



人权理事会
第三十九届会议
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议程项目 5
人权机构和机制

《联合国农民和农村地区其他劳动者权利宣言》
不限成员名额政府间工作组的报告*

秘书处的说明

秘书处谨向人权理事会转递根据理事会第 36/22 号决议提交的《联合国农民和农村地区其他劳动者权利宣言》不限成员名额政府间工作组的报告。

* 本文件附件仅以原文照发。



目录

	页次
一. 导言.....	3
二. 会议安排	3
A. 选举主席兼报告员.....	3
B. 通过议程和工作安排.....	3
C. 开幕词	4
三. 专家小组讨论.....	4
四. 一般性发言	4
五. 审读宣言草案.....	7
六. 最后发言	15
七. 主席兼报告员的结论和建议.....	16
A. 结论	16
B. 建议	16
附件	
一. 与会者名单.....	17
二. 专家小组成员发言摘要.....	18
三. 具体建议清单.....	20
四. 专家提供的补充说明.....	52

一. 导言

1. 人权理事会第 21/19 号决议设立的《联合国农民和农村地区其他劳动者权利宣言》不限成员名额政府间工作组的任务是就《农民和农村地区其他劳动者权利宣言》草案进行谈判、定稿并将草案提交理事会。理事会在其第 36/22 号决议中决定，应在理事会第三十八届会议之前举行工作组第五届年会，并要求工作组向理事会和大会提交年度进展报告供其审议。

2. 工作组第五届会议于 2018 年 4 月 9 日至 13 日举行。人权事务副高级专员在开幕词中赞扬第四届会议主席兼报告员 Nardi Suxo Iturry 大使与广大利益攸关方进行磋商，并在订正宣言草案(A/HRC/WG.15/5/2)中反映其意见。她指出，经过五年多的辛勤工作，依据有关农民和农村地区其他劳动者权利的现有国际标准以及世界粮食安全委员会和联合国粮食及农业组织(粮农组织)下属机构通过的原则和准则，特别是“关于在国家粮食安全范围内对土地、渔场及林地保有权进行负责任治理的自愿准则”形成了草案。副高级专员表示，工作组对完成宣言草案工作，从而填补在保护面临歧视和其他挑战的 10 多亿人口方面的差距具有紧迫感。虽然小农户提供的粮食在当地消费的粮食中占比很高，例如在亚洲和撒哈拉以南非洲占 80%，但世界上 80% 的饥饿人口生活在农村地区。农民和农村地区其他劳动者在获得土地和其他资源方面面临挑战及歧视，特别是对妇女的歧视。全球化、自由贸易协定和种子专利加剧了此类情况，削弱了小农户使用或交换自有种子的能力，往往迫使农民专门购买这些专利种子，从而使农民背负债务。气候变化则进一步加剧了这种情况，因为它尤其影响到依赖土地的人。如果将人权作为实施《2030 年可持续发展议程》的基础，所有人将会受益。这对改进被落下的农民和农村地区其他劳动者的境况尤其重要，尽管《世界人权宣言》作出了承诺。她总结说，带上他们的唯一办法就是别再抛弃他们。

二. 会议安排

A. 选举主席兼报告员

3. 经墨西哥代表拉丁美洲和加勒比集团提名，工作组第五届会议选举 Luis Fernando Rosales Lozada(多民族玻利维亚国籍)为主席兼报告员。

B. 通过议程和工作安排

4. 通过议程(A/HRC/WG.15/5/1)。

5. 主席兼报告员解释了辩论方式，并指出本届会议的目标之一是循序渐进，达成尽可能最高级别的共识。为此，主席兼报告员鼓励与会者就仍有疑虑的条款提出折中措辞建议。

6. 主席兼报告员表示工作组将全面审读宣言草案，并要求与会者就仍需关注的事项提出具体措辞。他指出，订正案文体现了各代表团和民间社会组织自上届会议以来提出的建议。

C. 开幕词

7. 粮农组织代表致辞，提到与农民权利有关的全球倡议，包括 2016 年宣布的《联合国营养问题行动十年》。粮农组织代表在致辞中强调了农民作为可持续和健康的粮食生产的主要参与者的重要性，并强调必须支持小规模生产。尽管农民为粮食安全做出了巨大贡献，但面临着越来越大的脆弱性，因此需要加强对他们的保护。她强调宣言草案与全球目标，包括《可持续发展目标》和“零饥饿挑战”具有关联性。

