



FACTSHEET  
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## DECLARATION ON THE RIGHTS OF PEASANTS: **SPECIAL PROTECTION IS NEEDED**

Peasants and others working in rural areas represent the largest group of people in the world suffering from hunger and malnutrition. These people have faced political and economic discriminations for decades. In light of this situation, the United Nations Human Rights Council (UNHRC) undertook several studies that ultimately asserted the need for an international protection instrument. Consequently, a working group was created to draft a Declaration on the Rights of Peasants and Other People Working in Rural Areas. The first draft of the declaration was completed in early 2015, following two rounds of negotiation. The current challenge is to pressure States to actively engage in the process so that an ambitious declaration can be adopted. To this end we have a particular responsibility in Europe, as EU Member States have demonstrated a reluctance to adopt the declaration and to create new rights for peasants.

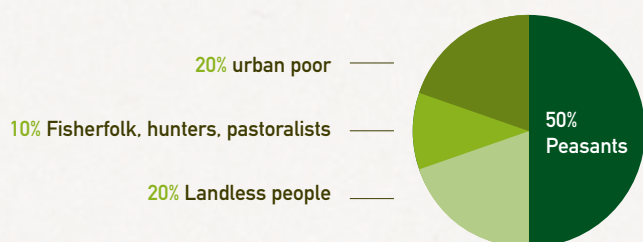




## BACKGROUND: RURAL AREAS AND WOMEN HIT HARDEST BY HUNGER

According to the United Nations, peasants and others working in rural areas represent two thirds of the global total of people affected by extreme poverty,<sup>1</sup> and 80 per cent of those suffering from hunger.<sup>2</sup>

These people depend directly on agriculture and natural resources. They are small peasants, agricultural workers, landless people, fisherfolk, pastoralists, and forest communities. Amongst them, women and children bear the brunt of the discrimination. Women and girls also represent over 60 per cent of those suffering from chronic hunger around the world.<sup>3</sup>



Against this backdrop, the UNHRC assigned a committee of experts (the Advisory Committee) to further analyse discrimination in the context of the right to food,<sup>4</sup> and to draft a report on the means to promote the rights of peasants and other people working in rural areas.<sup>5</sup>

The final study of the Advisory Committee identified the following sources of discrimination suffered by peasants:

1. Expropriation of land, forced evictions, and displacement (land grabbing);<sup>6</sup>
2. Gender discrimination;
3. Absence of agrarian reform and rural development policies, including lack of irrigation and seeds;
4. Lack of a minimum wage and social protection; and
5. Repression and criminalisation of movements protecting the rights of people working in rural areas.

The role of globalisation and the liberalisation of agricultural trade, both of which benefit agribusiness at the expense of small-scale farmers and peasants, must also be highlighted. A small number of multinational companies control a large part of the trade in agricultural raw materials and dictate market prices. Only the largest agro-industrial enterprises are able to survive in this ultra-competitive context. In turn, low prices have a devastating effect on wages and social protection for agricultural workers.

Moreover, small-scale farmers in the Global South continue to face unfair competition. Despite reforms in international trade to restrict export subsidies, farmers in rich countries still benefit massively from direct payments for their production. The resulting surpluses are then usually exported or 'dumped' in other countries. This is the case for example with the massive European exports of surplus frozen chicken and milk that are flooding African markets and destroying small-scale local producers.<sup>7</sup> Such consequences of global agricultural trade on the rights of peasants have been highlighted in several reports by the UN Special Rapporteur on the Right to Food.<sup>8</sup> Global agricultural trade also increasingly affects small-scale European farmers who can no longer make a decent living, as demonstrated by the ongoing dairy crisis that began in 2009.

Small-scale peasants are also the most vulnerable to the effects of climate change,<sup>9</sup> and may be forced to abandon their land. Many end up living in urban slums, or embarking on dangerous migrations to rich countries.<sup>10</sup>

In short, peasants, landless people, agricultural workers and other rural groups face political discrimination. Their rights and interests are often denied and sacrificed in the name of economic development.

## EXISTING LEGAL INSTRUMENTS INSUFFICIENT

Despite the existence of several universal international instruments for the protection of civil, political, economic, social and cultural rights, discrimination against peasants and people working in rural areas continues. The global rush for land and other natural resources serves only to aggravate the situation. The UNHRC acknowledges that existing human rights instruments are insufficient in covering the specific situation of peasants and others working in rural areas, and considers the elaboration of a special international rights instrument as paramount.

