THE PROTECTION OF THE RIGHTS OF WOMEN LIVING IN RURAL AREAS BY THE EUROPEAN COURT OF HUMAN RIGHTS THROUGH CEDAW GUIDELINES[1]

La protección de los derechos de las mujeres de zonas rurales por el Tribunal Europeo de Derechos Humanos a través de las orientaciones de la CEDAW

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Abstract

This paper examines the possibility that the particular situation of women in rural areas could be recognized in the case law of the European Court of Human

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Rights as a type of specific discrimination. Although the Court has not made any express pronouncements on this subject, the paper reviews its previous doctrine on gender equality and rurality. But the analysis of greatest interest is the one that focuses on the doctrine of openness to the positions of other human rights instruments. From this, it would be possible the effectiveness by this way of the guidelines that CEDAW has been carrying out in various instruments in relation to women living in rural areas.

Keywords

Women; rural; ECtHR; CEDAW; case law.

Resumen

Este trabajo analiza la posibilidad de que la situación particular de las mujeres de las zonas rurales sea reconocida en la jurisprudencia del Tribunal Europeo de Derechos Humanos como un tipo de discriminación específica. Si bien el Tribunal no ha realizado ningún pronunciamiento expreso al respecto, el trabajo revisa su doctrina previa en materia de igualdad de género y ruralidad. Pero el análisis de mayor interés es el que se centra en la doctrina de apertura a los posicionamientos de otros instrumentos de protección de los derechos humanos. A partir de esto, sería posible la eficacia por esta vía de las orientaciones que la CEDAW ha venido realizando en diversos instrumentos en relación con las mujeres que residen en zonas rurales.

Palabras clave

Mujeres; rural; TEDH; CEDAW; doctrina.

SUMMARY

I. INTRODUCTION

European institutions have recently been paying particular attention to the specific difficulties of rural areas and the depopulation problems affecting part of European territory (European Commission)[2]. The Treaty on the Functioning of the European Union (TFEU) refers the need to pay particular attention to rural areas at risk of depopulation[3]. The European Union provides funding for this through the European Regional Development Fund

[2] In Spain, the issue has also been addressed in recent years through the *Reto Demográfico* (Demographic Challenge), in which specific ministerial competencies have been allocated and a National Plan has been developed, among other measures. For more information, see https://bit.ly/3KPdEnj.

[3] Art. 174 TFEU: In order to promote its overall harmonious development, the Union shall develop and pursue its actions leading to the strengthening of its economic, social and territorial cohesion. In particular, the Union shall aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions. Among the regions concerned, particular attention shall be paid to rural areas, areas affected by industrial transition, and regions which suffer from severe and permanent natural or demographic handicaps such as the northernmost regions with very low population density and island, cross-border and mountain regions.

(ERDF)[4] and the LEADER[5] programme, but these have not reversed the depopulation process; nor do they deal with many of the daily realities of people living in small villages.

The definition of rural areas varies from country to country, with a minimum population size often being used for this purpose, which leads to the concept being unclear. Some countries use indicators such as the main employment sector in the area or the availability of infrastructure and services (Dijkstra, 2020a). However, in response to the increasingly latent need to analyse the problems and difficulties related to territory, a group of bodies comprising Eurostat, the European Commission's Directorate-General for Regional and Urban Policy, the International Labour Organization (ILO), the Food and Agriculture Organization of the United Nations (FAO), the Organisation for Economic Co-operation and Development (OECD), the UN Human Settlements Programme (UN-Habitat) and the World Bank have adopted the "degree of urbanization" (Dijkstra, 2020b) as a harmonized method for examining territorial inequalities and carrying out international comparisons. This method categorizes a country's territory into the three classes of cities, towns and semi-dense areas, and rural areas, with the latter classified in turn into three main types: villages, dispersed rural areas and mostly uninhabited or completely uninhabited areas (*ibid.*: 11). This method attempts to create an urban-rural continuum and reflect the diversity of rural areas, but there is nevertheless a debate around the need to introduce additional parameters to define the areas, with regard to employment, services or infrastructure (*ibid.*: 28). While these international organizations want to establish this urban-rural continuum[6] to do away with the traditional dichotomy of town versus country, the impacts of this dichotomy are more present than ever, in the form of poverty and inequality of access to basic goods and services, as described in the *World Social Report 2021: Reconsidering Rural Development* (United Nations Department of Economic and Social Affairs, 2021). For its part, the European Union has made levels of depopulation the focus of its

[4] Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021, on the European Regional Development Fund and on the Cohesion Fund. Recital 45 states: The ERDF should address the problems of disadvantaged areas, in particular rural areas and areas which suffer from severe and permanent natural or demographic handicaps, including demographic decline, in accessing basic services, including digital services, enhancing attractiveness for investment, including through business investments and connectivity to large markets. More information at: https://bit.ly/2D73yeJ

[5] More information at: https://bit.ly/3KRBy1F.

[6] In relation to this concept, see Berardo (2019) and Sili (2019).

attention. Using NUTS,[7] population density determines whether an area is considered to be sparsely populated or not.[8] The rules on depopulation in the ERDF Regulation for 2021-2027 were recently amended, and from now on, demographic decline will be taken into account[9].

On the other hand, studies on discrimination and gender inequality are numerous and have led public authorities to adopt policies intended to reverse these situations. However, few scientific studies have examined the reality of women living in rural areas, taking into account that both gender and rurality involve intersecting sources of discrimination. This reality places women in rural areas in a specific situation: policies targeting gender equality are not as effective for them as they are for urban women, and policies targeting rural areas and depopulation do not address their specificities. There are indeed some initiatives focused on the situation of women in rural areas, but these generally deal with the issue of women's access to the primary sector, as farmers and livestock producers, and their access to land[10]. As a result, it becomes essential to examine the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as this is a fundamental international instrument for defending women's rights. CEDAW does not define rurality, but it does include, as we shall see later, a rurality perspective that

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7 Eurostat, Glossary: "Nomenclature of territorial units for statistics (NUTS)" defines them as follows: The Nomenclature of territorial units for statistics, abbreviated NUTS (from the French version Nomenclature des Unités territoriales statistiques) is a geographical nomenclature subdividing the economic territory of the European Union (EU) into regions at three different levels (NUTS 1, 2 and 3 respectively, moving from larger to smaller territorial units). Above NUTS 1, there is the "national" level of the Member States. The NUTS is based on Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS), which is regularly updated. Available at: https://bit.ly/3ZWZQvh. For more information, see https://bit.ly/2LnvX2A.