8. 会上还播放了欧洲经济和社会委员会农业、农村发展和环境科科长视频讯息。他强调包括欧洲在内的全球各地农民和农村地区其他劳动者面临的挑战，农村的小规模劳动密集型农业被更廉价的大规模生产产品淘汰。他主张应该像承认城市人口的权利一样承认农村地区人口的权利，并呼吁所有与会者支持宣言草案及其决议。

9. 主席兼报告员回顾了自 2017 年 5 月举行的工作组第四届会议以来取得的进展，包括前任主席兼报告员在闭会期间与各利益攸关方举行的会议。

三. 专家小组讨论

10. 主席兼报告员邀请了八位专家为工作组第五届会议建言献策，分别是：Million Belay、Ramona Duminicioiu、José Esquinas-Alcazar、Christophe Golay、Diego Montón、Smita Narula、Yiching Song 和 Ana Maria Suarez Franco。¹ 在专家小组的初步讨论中，五位专家谈到了宣言应如何应对种子权、农村妇女权利、粮食主权、集体权利以及土地和食物权等挑战。²

四. 一般性发言

11. 委内瑞拉玻利瓦尔共和国代表以不结盟国家运动的名义强调指出，消除贫穷是最大的全球挑战，农村人口、特别是发展中国家的农村人口遭受贫困和饥饿的情况尤其严重。粮食安全和营养是可持续发展的重要方面。全球粮食价格的巨大波动直接对食物权形成挑战。发言者重申支持食物权运动并承诺致力于抗击饥饿和营养不良，同时欢迎主席为宣言草案最终定稿所作的努力。

12. 欧洲联盟的代表强调其重视农民权利，并对农村地区人口和城市人口之间在充分实现所有人权，特别是经济、社会和文化权利方面的严重不平等问题表示关切。发言者表示欧洲联盟将致力于探讨保护农民和农村地区其他劳动者权利的各种可能性，包括为国别努力提供发展援助。尽管订正宣言草案案文有所改进，但是各方对于治外法权、种子权、土地和生产资料、粮食主权和生物多样性等概念及其他内容仍持有不同意见，案文依然存在问题。发言者对在一份不具约束力的文件中创造新权利表示关切，并表示欧洲联盟总体上无法支持现有版本的宣言草案。