## VIA CAMPESINA TEXT AS FOUNDATION OF THE UN DECLARATION

On 27 September 2012, the UNHRC officially adopted a resolution setting up an "open-ended intergovernmental working group with the mandate of negotiating, finalising and submitting a draft United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas."<sup>11</sup> The work of this intergovernmental group is based on a declaration by La Via Campesina, the world's largest peasant movement,<sup>12</sup> based on a comprehensive consultation of its member organisations.

1 IFAD (2011). Rural Poverty Report, p. 9. Retrieved 6 August 2015 from [http://www.ifad.org/rpr2011/report/e/print\\_rpr2011.pdf](http://www.ifad.org/rpr2011/report/e/print_rpr2011.pdf).  
2 UN Millennium Project Task Force on Hunger (2005). Halving hunger: it can be done, New York, pp. 4-6.  
3 World Food Programme (2009). Promoting Gender Equality and the Empowerment of Women in Addressing Food and Nutrition Challenges, Rome, 2009. Retrieved 27 August 2015 from <http://one.wfp.org/eb/docs/2009/wfp194044-2.pdf>.  
4 Human Rights Council Advisory Committee (2011). Study on discrimination in the context of the right to food, A/HRC/16/40.  
5 Human Rights Council Advisory Committee (2012). Final study on the advancement of the rights of peasants and other people working in rural areas, A/HRC/AC/8/6.  
6 More information on the issue of land grabbing: <https://www.tni.org/en/collection/hands-off-the-land>.

7 Fontan Sers, C. (2010). The CAP's impact on African Agriculture: focus on milk, GRET.  
8 See for example Report of the Special Rapporteur on the right to food, Mission to the World Trade Organisation (A/HRC/10/5/Add.2, 2008) and <http://www.srfood.org>.  
9 High Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security (2012). Food security and climate change.  
10 In a mission in Syria in 2010, O. De Schutter analysed the background causes of the Syrian crises in a context of drought and climate change. O. De Schutter, «Mission to Syria», Report presented to the Human Rights Council, 2011 [A/HRC/16/49/Add.2].  
11 UNHRC (2012). A/HRC/RES/21/19.  
12 La Via Campesina convenes around 164 local and national organisations in 73 countries throughout Africa, Asia, Europe and the Americas. It represents about 200 million peasants in total. See <http://viacampesina.org>.



## THE NEGOTIATION PROCESS

Following the adoption of this mandate, the Permanent Mission of Bolivia to the UN (chair of the working group) convened the first negotiation meeting in June of 2013.<sup>13</sup> A first draft declaration was then discussed during the second session of the working group in February of 2015.<sup>14</sup> All involved stakeholders, including States, peasant organisations, civil society, and international experts participated in the process. A third negotiation round is planned for 2016.

### Draft UN Declaration on the Rights of Peasants and Other People Working in Rural Areas

#### PREAMBLE

#### PART I - DEFINITION AND FUNDAMENTAL PRINCIPLES

Article 1 - Definition of peasants and other people working in rural areas

Article 2 - States' obligations

Article 3 - Dignity, equality and non-discrimination

Article 4 - Gender equality

Article 5 - Rights to sovereignty over natural resources, development and food sovereignty

#### PART II - SUBSTANTIVE RIGHTS

Article 6 - Rural women's rights

Article 7 - Rights to life, liberty, physical and personal security

Article 8 - Rights to a nationality and legal existence

Article 9 - Freedom of movement

Article 10 - Freedom of thought, opinion and expression

Article 11 - Freedom of association

Article 12 - Right to participation and information

Article 13 - Right to information in relation to production, marketing and distribution

Article 14 - Access to justice

Article 15 - Right to work

Article 16 - Right to safety and health at work

Article 17 - Right to food

Article 18 - Right to decent income and livelihood

Article 19 - Right to land and other natural resources

Article 20 - Right to a safe, clean and healthy environment

Article 21 - Right to means of production

Article 22 - Right to seeds

Article 23 - Right to biological diversity

Article 24 - Rights to water and sanitation

Article 25 - Right to social security

Article 26 - Right to health

Article 27 - Right to housing

Article 28 - Right to education and training

Article 29 - Cultural rights and traditional knowledge

Article 30 - Responsibility of the UN and other international organisations

A finalised declaration would also represent a major step towards the realisation of the right to food and food sovereignty. The draft declaration provides the opportunity to reassert several existing fundamental freedoms and rights in light of the specific conditions of peasants. The draft declaration also identifies several emerging rights at the international level that are essential in order for peasants to live dignified lives, including:

- the right to land;
- the right to seeds;
- the right to means of production such as water, credit and tools; and
- the right to food sovereignty.

Particular attention is also devoted to rural women's rights in the draft declaration.

