The point is different as these two concepts are not each other's constituent parts.

5) It is important to correctly reflect the names of the intergovernmental treaties and agreements in the TORs. Thus, paragraph 15.9 gives the wrong title of the Convention on the Elimination of All Forms of Discrimination against Women.

6) In the same paragraph (15.9), it is fundamentally important to distinguish between intergovernmental agreements that are legally binding and documents of recommendation character. For example, The General Recommendation 34 (2016) on the rights of rural women is not part of the Convention. The General Recommendation 34 represents the opinion of experts and cannot impose on states any obligations in addition to those that they assumed when they ratified or acceded to the Convention. It is also not clear why the 62nd session of the Commission on the Status of Women (2018) is mentioned together with some regional agreements and strategies as legally binding. Such a mixture of documents that differ in their status and nature is unacceptable for us.

7) Paragraph 15.2. We agree to use CFS Policy Recommendations on Gender and Food Security (2011) as they were endorsed by the CFS Plenary. Other documents, like “background document” and “the Outcomes of the 2017

CFS Forum on Women's Empowerment in the Context of Food Security and Nutrition” were not agreed by CFS Plenary. We propose to underline this fact in the TORs.

8) In our opinion paragraph 4 should be based on the “language” of the Agenda-2030. In accordance with UNGA Resolution 70/1 gender equality is presented as a separate SDG-5. In addition paragraph 20 of this resolution tells us that «Realizing gender equality and the empowerment of women and girls will make a crucial contribution to progress across all the Goals and targets». Thus, there is no evidence that SDG-5 «Gender equality» represents a cross-cutting theme for all SDGs.

9) We also propose to amend paragraph 15.6 in line with the terminology used in the Agenda-2030. In particular, to replace “women in situations of vulnerability» by «in vulnerable situations».