8 For example, in *Guidelines on Regional State Aid for 2014-2020*, 2013/C 209/01, paragraph 161 states, "For sparsely populated areas, a Member State should in principle designate NUTS 2 regions with less than 8 inhabitants per km^2 or NUTS 3 regions with less than 12.5 inhabitants per km^2".

9 Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund.

10 The European Parliament has addressed the issue on several different occasions, referring to women in texts on agriculture and development or referring to rural issues in texts about women's rights. We can highlight in European Parliament (2017).

deals with issues around access to services, the economy, the sexual division of labour and gender roles and stereotypes.

From a legal point of view, any examination should go beyond describing reality and focus on how barriers to access to services and resources have a direct impact on the extent to which the fundamental rights of women living in rural areas are guaranteed. We thus examined the reality of rural areas in the Spanish region of Extremadura, and the data show that women living in rural areas have specific difficulties that restrict the guarantee of their rights[11].

In the context of that research, this paper examines how rural women's reality of specific discrimination could be considered as such by the European Court of Human Rights (ECtHR). The ECtHR has not made any specific pronouncements on this issue, but its doctrine in other areas suggests the possibility that it might find this to be a specific discrimination, if the situation arose. It should be borne in mind that in Europe, the ECtHR is the instrument of last resort for protecting human rights when all national means have failed and there has been a violation of the rights provided under the European Convention on Human Rights (ECHR). Moreover, a recognition of a violation of rights by the ECtHR has an essential legally binding force in compelling States to progress in ensuring and protecting rights.

This is why we are investigating the ECtHR's own case law to establish whether the position of women living in rural areas, with the limitations they experience in the material guarantee of their rights, could be considered a specific violation of Article 14 ECHR. For that, we pay special attention to the use that the ECtHR has made of the Recommendations and Observations of the CEDAW in this area, bearing in mind that it is the international benchmark on gender equality and, therefore, a fundamental tool of analysis for the ECHR.

II. THE ECTHR CASE LAW

We shall now examine ECtHR case law with regard to three key issues: gender-based discrimination, already widely recognized by the ECtHR; the rural environment as a space with material limitations, tentatively observed in a limited number of pronouncements; and the ECtHR's specific recognition

[11] Research project "Igualdad de género en el entorno rural y municipal de Extremadura: diagnóstico y propuestas" (Gender equality in rural and urban Extremadura: Assessment and proposals) (IB18128). An initial approach to the issue can be found in Soriano Moreno (2021, 2022).

of the convergence of a range of sources of discrimination placing individuals in a specific situation.

1. GENDER-BASED DISCRIMINATION IN ECTHR CASE LAW

The ECtHR's tools for determining discrimination incompatible with the ECHR are Article 14 of and Protocol 12 to the Convention. Article 14 of the Convention does not establish a general principle of equality; rather, it prohibits discrimination in a general way which must be connected to other rights covered by the Convention (Radacic, 2008; Besson, 2008; Fredman, 2016). Protocol 12 refers to any right recognized in any ambit, not necessarily the rights provided under the ECHR, but covering rights provided under national legislation too, as well as referring in its preamble to equality and to the measures that may be taken to promote it (Carmona Cuenca, 2015).

The first time the ECtHR found that gender-based discrimination had occurred was in *Abdulaziz, Cabales and Balkandali v The United Kingdom*, in 1985. In that case, the Court found a violation of the right to private and family life in Article 8 ECHR, and of the prohibition of discrimination on the grounds of gender in Article 14 ECHR, as the legislation permitted different treatment for male and female migrants as regards reunification with their spouses. The ECtHR's case law in assessing this type of discrimination did not develop much until the twenty-first century, and in fact almost half of its case law is ten years old or less[12].

Without attempting to be exhaustive, we can refer to some of the questions in which the ECtHR has found that gender-based discrimination incompatible with the Convention had taken place, against both men and women. This has occurred in relation to civic duties imposed on men but not on women[13]; differentiation of pensions[14]; paternity leave[15]; access to

[12] Detailed analysis of the case law may be found in Martin (2006), Radacic (2008), Besson (2008), Fredman (2016), Carmona Cuenca (2018) or Enrich Mas (2018), among others.

[13] The case of *Karlheinz Schmidt v Germany*, of 18 July 1994.

[14] The cases of *Wessels-Bergervoet v The Netherlands*, of 4 June 2002; *Willis v the United Kingdom*, of 11 June 2002; *Stec and Others v The United Kingdom*; *Barrow and Others v The United Kingdom*; *Walker v The United Kingdom*; *Pearson v The United Kingdom*; *Runkee v the United Kingdom*.

[15] The cases of *Rasmussen v Denmark*; *Petrovic v Austria*, of 28 February 1998; and *Konstantin Markin v Russia*, of 7 October 2010. There are interesting debates on gender stereotypes in connection with these contrary judgments. Although they are not the

employment opportunities[16]; migration and asylum[17]; surnames[18]; and criminal law[19]. Various decisions related to gender-based violence have also been handed down since the ECtHR conceptualized this type of violence in 2008, with the case of *Bevacqua and S. v Bulgaria*. It was in the 2009 case of *Opuz v Turkey* that the ECtHR interpreted gender-based violence as gender-based discrimination (Carmona Cuenca, 2018: 325; Enrich Mas, 2018: 156).

A tentative move towards including indirect discrimination can also be observed in the ECtHR's case law. While indirect discrimination has been considered on many occasions by the Court of Justice of the European Union, it has not been considered to the same extent by the ECtHR (Martin, 2007: 107; Beeson, 2008: 661). If we focus exclusively on indirect gender-based discrimination (there are other cases regarding discrimination on other grounds[20]), we will see that the ECtHR started introducing it into its arguments without naming it as such[21]. It was in the 2005 decision on admissibility in *Hoogendijk v The Netherlands* that the ECtHR started defining this kind of discrimination in more detail, although it concluded that indirect discrimination had not in fact occurred in that case. Something similar happened in *Şerife Yiğit v Turkey* (Judgment of the Second Section of 20 January 2009 and Judgment of the Grand Chamber of 2 November 2010), in which the ECtHR held that discrimination had not occurred[22]. The first case in which the ECtHR held that indirect gender-based discrimination had taken place was in *di Trizio v*

topic under investigation in this paper, they can be found in Carmona Cuenca (2015: 311-319) and Enrich Mas (2018: 153).