¹ 可在工作组第五届会议的网站查阅专家简历。

² 专家小组成员的发言摘要载于报告附件二。

13. 多哥代表以非洲集团的名义表示该集团致力于推动农民权利，因为小家庭农民是非洲发展的支柱，非洲妇女是粮食生产和粮食安全的主要贡献者。宣言草案承认农民历史上遭受歧视且这种歧视持续存在，而且全球化给家庭农民带来脆弱性。
14. 危地马拉代表指出，消除农村贫困是国家优先事项。但令人遗憾的是，订正草案未列入上届会议提出的建议。发言者对整个案文表示保留。
15. 墨西哥代表注意到宣言草案中提及粮食主权。发言者强调应根据脆弱性而非经济活动来对农民进行界定，并重申必须避免与现有文书产生重复。
16. 俄罗斯联邦代表强调指出该国支持起草宣言的进程，这一进程应寻求共识，特别是对新权利的共识。发言者对订正草案表示欢迎，但提醒勿将现有标准外推给其他集团。
17. 巴拉圭代表承认草案案文有所改进，并呼吁解决现有人权框架内农民面临的挑战和障碍。
18. 乌拉圭代表重点关注保障所有人——包括农民和其他农村劳动者——不受歧视地充分享受人权的重要性。发言者重申乌拉圭的立场，即宣言草案应侧重于落实现有人权，旨在缩小农村与城市之间目前在享受人权方面的差距。此外，乌拉圭还对宣言草案中的一些概念，例如粮食主权、土地权和自然资源权表示关切，认为这些概念是其他论坛讨论的一部分，可能会在宣言草案的谈判中造成混乱。
19. 大韩民国代表强调该国支持通过改善农村地区生活的政策和方案来促进农民权利。发言者指出，宣言草案的某些条款可能与国内法和国际义务相冲突，需进一步审议。
20. 南非代表表示，该国将农民权利作为重中之重，并实施了土地改革、培训与技能开发、社会经济转型、创造就业和粮食安全等方案。包括农民和农村地区其他劳动者在内的人是发展的核心主题，也应成为发展权这项基本人权的积极参与者和受益人。
21. 印度代表注意到订正草案有所改进，但认为在农民的定义、农民的权利和国家的义务、传统知识和治外法权等关键问题上需要形成基础广泛的共识。吸纳各代表团的建议将有助于更广泛地支持有效落实农民权利。
22. 秘鲁代表表示该国重视宣言草案的谈判，并指出案文已经吸纳诸多建议。为保障农民权利，应考虑到国家特色和法律制度。
23. 伊拉克代表强调了宣言草案的重要性，并赞扬订正案文特别关注农村妇女问题。
24. 埃及代表赞同非洲集团和不结盟国家运动的发言，对工作组的任务表示支持。发言者欢迎草案的改进并希望能够就此达成共识。
25. 厄瓜多尔代表赞同不结盟国家运动的发言，并表示支持这一进程。草案内容有所发展，该国特别欢迎提及妇女和女童。宣言将填补人权法在保护问题方面的空白。
26. 委内瑞拉玻利瓦尔共和国代表强调了宣言在履行义务，包括发展权和农民土地权方面的重要性。

27. 多民族玻利维亚国代表强调宣言草案的重要性，并呼吁通过公开、透明和建设性的进程达成共识。
28. 瑞士代表赞扬了进程的包容性，并认为目前的草案是达成共识的良好基础。
29. 古巴代表鼓励成员国和民间社会组织支持这一进程并解决农村地区的极端贫困问题。发言者表示支持这一进程。
30. 阿根廷代表表示，该国将就此前表达关切的问题提供具体意见。
31. 葡萄牙代表对订正草案感到鼓舞，希望在本届会议上最终定稿，并在人权理事会上达成共识。宣言草案获得通过后，将有助于更好地支持农民和农村劳动者，包括妇女和儿童的生活，因为除其他外，这将使各方尤其是政府更好地认识到必须不加歧视地充分尊重这些人的人权，并且确保这些人与所有其他人一样平等享有人权。发言者指出，根据《关于加强家庭农业的里斯本宪章》(2018 年 2 月)的设想，葡萄牙语国家共同体及其成员国将致力于在关于通过宣言草案的谈判中发挥积极作用，葡萄牙对此表示欢迎。发言者感谢民间社会，特别是农民组织在整个过程中做出的宝贵贡献。
32. 印度尼西亚代表强调承认土地权，并提到了食物权问题特别报告员目前正在进行的访问。发言者还强调了进一步讨论粮食主权、弱势群体和其他概念的重要性。
33. 巴拿马代表表示支持这一进程，并欢迎民间社会的积极参与。
34. 大不列颠及北爱尔兰联合王国代表赞同欧洲联盟的发言，并指出联合王国不承认除自决权外的集体权利。
35. 美利坚合众国代表强调，人权理事会不是讨论宣言草案所涉问题的适当论坛。人权应由个体享受，不能集体享受，因为赋予集体权利可能导致集体权利压倒个人权利。发言者指出，美国因此不支持工作组及其结论。
36. 粮食第一信息和行动国际网络的代表表示，宣言草案寻求解决对农民和农村地区其他劳动者的系统性歧视，为保护其权利作出重要贡献。宣言草案将为促进和保护农民和农村地区其他劳动者的权利提供重要指导。必须认识到农民的集体性，因为土地造成的流离失所会影响整个社区。集体权利与个人所享权利并不冲突，两者其实相互补充。
37. 亚洲农民之路的代表赞扬了进程的包容性，并强调了宣言的重要性。
38. 欧洲——第三世界中心的代表回顾了透明谈判进程的历史背景，对订正草案表示欢迎，并呼吁尽快予以通过。发言者呼吁更有力地提及包括粮食主权在内的一些问题。
39. 世界游牧土著牧民联盟的代表表示支持宣言，并呼吁达成共识。
40. 国际食品、农业、旅馆、饭店、餐饮、烟草和同业工会联合会的代表表示宣言草案将补充旨在消除歧视的标准，并呼吁将童工问题进一步纳入案文。
41. 国际印第安人条约理事会的代表对订正草案表示欢迎，并呼吁尽快通过，同时指出草案将改善在保护农民权利方面的法律框架空白。
42. 欧洲农民之路的代表强调了对宣言草案的支持或组织，并为此提出了意见。