## DECLARATION CONTESTED BY RICH COUNTRIES

However, this promising progress in the elaboration of the declaration is being undermined by opposition from rich countries, in particular by EU governments and the United States. All EU countries within the UNHRC opposed the 2012 resolution leading to the creation of the intergovernmental working group. Later, they chose to abstain from (rather than oppose) the vote on the extension of the working group's mandate, which gives hope for future positive developments. In short, now is the time to increase pressure on EU States to engage constructively in the negotiations. Failing to do so could jeopardise the process or lead to the gutting of the final declaration.

According to Olivier De Schutter, Former UN Special Rapporteur on the Right to Food, there are four main reasons to adopt a new international instrument covering the rights of peasants and other people working in rural areas:

1. International law requires it;
2. It will contribute to the fight against hunger;
3. It is one of the best means to ensure that subsistence farming is not replaced by industrial agriculture; and
4. It will increase access to the means of production in rural areas.

The UN Special Rapporteur also highlighted the fact that the adoption of a Declaration on the Rights of Peasants and Other People Working in Rural Areas would increase the visibility of other rights already recognised under international law, and help to promote new rights, such as the right to land, the right to seeds, and the right to compensation for losses due to agricultural subsidies provided to farmers in other countries.<sup>15</sup>

<sup>13</sup> Retrieved August 6, 2015 from

<http://www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/FirstSession.aspx>.

<sup>14</sup> UNHRC (2015). Draft UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, Advanced version. Retrieved August 6, 2015 from <http://www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/2ndSession.aspx>.

<sup>15</sup> UNHRC (2011). Update on the preliminary study of the Human Rights Council Advisory Committee on the advancement of the rights of peasants and other people working in rural areas, (A/HRC/16/63).



## RESPONDING TO CRITIQUE OF THE DECLARATION

**Critique:** A specific declaration for peasants would go against the principle of universality of human rights. Moreover, human rights instruments and directives on the right to food and land governance already exist. Therefore, a new instrument is not needed.

**Response:** Specific protection for discriminated groups is necessary and does not contradict the principle of universality of human rights.

The draft declaration aims to reinforce the interpretation of the implementation of human rights with regard to the living conditions of peasants and other people living in rural areas. UNHRC studies have shown that existing legal instruments are insufficient in protecting the specific rights of these groups. In the past, specific protection instruments have been found necessary and adopted for other marginalised groups, including women and indigenous people.

**Critique:** The draft declaration formulates new rights that are not recognised under international law, such as the right to land, the right to natural resources, the right to seeds, and the right to means of production.

**Response:** The declaration does not create new human rights, but enshrines rights that have long been discussed in international law.

As early as 1999, the Committee on Economic, Social and Cultural Rights stated that the realisation of the right to food required, for certain groups, the ability to feed oneself directly from productive land or other natural resources.<sup>16</sup> Access to productive resources such as land, seeds and means of production was therefore already considered as a prerequisite for the realisation of the right to food for peasants.<sup>17</sup> What is more, the right to land was explicitly enshrined in the 2007 Declaration on the Rights of Indigenous Peoples.<sup>18</sup> Consequently, the declaration enshrines emerging rights under international law, and international law is not intended to be set in stone but to evolve and incorporate new challenges faced by marginalised groups.

**Critique:** The declaration process was initiated by 'left-wing' States and will be used for political purposes.

**Response:** Political considerations must not interfere in discussions related to human rights.

It is standard UN procedure that processes are initiated upon request from States. Furthermore, the draft declaration is based on several independent studies carried out by UN experts. In refusing to comply with UNHRC recommendations, EU Member States, which promote respect for human rights as founding principles, would be sending a significant political message with serious consequences.

16 Committee on Economic, Social and Cultural Rights (1999). General Comment No. 12, The right to adequate food (art. 11), E/C.12/1999/5, §12.

17 See also De Schutter, O. (2010). Access to Land and the Right to Food: Report of the UN Special Rapporteur on the Right to Food presented at the 65th Session of the UN General Assembly, A/65/281.

18 UNHRC (2007). UN Declaration on the Rights of Indigenous Peoples (Resolution 61/295). Retrieved 6 August 2015, from <http://www2.ohchr.org/french/issues/indigenous/declaration.htm>.



**Hands on the Land for Food Sovereignty**  
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Hands on the Land for Food Sovereignty is a collective campaign by 16 partners, including peasants and social movements, development and environmental NGOs, human rights organisations and research activists.

Our aim is to raise awareness on issues related to the use and governance of land, water and other natural resources, and the related effects on the realisation of the right to food and food sovereignty.



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