16 The case of *Emel Boyraz v Turkey*, of 2 December 2014.

17 The cases of *Abdulaziz, Cabales, and Balkandali v The United Kingdom*, mentioned above, and *Vrountou v Cyprus*, of 13 October 2015.

18 The cases of *Cusan and Fazzo v Italy*, of 7 January 2014; *Burghartz v Switzerland*, of 22 February 1994; *Ünal Tekeli v Turkey*, of 16 November 2004; *Tuncer Günes v Turkey*, of 3 September 2013.

19 The case of *L. and V. v Austria*, of 9 January 2003.

20 For example, the cases of *Hugh Jordan v The United Kingdom*, *McKerr v The United Kingdom*, *Kelly and Others v The United Kingdom* and *Shanaghan v The United Kingdom*, of 4 May 2001. The first time a decision held that indirect discrimination had occurred was, in fact, in *D.H. And Others v The Czech Republic*, of 13 November 2007 (Grand Chamber), with regard to discrimination against Roma residents in their right to education.

21 For example, the case of *Zarb Adami v Malta*, of 20 June 2006.

22 In the first judgment, the opinions of Judges Tulkens, Zagrebelsky and Sajó were that discrimination had occurred.

Switzerland, in 2016, in relation to methods used for calculating benefits and the impact that these had.

Recently, the ECtHR has also tentatively incorporated consideration of affirmative action measures[23]. Taking into account that, as mentioned earlier, Article 14 ECHR is based not on a principle of equality but on non-discrimination, the arguments have been based on discrimination through failure to differentiate[24]. Thus, the ECtHR considers that the prohibition of discrimination is also violated when, without an objective and reasonable justification, States fail to give different treatment to persons whose situations are appreciably different (Carmona Cuenca, 2015: 319). It should be noted that the ECtHR also recognized gender equality as one of the key principles of the ECHR, in the controversial 2005 case of *Leyla Şahin v Turkey* (Radacic, 2008: 852).

Lastly, in this brief review of the ECtHR's case law on gender-based discrimination, it is appropriate to mention intersectionality[25]. Intersectionality is based on the idea of multiple identities coexisting and being determined by diverse systems of oppression, perspective adopted in recent years by international organisations for the protection of fundamental rights (Chow, 2016). In *B. S. v Spain*, in 2012, the ECtHR recognized that "the decisions made by the domestic courts failed to take account of the applicant's particular vulnerability inherent in her position as an African woman working as a prostitute". By this, it meant that a variety of causes of discrimination, as a woman, an African and a prostitute, converged to create a specific position. Without directly mentioning intersectional discrimination, the ECtHR recognizes it, de facto, through the concept of "specific vulnerability" (La Barbera, 2019). We find other examples in which the ECtHR takes into account multiple causes of discrimination, such as age and sex in *Carvalho Pinto de Sousa Morais v Portugal* of 2017, where it held that "the applicant's age and sex appear to have been decisive factors in the final decision". Finally, in *Garib v The Netherlands* of 2017, the Dissenting Opinion of Judge Pinto De Albuquerque joined by Judge Vehabović expressly and extensively refers to the multiple forms of discrimination and to intersectionality. These timid approximations would contrast with the reception that the Inter-American Court of Human Rights has made of intersectionality in its doctrine[26].

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[23] On gender equality, we could cite as examples *Stec and Others v The United Kingdom*, of 12 April 2006, and *Andrle v The Czech Republic*, of 17 February 2011.

[24] The case of *Thlimmenos v Greece*, of 6 April 2000.

[25] A brief review of the construction of the concept can be found in La Barbera (2017).

[26] By way of example, the following may be cited: caso del *Penal Miguel Castro Castro c. Perú*; caso *Fernández Ortega y otros c. México*; caso *Rosendo Cantú y otra c. México*; caso

2. THE RURAL ENVIRONMENT AS A SOURCE OF INEQUALITY

As we have seen in the introduction, what is considered rural is different in each tool used and in the regulations of each State. However, we can affirm that there are common elements that took part of what rurality is, understood as a series of geographical and demographic characteristics and a particular social, political and cultural structure. These common elements are fundamentally the existence of problems in access to basic services, a high economic dependence on work in the countryside, declining population trends and a series of stereotypes and roles that influence the development of the lives of women living in these territories (García García, 2007). For all these reasons, and the data offered by empirical studies that address existing inequalities in access to services, rurality must be taken into account as a factor of inequality that intersects with others, as it allows us to identify problems that either do not exist in urban areas or are considerably more intense in comparison. If the geographical space of reference means that the material conditions of access and efficiency of public services are limited, the rights of people will not be guaranteed (Soriano Moreno, 2022: 37). Starting from it, there has been little scientific examination of how rurality can become a source of discrimination within a State's population, if difficulties in accessing services and resources are taken into account[27].

ECtHR doctrine recognizing rurality as a source of inequality is not abundant, but we did find pronouncements where the ECtHR recognizes that barriers to access to services and resources exist in rural areas. We carried out an analysis of case law in which rurality was mentioned and violations of Article 14 ECHR were assessed.

We found a range of ECtHR considerations on rurality that emphasized that the reality of rural areas is specific and recognized some of its characteristics. The ECtHR has taken rurality into account particularly in cases related to hunting[28] and Roma settlements[29]. In addition, it has taken into account

Gonzales Lluy y otros c. Ecuador; caso V.*R.P., V.P.C. y otros c. Nicaragua*; caso *Ramírez Escobar y otros c. Guatemala*; caso *Cuscul Pivaral y otros c. Guatemala*; *Fábrica de Fuegos c. Brasil* (Soriano Moreno, 2022: 31).

27 Specific references can be found in relation to situations of gender-based violence in Australia, for example in Adler (1996), Alston (1997), Hastings and MacLean (2002) or Wendt (2009); and in the Americas, for example in Ringnalda (1996) or Barón (2010); and in various countries in Kishor and Johnson (2006).