43. 拉丁美洲农民之路的代表呼吁尽快通过宣言草案，认为这将成为成员国的有用工具。

44. 非洲农民之路的代表呼吁人权理事会通过宣言草案，从而发出强烈的政治信号。

五. 审读宣言草案

序言

45. 主席介绍了序言，并提及全世界农民面临的困难。成员国的大多数发言都要求保留“粮食主权”和“地球母亲”这两个专有名词，因为这些概念已经在国际(包括大会)以及区域和国家各级得到承认。一些代表团支持序言，并建议提及《残疾人权利公约》。一个国际组织提出了关于童工问题的具体措辞建议，得到了各代表团的支持。一些代表团提出了书面意见，摘要载于下文附件三。专家们呼吁保留粮食主权概念，欢迎进一步提及《残疾人权利公约》以及关于解决农村向城市迁移问题的建议。一位专家建议必须保护多样性，因为单一性是一种威胁。专家们还支持提及“地球母亲”，因为这一概念已经在联合国各种文书和案文中得到承认。民间社会组织支持目前版本的序言，并支持提及“地球母亲”。

第一条 农民和农村地区其他劳动者的定义

46. 没有对第一条的内容提出重大不同意见，但各代表团和民间社会提出了关于措辞的具体建议。一个代表团建议修改标题，并在整个案文中用“人们(persons)”取代“人民(people)”，但“土著人民”的情况除外。一些代表团要求保留“人民”这一用词。有一个代表团对移民工人“不论其法律地位如何”的措辞表示保留，但另一个代表团认为，这一提法符合《保护所有移民工人及其家庭成员权利国际公约》，而后者得到了其他代表团和民间社会的支持。一位专家表示，根据人权理事会和大会的有关决议，可用“移民身份”取代“法律地位”。专家和民间社会组织支持使用“peoples”一词，并强调“人民(people)”只是“人(person)”的复数，因此未能表达农民作为一个集体的意思。各代表团和民间社会组织提及区域范围内的其他集团。民间社会组织还强调了农民权利对于对抗历史污名，包括针对农民妇女的污名的重要性。一些代表团建议增加其他类别，例如传统社区和当地社区。

第二条 国家的一般义务

47. 各代表团欢迎最新订正的第二条。其他关于措辞的建议载于下文附件三。虽然一些代表团赞同目前版本的第二条，但也有其他一些代表团建议在其中一款中将“应”改为“可”。该建议遭到其他代表团和民间社会专家的反对，他们指出“应”是《联合国土著人民权利宣言》等其他类似国际文书的适当用词。一些代表团也提出了关于措辞的建议。其中一项建议是删除第二条第1款中“迅速”一词，专家们对此表示反对并强调必须立即采取行动实现经济、社会及文化权利委员会在一般性意见中阐明的经济、社会和文化权利。

48. 关于第二条第 4 款，一个代表团强调了对目前草案的关切意见，而另一个代表团则建议在“国际协定”之前增加“相关”一词，后者得到一个代表团和各民间社会组织的支持。另一个代表团提出折中建议，即将第二条第 4 款的案文移至宣言草案的序言部分。专家和民间社会组织主张保留第二条第 4 款，因为它体现了以《联合国宪章》第一百零三条为基础的国际人权法的首要地位，并应与《联合国宪章》第 五十五条(寅)款和第一条第三款及序言一并解读。民间社会组织还建议在该段中增加关于强调该条适用于农民和农村地区其他劳动者的内容。

49. 一个代表团针对第 6 款(d)项提出措辞建议，并提议增加一个关于农民有义务尊重环境的新段落。专家们警告不宜采纳此提议，强调该条款述及各国尊重、保护和实现人权的义务，而且已从草案中删除非国家行为体的义务。他们还提出，案文序言充分阐述了农民与环境之间的关系。一些民间社会组织对增加新段落的提议表示欢迎，而其他组织则提醒与会者关于农民在可持续利用环境方面扮演的角色，将农民称为环境守护者。

第三条 平等和不歧视与发展权

50. 没有对第三条的内容提出重大反对意见。一些代表团和民间社会组织就措辞提出了具体建议。一个代表团强调了可持续发展的重要性，并指出发展权并不意味着农民有权砍伐原始森林来开垦土地。在这方面，该代表团建议根据《2030 年可持续发展议程》进一步提及可持续性。一个代表团表示未就发展权形成共同立场。另一个代表团建议，第三条的标题应反映人权的基本原则，即平等、不歧视、透明、尊严、包容、公平、参与和问责，并就此提出补充措辞建议。一个代表团指出，第三条所列的歧视标准超出了联合国商定的措辞，并建议无须列出穷尽式清单。另一个代表团建议第三条应使用商定的措辞。一名民间社会代表呼吁在第三条第 1 款“种族”之后加入“种姓”。

第四条 女性农民和农村地区其他劳动妇女的权利

51. 没有对第四条的内容提出重大反对意见，但各代表团和民间社会提出了具体的措辞建议。一个代表团在详尽阐述妇女在确保粮食安全和农业发展方面的作用之后，呼吁承认妇女作用及增强其权能，并提出具体措辞建议。其他代表团也对第四条第 2 款(a)项提出了措辞建议，呼吁农村妇女更多地参与决策。一个代表团提议删除第四条第 2 款(b)项中的某些措辞，建议“计划生育方面的知识、辅导”可包括不利于农民的堕胎和类似行动。一个代表团解释指出，根据该国法律规定，自然资源属于公共财产。

52. 民间社会发言者表示支持该条款。一位民间社会代表指出，第四条体现了《消除对妇女一切形式歧视公约》的措辞。另一位民间社会代表强调了妇女的财产权，包括农业用地和住房继承权的重要性，并就此提出了措辞建议。

第五条 自然资源权

53. 各代表团和民间社会针对该条进行了一般性讨论并提出了措辞建议。一个代表团建议修改该条标题，将“权”改为“获取”，并得到了另一个代表团的赞

同。该代表团还反对创造新人权。另一个代表团建议将第五条与第十七条合并，因为都与自然资源有关。

54. 专家们还回应了就第五条提出的建议。一位专家回顾称，由于一些国家反对，已经从草案中删除了事先知情同意，鉴于上述折中安排，有必要作出系统性解释。应将《生物多样性公约》与条约机构的其他准则和一般性意见用于指导自然资源的管理。农民促进而非破坏了环境和生物多样性的保护工作。一位专家提及国别具体问题，并建议在第二十八条第 2 款中涵盖该问题，且该条应与其他条款一并解读。专家呼吁使用“权”，而非“获取”一词。他们认为“权”比“获取”更有份量，并允许法律和非法律追索。例如《粮农组织关于在国家粮食安全范围内对土地、渔场及林地保有权进行负责任治理的自愿准则》等其他文件使用“权”一词超过 200 次，这些文件都以协商一致方式得到通过。