28 The cases of *Chassagnou and Others v France*, of 29 April 1999; *Schneider v Luxembourg*, of 10 July 2007; *Herrmann v Germany*, of 20 January 2011.

29 The cases of *Buckley v The United Kingdom*, of 25 September 1996; and *Jane Smith v The United Kingdom*, *Lee v The United Kingdom*, *Chapman v The United Kingdom*,

that rural areas are sparsely inhabited[30] and considered governments' creation of positive action measures to settle the populations of rural areas[31].

States have also attempted to use rurality to justify particular types of discrimination that were not accepted by the ECtHR. Examples include women being prohibited from accessing security work in rural areas[32] and justifying inheritance differences between legitimate and illegitimate children[33].

Although later we will focus on the adoption of international criteria related to women's rights, the ECtHR has also taken into account criteria established by international organizations and instruments for the protection of rights that expressly refer to the rural environment: with regard to the right to water, the Committee on Economic, Social and Cultural Rights' General Comment No. 15: The Right to Water[34]; and with regard to accessibility for persons with disabilities, the UN Convention on the Rights of Persons with Disabilities[35].

The ECtHR has also found that there are particular accessibility problems in rural areas. In this respect, we can highlight the case of *Manole and Others v Moldova*, in 2009, which addressed the issue of media pluralism and political control of the media through labour measures. Although the issue was not discrimination specifically, it is notable that the ECtHR included references to rural areas in its argument. Thus, it included the report of the Special Representative of the Secretary General of the Council of Europe in Moldova, which states that access to information is very limited in rural areas. The ECtHR incorporated this report into its considerations, stating that "60% of the population lived in rural areas, with no or limited access to cable or satellite television or, according to the Secretary General's Special Representative, newspapers". In this statement and in this particular case, the ECtHR recognizes that in rural areas, there may be difficulties in accessing the services and resources necessary to ensure citizens' rights.

Thus, despite not recognizing rurality as a possible source of discrimination, the ECtHR has nevertheless taken into account some of its characteristics, such as depopulation or barriers to access to services.

Coster v The United Kingdom and *Beard v The United Kingdom*, all of 18 January 2001.

30 The case of *Zammit Maempel v Malta*, of 22 November 2011.

31 The case of *Béla Németh v Hungary*, of 17 December 2020.

32 The case of *Emel Boyraz v Turkey*, of 2 December 2014.

33 The case of *Inze v Austria*, of 28 October 1987.

34 The case of *Hudorovič and Others v Slovenia*, of 10 March 2020.

35 The cases of *Enver Şahin v Turkey*, of 30 January 2018, and *Guberina v Croatia*, of 22 March 2016.

3. ECTHR DOCTRINE SINCE *DEMIR AND BAYKARA V TURKEY* AND THE CONSIDERATION OF INTERNATIONAL STANDARDS

Another way of incorporating the specific situation of women in rural areas and their particular barriers to exercising their rights into the ECtHR's case law would be through the incorporation of international standards. While it is true that the ECtHR was already taking into account international instruments for the protection of rights before this point, in *Demir and Baykara v Turkey*[36] a whole argument was constructed around this consideration that denoted doctrinal interest (Ewing and Hendy, 2010; Arato, 2012; Lörcher, 2013; Pitea, 2013).

In that case, a Turkish trade union of civil servants had negotiated a collective agreement with a local authority. When the local authority failed to fulfil some of its obligations, the trade union brought proceedings against it. The court of first instance found in favour of the trade union, but the Court of Cassation quashed that decision, denying the trade union's right to undertake collective bargaining. The Audit Court subsequently ordered union members to repay the benefits they had secured under the agreement. In so doing, the Turkish higher courts were failing to take into account the ILO conventions, ratified by Turkey, and their interpretation. The union made an application to the ECtHR for possible violation of Article 11 ECHR on freedom of assembly and association.

Under the title "Interpretation of the Convention in the Light of Other International Instruments" and in paragraphs 60 to 86 of the judgment, the ECtHR sets out its interpretative methodology, based on Articles 31 to 33 of the Vienna Convention on the Law of Treaties, concluding that

> 85. The Court, in defining the meaning of terms and notions in the text of the Convention, can and must take into account elements of international law other than the Convention, the interpretation of such elements by competent organs, and the practice of European States reflecting their common values. The consensus emerging from specialised international instruments and from the practice of Contracting States may constitute a relevant consideration for the Court when it interprets the provisions of the Convention in specific cases.
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> 86. In this context, it is not necessary for the respondent State to have ratified the entire collection of instruments that are applicable in respect of the precise subject matter of the case concerned. It will be sufficient for the Court that the relevant international instruments denote a continuous evolution in the norms and

[36] Grand Chamber, *Demir and Baykara v Turkey*, 12 November 2008.

> principles applied in international law or in the domestic law of the majority of member States of the Council of Europe and show, in a precise area, that there is common ground in modern societies […].

Throughout its argument, the ECtHR recognizes the specific role of the ILO with regard to labour issues, which would also apply to other UN organizations such as (in the matter of particular interest to us) CEDAW (Lörcher, 2013: 10). Furthermore, the ability to take into account instruments that have not been ratified by the particular State whose failure to fulfil obligations is being examined has considerable interpretative potential for ensuring that rights are universally respected[37]. This interpretation also gives human rights the dynamism required for them to be used to control the behaviour of States (Pitea, 2013: 557).

Finally, looking at the ECtHR's subsequent case law, it is evident that the methodology it explained has been consolidated in other cases[38]. As we can see in relation to women's rights, CEDAW's considerations have also been taken into account as international standards[39].

III. CEDAW'S RECOMMENDATIONS ON RURALITY

As has already been observed, CEDAW is the most important international reference text where women's rights are concerned. Having briefly exposed the ECtHR's doctrine on the issue at hand, it is worth now pay attention to the positions taken by the CEDAW on the matter. It is essential to refer expressly to this text when examining the international standards used by the ECtHR in relation to the inequality of women in rural areas.