55. 民间社会代表认为，第五条的内容和标题都应保持不变。在这方面，一位民间社会代表认为该条款确立了国际合作框架。另一位民间社会代表强调了牧民、渔民和农民对自然资源的权利，认为这是在与自然和谐相处的过程中实现发展所必需的，并对这些人的生存以及环境存续至关重要。一位民间社会代表强调了第五条对保障小农户获得土地和自然资源的重要性，因为现行立法并未保护农民免遭土地掠夺。另一位民间社会代表附议专家意见，即目前的案文符合粮农组织的《自愿准则》。

56. 一个代表团建议在案文中增加强调农民责任及权利的内容。对此，一位专家建议使用“可持续利用”自然资源这一用语，并同意自然资源可持续管理的问题与大型公司而非农民有关。同样，民间社会代表支持主席的案文，并指出，从历史上看，农民和农村地区其他劳动者都是通过可持续方式利用自然资源。另一位代表要求澄清可持续发展一词的含义，认为不能将之与发展权相混淆，而农民则是可持续发展的守护者。

第五条第 1 款

57. 一个代表团提出了附件三所载的措辞建议。另一个代表团建议在第一行(have the right to have access to 一句中)删除多余的“have”和“to”。其他代表团未对这一段提出关切意见。

第五条第 2 款

58. 一个代表团提出了措辞建议，因为并非应对所有的开发进行影响评估，且案文应符合《生物多样性公约》第四十一条的规定。另一个代表团要求澄清“资源管理”和“开发惠益”的概念，以及这些用语是否符合商定的措辞，例如《生物多样性公约》的措辞。一个代表团还指出“任何开发”一词不符合第 1 段关于自然资源管理的规定，并提议使用“可持续开发”替代。另一个代表团提出了措辞建议，以避免使用限制性措辞，为各国提供更大的灵活性。

第五条第 2 款(a)项

59. 各代表团的措辞建议载于附件三。

第五条第 2 款(b)项

60. 一个代表团建议进一步提及国际劳工组织《1989 年土著和部落人民公约》(第 169 号), 其中载有关于自由、事先和知情同意的要求; 该建议得到了专家的支持。另一个代表团表示反对该建议, 因为第二条第 3 款已涵盖国家协商义务。其他代表团未对此段提出关切意见。

第五条第 2 款(c)项

61. 一个代表团指出, 该分段超出了《生物多样性公约》的规定, 后者未提及共享惠益。其他代表团未对本条提出关切意见。

第六条 生命、自由和人身安全权

62. 只有一个代表团发言, 建议将该条的标题改为“生命、自由和人身安全权及享有基本自由权”。该代表团还建议, 可在第六条第 2 款提及人口贩运之后, 对第十三条第 5 款进行交叉引用。

第七条 迁徙自由

63. 没有对第七条的内容提出重大反对意见。一个代表团认为第七条第 2 款没必要作出列举, 因为这是对第一条所载定义的重复。该代表团还建议删除第七条第 3 款。一位专家指出, 这一列举是有意义的, 因为迁徙自由对第七条第 2 款提到的具体群体尤其重要, 并建议案文反映粮农组织《自愿准则》等文件载列的商定措辞。其他民间社会代表建议增加一个关于保障土地权利维护者安全的段落。

第八条 思想、意见和言论自由

64. 无人发言。

第九条 结社自由

65. 无人发言。

第十条 参与权

66. 各代表团和民间社会表示支持目前版本的第十条。各代表团支持自由、事先和知情同意的原则。一位专家建议在第十条第 2 款的列举中加入农业政策。一位民间社会代表还强调自由、事先和知情同意是享受人权和享有尊严生活的条件。但是, 受影响的人通常无法参与或了解土地投资、政策和气候变化等问题, 往往面临生计遭到破坏的风险。由于权力不平衡, 农民和农村地区其他劳动者需要高度参与, 但令发言者感到遗憾的是, 一些国家仍然反对参与权这项关键的人权原则。

第十一条 生产、销售和分销方面的知情权

67. 一个代表团建议删除提及参与权的内容。另一个代表团提出了具体的措辞建议, 载于附件三。专家提醒勿删除提及参与权的内容, 因为这是《公民权利和政治权利国际公约》(第十条)等国际条约承认的权利。专家和许多民间社会代表赞同保留现有案文。

第十二条 司法救助

68. 一个代表团建议在第十五条第 5 款“剥夺”一词之前加上“任意”，而另一个代表团则赞成保持目前版本的该条不变。会议还对西班牙语案文进行了讨论，特别是 *despojar* 一词，专家们表示这是正确的术语。一位民间社会代表强调必须确保妇女获得司法救助。其他代表团未对本条提出关切意见。

第十三条 工作权

69. 除一些措辞建议之外，例如承认当地情况以及农民和农村地区其他劳动者在获得体面工作方面的特殊处境，没有对第十三条提出重大反对意见。一个代表团强调突出当地情况的基本特征，特别是在第 2 和第 3 段，避免该条被解读为大规模征用土地合法化。该代表团还提出了附件三载列的一些措辞建议。一个国际组织建议在第十三条第 2 款“工作”一词之前加上“体面”，同时表示之前已提交关于在家庭农场无偿工作的儿童的案文，希望重新提交该案文且其新意见能够得到考虑。一位专家指出，第十三条第 2 款应包括农民和其他农村劳动者，不应删除提及报酬的内容。

第十四条 工作场所安全和健康权

70. 只有两名与会者就本条发言，强调必须解决使用化学农药以及企业责任问题，以及应鼓励员工报告不安全和危险工作条件而不必担心被报复。一个国际组织提出了附件三载列的措辞建议。民间社会强调大量使用化学农药对健康和环境的危害，认为主要受害者是小农户以及在农村地区劳动和生活的其他人。

第十五条 充足食物权

71. 没有对第十五条的内容提出重大反对意见，但各代表团和民间社会就措辞提出了具体建议。讨论内容主要集中于粮食主权概念。一些代表团认为，国际社会尚未就粮食主权概念的构成要素达成一致，因此要求改用粮食安全一词。其他代表团、民间社会组织和专家解释了上述两个概念之间的差异，并支持将粮食主权作为农民和确保国家粮食生产的关键要素写入草案。主席表示，按照上届会议的商定内容，已从标题中删除“粮食主权”一词。一个代表团感谢主席接受删除该词。该代表团还建议删除第 2 段中的“单独和集体”，同样建议删除第 4 和第 5 段中的“粮食主权”。最后，该代表团表示愿意接受“粮食安全”而非“粮食主权”。另一个代表团强调将粮食主权写入草案的重要性，并呼吁在该条通篇对此予以确认。该代表团进一步指出支持在案文中保留“单独和集体”并支持第十五条的全部内容。另一个代表团也反对关于以粮食安全取代粮食主权的建议。一个代表团指出希望保留“单独和集体”。另一个代表团也提出了措辞建议。另一个代表团支持该条款，要求该条款与《2030 年可持续发展议程》保持一致，并建议提及“可持续地”。最后，另一个代表团还建议在第五条第 1 款中加入“根据国内立法”的限制条件。民间社会组织呼吁在案文中保留粮食主权。

72. 一位专家呼吁保留“单独和集体”，并建议将其移至第 2 段第一行“农村地区”之后。她强烈建议在案文中保留粮食主权。其他专家赞同关于保留粮食主权的建议，因为这一概念已经在国际、区域和国家一级得到承认。他们表示，粮食主权是指过程，而粮食安全是指结果。

第十六条 获得体面收入、生计以及生产资料的权利

73. 没有对第十六条的内容提出重大反对意见。一个代表团提出了附件三载列的措辞建议。另一个代表团支持关于同工同酬的第 6 段。一个代表团提议在第 6 段中增加“妇女”一词。一个组织也提出了附件三载列的一项措辞建议。民间社会组织支持目前版本的案文，特别是关于同工同酬权利的案文。民间社会代表建议在第十六条中加入关于保护权利的规定。专家们支持目前版本的第十六条，并指出第 2 款的依据是各国通过的粮食安全委员会的一项决议。会上提到了粮农组织《自愿准则》和《消除对妇女一切形式歧视公约》第十四条。