1. WOMEN'S HUMAN RIGHTS

CEDAW is the first international treaty specifically about the rights of women around the world. It entered into force on 3 September 1981, after having been adopted by the UN General Assembly in 1979, by resolution 34/180 of 18 December. It is well known that the Universal Declaration of Human Rights (UDHR), proclaimed by the UN General Assembly on 10

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[37] On the criticisms of and support for this view, see Lörcher, 2013: 15). Critical stances are also covered in Arato (2012).

[38] An examination of this subsequent case law can be found in Lörcher (2013). By way of example, we could cite (among others), the cases of *Bayatyan v Armenia*, of 7 July 2011, *Tăuase v Moldova*, of 27 April 2010, and *Soltysyak v Russia*, of 10 February 2011.

[39] The case of *Opuz v Turkey*, of 9 June 2009.

December 1948, is one of the landmarks of the twentieth century, marking a "before" and "after" in the history of rights. CEDAW seems to have attracted less attention, yet it represents an unprecedented paradigm shift in the conception of rights. Human rights are characterized by the idea of universality, which has been questioned over the years and continues to be of considerable interest to legal doctrine (Barrère Unzueta, 2003; Dembour, 2006; David, 2020).

It must be borne in mind that the UDHR emerged in a patriarchal context in which androcentrism was the "ideological substrate" (González Orta, 2019: 14), reflected in the large numbers of men in the organizations participating in the UN. In spite of the small numbers of women delegates, observers and members of NGOs, feminist efforts to influence the way human rights were being approached were nevertheless of prime importance (Adami, 2019). Thanks to those women, gender-based discrimination was prohibited in Article 2 UDHR, giving formal international recognition to the fact that being female is a historical source of discrimination.

However, it began to be realized that, despite this formal recognition, the human rights system remained inadequate with regard to women's rights. In 1967, the Declaration on the Elimination of Discrimination against Women was adopted by the UN, at the request of the Commission on the Status of Women, which had impulsed its adoption four years earlier. Despite being a mere declaration, it represented a turning point, because it promoted debate on the need for monitoring tools (Hawkesworth, 2012). Between 1976 and 1985, there was a global campaign putting across the message that women's rights are human rights, which was recognized for the first time by the UN at the 1993 World Conference on Human Rights in Vienna and consolidated at the Fourth World Conference on Women in Beijing in 1995 (Facio, 2011). Since then, a gender perspective has been increasingly incorporated into the approach to human rights, highlighting the fact that there are situations of injustice that have a disproportionate impact on women (González Orta, 2019: 30).

2. CEDAW, THE FIRST INTERNATIONAL TREATY ON WOMEN'S RIGHTS AND ITS INSTRUMENTS

CEDAW is an international treaty that is legally binding on the States that have ratified it, currently 189 in number[40]. Its basis can be found in the Charter of the United Nations, the UDHR, the International Covenant

[40] Information on the ratification of international human rights treaties including CEDAW can be found in the interactive map available at: https://bit.ly/41dcQxK. [last accessed 10 February 2022].

on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, along with the body of resolutions, declarations and recommendations on equality of rights for men and women that preceded it. The novelty was that, finally, there was recognition of the need for an instrument that transcended the purely symbolic and declarative and would actively and materially work for women's human rights.

Article 17 CEDAW gives the Convention a Committee, defined as the body responsible for considering the progress made in its implementation and consisting of twenty-three experts in women's rights. CEDAW is supervised and implemented through the following mechanisms: general recommendations, country reports, concluding observations, shadow reports and the Optional Protocol.

2.1. General recommendations

General recommendations are one of CEDAW's basic tools, provided for in Article 21[41]. They are a series of documents that address concrete thematic issues related to women's rights, making recommendations on how to implement the text of the Convention. This instrument is appropriate to the dynamic nature of CEDAW and is therefore progressive[42]. Depending on the advances or retreats that are occurring in the sphere of rights, and paying attention to the debates within feminism, the recommendations take on nuances that become evident as soon as any one of them is carried out (González Orta, 2019: 281). To date, a total of thirty-eight general recommendations have been made[43], the first in 1986 and the most recent in 2020. They are called general recommendations because they do not set out specific actions that compel States directly and immediately. Rather, they make suggestions on how to approach implementation. But it has to be remembered that they transmit the text of the Convention, and therefore States

[41] Art. 21.1: The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

[42] General Recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures. Available at: https://bit.ly/3o4OPuH.

[43] The body of recommendations can be found at the following link: https://bit.ly/3M-DCQhS [last accessed 10 February 2022].

Parties must carry them out in good faith, in accordance with international law, even though they are not legally binding (Inter-American Institute of Human Rights, 2004).

2.2. Country reports and concluding observations

We are grouping these two mechanisms together because they form part of the CEDAW Committee's evaluation procedure under Article 18 of the Convention[44]. Under this procedure, States Parties are obliged, "within one year after the entry into force for the State concerned", to submit "a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect", as well as any "factors and difficulties" they have identified. Thereafter, they must routinely make a report at least every four years and, in addition, whenever the Committee so requests. The Committee may ask questions or request information on specific issues, for the State Party to respond to and provide the data in the report. After these reports have been presented, the CEDAW Committee will examine them in a constructive debate with the State Party's delegation, leading to the corresponding concluding observations, published in an annual report presented to the UN General Assembly, in accordance with the reporting guidelines of the CEDAW Committee[45].

2.3. Shadow reports

Shadow reports are documents created by civil society actors, NGOs, feminist or human rights organizations, associations, foundations and social

[44] Art. 18: 1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect: (a) Within one year after the entry into force for the State concerned; (b) Thereafter at least every four years and further whenever the Committee so requests.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

[45] Concluding observations. K.4: After its consideration of the report, the Committee will adopt and publish its concluding observations on the report and the constructive dialogue with the delegation. The concluding observations will be included in the annual report of the Committee to the General Assembly. The Committee expects the State party to disseminate the concluding observations widely, in all appropriate languages. Available at: https://bit.ly/3zWDEXw (Reporting guidelines) [last accessed 28 March 2022].

movements, to share their perceptions of the women's rights situation in the country where they are located, as an alternative to the information provided by governmental bodies in the official reports from each State Party (UN Women). Their interest lies in the fact that they provide a different perspective that complements or even challenges the official version. These instruments often give a grassroots-level view of the issues.

2.4. The Optional Protocol

CEDAW's Optional Protocol[46] was approved by the UN General Assembly in 1999 as a result of the high level of demand for effective mechanisms for making States meet their commitments on gender equality[47]. The adjective "optional" was applied because States Parties that have ratified CEDAW are not obliged to sign this Protocol, and therefore do not have to follow the procedures it provides for. States Parties that have ratified the Optional Protocol recognize the competence of the CEDAW Committee to ensure it is fulfilled. To date, there have been 114 State signatories to the Protocol[48], which comprises twenty-one articles and has two main complaints mechanisms:

— Individual or collective communications against a State: Under Article 2 of the Optional Protocol, any individual or group of individuals under the jurisdiction of a State Party that believes their rights have been violated by that State or any other may present a communication to the CEDAW Committee. Communications may also be presented in the name of another person, with their consent; if the person has not given consent, a justification must be given for acting without consent. The CEDAW Committee has the legal authority to contact the State Party in question to examine the facts and demand the adoption of interim measures to avoid irreparable damage to the victim or victims. The procedure includes the possibility of carrying out investigations on the State Party's territory.

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46 Available at: https://bit.ly/3KyQ4tB [last accessed 10 February 2022].

47 United Nations, Vienna Declaration and Programme of Action: 40: […] New procedures should also be adopted to strengthen implementation of the commitment to women's equality and the human rights of women. The Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women should quickly examine the possibility of introducing the right of petition through the preparation of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women […].

48 Data available at: https://indicators.ohchr.org/ [last accessed 10 February 2022].

— Ex officio actions by the CEDAW Committee: Under Article 8, the Committee may act ex officio if it receives credible reports of serious violations, including the possibility of carrying out investigations on the State Party's territory.

3. THE INCLUSION OF RURALITY

We can identify four main ways in which the CEDAW Committee has incorporated rurality:

— firstly, through Article 14 of the Convention, which is dedicated exclusively to the issue of rural women;
— secondly, through cross-cutting references in general recommendations and concluding observations that have an issue other than rurality as their main topic;
— thirdly, through General Recommendation No. 34 specifically on the rights of rural women;
— and lastly, through alluding to rurality in concluding observations to States.

3.1. Article 14 of CEDAW on the rights of rural women

Article 14 of CEDAW is the first example of recognition in an international treaty of the issue of rurality as a factor to take into account with regard to observing and ensuring women's rights. It integrates the territorial perspective, or at least the part of it represented by the urban-rural dichotomy, into the body of articles. The article declares that States Parties must take into account the particular problems faced by rural women. Although it does not characterize rural women directly, it does refer to them playing "significant roles […] in the economic survival of their families" and to unpaid work, which we take to refer to the domestic and caring work mainly carried out by women. It says that States Parties must take appropriate measures to ensure the implementation of the provisions of CEDAW in rural areas, emphasizing the following themes:

— the participation of women in "the elaboration and implementation of development planning at all levels";
— "access to adequate health care facilities, including information, counselling and services in family planning";
— direct access to social security programmes;
— access to literacy and being able to "obtain all types of training and education, formal and non-formal";

— the right to "organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment";
— the right to "participate in all community activities";
— "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";
— the right to "enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications".

From an initial reading of the text, we can see that this is a very general precept that pays particular attention to the issue of land and access to basic services. Given the data on rural women held by UN Women (UN Women, 2021), this is not a minor issue. Nevertheless, it was while rurality was being integrated into the general recommendations and concluding observations that the CEDAW Committee gradually came to identify the main problems faced by rural women around the world.

3.2. Cross-cutting integration of rurality into the general recommendations

As mentioned earlier, the general recommendations discuss particular themes related to women's rights around the world. Before the publication of the General Recommendation of 2016, only a few of the thirty-eight general recommendations issued up to that point had made any mention of the particularities of rural women (Marchena Galán, 2021: 25). The general recommendations that mention the issue in some way are the following:

— General Recommendation No. 16 (1991), on unpaid women workers in rural and urban family enterprises;
— General Recommendation No. 19 (1992), on violence against women;
— General Recommendation No. 24 (1999), on women and health;
— General Recommendation No. 27 (2010), on older women and protection of their human rights;
— General Recommendation No. 31 (2014), on the rights of girls;
— General Recommendation No. 33 (2015), on women's access to justice;
— General Recommendation No. 34 (2016), on the rights of rural women (which will be our particular focus);
— General Recommendation No. 35 (2017), on gender-based violence, updating General Recommendation No. 19;

— General Recommendation No. 36 (2017), on the right of girls and women to education;
— General Recommendation No. 37 (2018), on gender-related dimensions of disaster risk reduction in the context of climate change;
— General Recommendation No. 38 (2020), on trafficking in women and girls in the context of global migration.

As we can see, since the General Recommendation of 2016, all subsequent recommendations have included rurality in their analysis and proposals. Up to then, rurality had been included in relation to the main topic addressed in each recommendation, basically covering paid work and social benefits; gender-based violence in rural environments; problems with health care; the socio-economic situations of girls and older women and their difficulties in accessing computers and education, among other issues. From reading these recommendations as a whole, we can likewise identify a profound interrelation between all the problems that have their common denominator in difficulties with accessing public resources and services, including significant problems with transport and mobility.

3.3. General Recommendation No. 34, of 2016, on the rights of rural women

A review of the general recommendations shows us that rurality was present in some of them, though mentioned only occasionally and often very briefly. Furthermore, rurality was addressed only as a side issue to the main topic of the recommendation. General Recommendation No. 34, on the rights of rural women, in a way synthesizes everything that preceded it, carries out assessments and introduces objectives. We should note that this recommendation focuses mainly on rural women in developing countries. However, it also mentions that discrimination due to living in rural areas occurs around the world, and it points to the following problems, in addition to those already mentioned:

— "[…] systematic and persistent barriers to the full enjoyment of their human rights": States do not specifically address the reality of these women. There is a lack of legislation, public policies, budget, investment and correct assessments of their situation. As a result, rural women experience poverty and social exclusion. Gender indicators show that "rural women fare worse than rural men and urban men and women". Of particular concern are problems of access to land and natural resources; the burden of unpaid domestic work; gender roles and stereotypes; inequality within the household; and the lack of infrastructure and services;

— rural women being consistently excluded from leadership and decision-making positions, in the public and political environment, as well as constantly being questioned. Political violence, from the symbolic to the most extreme, acts as a disincentive around the world (Villar, 2015; Krook and Restrepo Sanín, 2016; Ballington *et al.*, 2017);
— the widespread discrimination that women experience in access to land, natural resources and food, despite playing an essential role in agriculture;
— the issue of women with disabilities, including the fact that they experience particular difficulties in rural areas due to a lack of awareness of their reality and their needs.

In response to all of this, the General Recommendation introduces overarching State Party obligations, including a non-discriminatory legal framework, guaranteeing access to justice, integrating a gender perspective into public policies and law, and providing training to all those involved in the justice system and to civil servants.

3.4. Rurality in concluding observations to States Parties

As CEDAW concluding observations are a very specific mechanism for evaluating the situation of rural women in the various States Parties, they give a range of messages addressing different issues. They address in detail the concrete problems of a particular State, which renders them a highly effective instrument. In spite of the particularity of each case, if we bear in mind that the general recommendations are in a sense the result of the experience acquired through evaluating States Parties by means of country reports and shadow reports, we can say that the problems of rural women around the world are very similar, with differences of degree as a function of cultural, social, political and economic issues, which require exhaustive analysis based on a deep understanding of each concrete reality.

As we have seen, CEDAW has extensively addressed the specific reality of rural areas that places the women living in them in a particular situation that it has recognized in a range of instruments.

IV. THE ECTHR'S CONSIDERATION OF CEDAW'S POSITIONS ON RURAL ISSUES

Following on from these reviews, we shall now go on to examine, firstly, whether the methodology implemented in the *Demir and Baykara* judgment led to CEDAW's recommendations being incorporated as international

standards regarding the rights of women, and, secondly, whether that incorporation made express reference to women in rural areas.

Over its history, the ECtHR has cited CEDAW in fifty-eight judgments, only two of which pre-date *Demir and Baykara*[49]. The latter was a turning point, as shown when, following the same methodology, the ECtHR took CEDAW's position into account in *Opuz v Turkey*, of 9 June 2009. Since then, references to CEDAW have become customary.

Table 1. *Judgments of the ECtHR where CEDAW is cited*

Judgment	Date	Judgment	Date
Ünal Tekeli v. Turkey	16/11/2004	Alexandru Enache v. Romania	03/10/2017
Evans v. The United Kingdom	10/04/2007	Garib v. The Netherlands	06/11/2017
Opuz v. Turkey	09/06/2009	Lopes de Sousa Fernandes v. Portugal	19/12/2017
Rantsev v. Cyprus and Russia	07/01/2010	Dimitras v. Greece	19/04/2018
A v. Croatia	14/10/2010	Hülya Ebru Demírel v. Turkey	19/06/2018
A, B and C v. Ireland	16/12/2010	S.M. v. Croatia	19/07/2018
R.R. v. Poland	26/05/2011	Negrea and Others v. Romania	24/07/2018
V.C. v. Slovakia	08/11/2011	M.A. and Others v. Lithuania	11/12/2018
Konstantin Markin v. Russia	22/03/2012	Molla Sali v. Greece	19/12/2018
Valiulienė v. Lithuania	26/03/2013	Fernandes de Oliveira v. Portugal	31/01/2019
Eremia v. The Republic of Moldova	28/05/2013	Volodina v. Russia	09/07/2019
Mudic v. The Republic of Moldova	16/07/2013	Pryanishnikov v. Russia	10/09/2019
Rumor v. Italy	27/05/2014	J.D. and A. v. The United Kingdom	24/10/2019
S.A.S. v. France	01/07/2014	Tërshana v. Albania	04/08/2020
Konovalova v. Russia	09/10/2014	Levchuk v. Ukraine	03/09/2020
Penchevi v. Bulgaria	10/02/2015	Napotnik v. Romania	20/10/2020
Chiragou and Others v. Armenia	16/06/2015	Georgia v. Russia (II)	21/01/2021

[49] The cases of *Ünal Tekeli v Turkey*, of 16 November 2004, and *Evans v The United Kingdom*, of 10 April 2007.

Judgment	Date	Judgment	Date
Vrountou v. Cyprus	13/10/2015	Jurčić v. Croatia	04/02/2021
M.G. v. Turkey	22/03/2016	J.L. v. Italy	27/05/2021
Sharma v. Latvia	24/03/2016	Kurt v. Austria	15/06/2021
Biao v. Denmark	24/05/2016	Tkhelidze v. Georgia	08/07/2021
Al-Dulimi and Montana Management Inc. v. Switzerland	21/06/2016	Tapayeva and Others v. Russia	23/11/2021
Ramadan v. Malta	21/06/2016	Tunikova and Others v. Russia	14/12/2021
Halime Kiliç v. Turkey	28/06/2016	Y and Others v. Bulgaria	22/03/2022
Dubská and Krejzová v. The Czech Republic	15/11/2016	Landi v. Italy	07/04/2022
Khamtokhu and Aksenchik v. Russia	24/01/2017	Patrício Monteiro Telo de Abreu v. Portugal	07/06/2022
Talpis v. Italy	02/03/2017	M.S. v. Italy	07/07/2022
Bălşan v. Romania	23/05/2017	Beeler v. Switzerland	11/10/2022
Carvalho Pinto de Sousa Morais v. Portugal	25/07/2017	G.M. and Others v. The Republic of Moldova	22/11/2022

Source: The author.

The analysis of this reception carried out by the ECtHR of the CEDAW positions has not been expressly made by the doctrine. Carrying out this task in this work would exceed its scope and purpose. For this reason, we will focus next just in the four cases in which the ECtHR has taken into account the positions of other international organizations —not only CEDAW— that refer to gender inequalities and the particularities of rural areas.

Opuz v Turkey deals with a case of gender-based violence which the daughter of the murdered woman took to the ECtHR following the Turkish authorities' repeated failure to act and in the absence of legal proceedings. The ECtHR concluded that there had been a violation of Article 14 ECHR, along with Articles 2 and 3 ECHR. As we have seen previously, this case is key since ECtHR interpreted for the first time gender-based violence as gender-based discrimination. Regarding the issue at hand, rural and gender discrimination, the judgment in this case became paradigmatic too because it expressly referred to the methodology in *Demir and Baykara*, as far as adopted CEDAW's standards throughout its argument and, finally, because it included references to rurality. With regard to international standards, this judgment cited not only CEDAW but also organizations like Amnesty International and

the judgments of other bodies, such as the case of *Maria da Penha v Brazil*, which was taken to the Inter-American Commission on Human Rights. With regard to the rural issue, the ECtHR refers to an Amnesty International report that states that "many women, particularly in rural areas, are unable to make formal complaints, because leaving their neighbourhoods subjects them to intense scrutiny, criticism and, in some cases, violence", thus recognizing the greater difficulties faced by women living in rural areas. Despite including this, it is true that this reference to rurality is not key in the argumentation of the case, nor is it transferred in any way to the ruling of the judgment.

We can also look at the later case of *Bălşan v Romania*, of 23 May 2017, which also related to gender-based violence that had not been responded to in an appropriate way by the State. On that occasion, the ECtHR referred to CEDAW's remarks in respect of Romania in June 2006, highlighting that "the Committee also expressed concern about the limited availability of protection and support services for victims, in particular in rural areas", and "The Committee urges the State party to enhance the effective enforcement of its domestic violence legislation so as to ensure that all women who are victims of violence, including those living in rural areas, have access to immediate means of redress and protection, including protection orders, access to a sufficient number of safe shelters funded by the Government within a sufficiently wide geographical distribution, and to legal aid". In this case, the ECtHR does include this position of the CEDAW Committee in its argument on the violation of Article 14 of the Convention in conjunction with Article 3 (paragraph 83). The ECtHR uses this position to show the relevance of the problem of domestic violence in Romania, although it does not refer to the specific case of the judgment.

Another case to which we could refer is *Tërshana v Albania*, of 4 August 2020, regarding the ineffective response to a woman who had experienced an acid attack. The CEDAW Committee's concluding observations were again quoted, in this case in respect of Albania in 2016, in which it highlighted "the low rate of reporting of cases of gender-based violence against women owing to women's limited access to legal aid services, especially in rural and remote areas, as well as the absence of hotline services for women who are victims of such violence". The 2010 Analytical Report of the European Commission, also quoted in the judgment, stated that cases of gender-based violence continue to be "largely under-reported and insufficiently investigated and prosecuted, especially in rural areas". Again, despite collecting the references to rural areas made by international organizations, the rural issue is not applicable to the specific case, so it is not included in the argument or in the ruling of the judgment.

Finally, we can cite the recent case of *Tkhelidze v Georgia*, of 8 July 2021, in which the mother of a woman murdered by her partner took a case to the ECtHR because of the lack of effective action by national authorities throughout a prolonged period of violence. In that case, the judgment quoted the CEDAW Committee's concluding observations on a report to Georgia in 2014, expressing concern about the "lack of State-funded crisis centres and shelters for women who are victims of domestic violence, especially in rural areas". It also includes the 2016 report of the United Nations Special Rapporteur on violence against women in which "expresses serious concerns about the persistence of stereotypes among police officers and the fact that some police officers in rural areas still issue 'warning letters'". On this occasion, the ECtHR's argument refers to these reports to show the situation of domestic violence in the country, especially regarding the lack of protection (paragraph 55). Although neither in this case the reference to rurality is included in the argumentation of the ruling of the judgment.

From what we have observed, we can draw two main conclusions. Firstly, where women's rights are concerned, the interpretative methodology created by the ECtHR in *Demir and Baykara* has resulted in CEDAW's guidelines being taken into account by the ECtHR in its pronouncements on gender-based discrimination.

Secondly, international guidelines referring expressly to women living in rural areas have also been taken into account. In particular, the ECtHR has considered the CEDAW Committee's concluding observations to States in which the peculiarity of rural areas is mentioned. These references focus particularly on issues related to gender-based violence: the lower rates of reporting of gender-based violence to the police; the lack of counselling, protection and shelters; stereotypes; and public scrutiny.

In the same way we observed in references to rurality in ECtHR case law above, the rurality of an area is not assumed to be a source of discrimination in itself, but the ECtHR does accept that some of the characteristics of rurality place women in a different position compared with women in urban areas.

V. CONCLUSIONS

As stated in the introduction to this paper, there were two fundamental objectives. On the one hand, to find out if the particular situation of women living in rural areas has been taken into account by the ECtHR as a specific position of inequality, thus adopting an intersectional view of discrimination. On the other hand, to know if the ECtHR has adopted recommendations from international organizations, especially CEDAW, in relation to gender

inequality in rural areas. After the analysis carried out, the first objective must be answered in the negative, while the second can be answered in the affirmative.

For this paper, we undertook an examination of ECtHR case law in connection with the prohibition of discrimination in Article 14 ECHR, specifically gender-based discrimination. We reviewed the ECtHR's case law on gender-based discrimination and how this case law has developed over time. We noted, too, that the ECtHR seems to be tentatively considering intersectionality in its reflections on discrimination and on our particular area of interest, the ways in which gender and rurality intersect in the specific situation of women in rural areas.

We also evaluated whether ECtHR case law considers rurality a specific source of discrimination. From what we observed, it can be concluded that, although the ECtHR does not recognize rurality as a specific source of discrimination, it has taken present sometimes the reality of rural areas as a peculiar reality. Therefore, it has not understood that being a woman in a rural area is a specific type of discrimination contrary to Article 14 of the Convention. This statement makes sense if we have observed that the ECtHR has not yet adopted a clear position that takes intersectionality into account.

The other hypotheses supported by our research is that ever since the ECtHR first used the interpretative methodology established in *Demir and Baykara v Turkey*, in which it defended rights under the ECHR being interpreted in the light of international standards for the protection of rights, CEDAW guidelines have habitually been incorporated into ECtHR arguments. Because of this openness, and because CEDAW has taken into account the reality of women in rural areas as a specific and peculiar situation, there is a possibility that this view could be incorporated into the ECtHR's interpretations. We have observed that CEDAW's concluding observations to States have been taken into account, and that some of these refer to the particularities of rural areas. This could be the path of change regarding to the situation found in the previous conclusion.

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