第十七条 土地和其他自然资源权

74. 关于第十七条的讨论侧重于土地权概念。一些代表团表示，宣言不应创造新权利，并要求使用“获取土地”一词，而非“土地权”。其中一些人表示担心“土地改革”的提法会给各国施加义务。一个代表团呼吁征用土地需有法律依据并提供公平赔偿。其他代表团指出，宣言应承认关于特定群体的文书述及该群体的具体权利，以及土地权利不是一项新权利，而是农民的一项历史权利。一位专家认为，土地权不应仅限于适足的生活条件，而是充分享有一切人权的重要组成部分。各个论坛对土地权进行了讨论，国际和国家立法也予以承认。此外，土地是农民身份的一部分，这也是应当承认土地权的进一步原因。若干民间社会组织和专家请求保持该条的现有版本不变，并指出《经济、社会及文化权利国际公约》和粮农组织《自愿准则》以及《2030 年可持续发展议程》和《可持续发展目标》已经提及土地改革。主席澄清指出，这项义务并不涉及已经完成这一进程的国家，而只关系到那些仍需进行土地改革的国家。

第十八条 安全、清洁和健康环境权

75. 没有对第十八条的内容提出重大反对意见。一个代表团要求删除第 18 条标题中“权”一词，以及在整个条款和宣言中将“people”改为“persons”。该代表团反对创造新人权，并认为宣言不应造成国际社会都承认安全、清洁和健康环境权的印象，以允许各方采取同样有效的其他不同办法。另一个代表团对该条的新表述表示欢迎，同时认为宣言的最终版本将不会保留该条标题。在其他发言中，各代表团强调，“安全、健康和清洁的环境”不是商品，而是以国际和区域文书为基础的一项权利。专家们强调，《联合国土著人民权利宣言》第二十九条、其他区域文书以及享有安全、清洁、健康和可持续环境有关的人权义务问题特别报告员的报告都详细承认了该权利。另一位专家对关于增加可持续生物多样性的建议表示欢迎。

第十九条 种子权

76. 一些代表团表示不承认种子权，鉴此呼吁使用“获取”种子的提法。他们担心第十九条可能会破坏有关知识产权的国际协定和世界知识产权组织的任务规定。这些代表团就此提出了载于附件三的措辞建议。另一个代表团强调了其关切意见，但并未就改进案文提出具体措辞。许多其他代表团表示，种子权是农民的一项基本权利，并受到允许对现有品种申请专利等专利法变更的威胁。一个代表团重申重要的是拥有种子“权”，而不是“获取”种子的渠道，因为后者与金融

交易相关。民间社会组织赞同该条款草案全文，并敦促各国保护小规模渔民，因为后者始终在不破坏生态系统的情况下开展作业，但现在由于工业捕捞而日益边缘化和失去生计。专家和民间社会组织呼吁承认《粮食和农业植物遗传资源国际条约》和《联合国土著人民权利宣言》载列的种子权，并确认人权优先于知识产权权利。此外，若干与会者表示，与《生物多样性公约》等公约之间没有冲突，因为这些公约呼吁平等共享惠益。

第二十条 生物多样性权利

77. 没有对第二十条的内容提出重大反对意见，但一些代表团提出了具体的措辞建议。一个代表团提议将标题改为“生物多样性”，删除“权利”。会上还提出了附件三载列的其他具体措辞建议。一个代表团表示支持第二十条，并建议在确认生物多样性权利的同时应强调农民有义务保护生物多样性。该代表团进一步建议确保在使用传统知识术语方面保持前后一致，因为一些其他条款也包含该术语。另一个代表团支持保护知识，并建议增加土著和传统粮食作物的内容。另一个代表团强调农民在维护、保护和恢复环境方面的作用是讨论的核心内容。一个代表团呼吁在使用传统知识的措辞时保持一致，特别是在第1段中。最后，一些代表团要求保留该条款的目前版本。

78. 专家和民间社会代表主张保留关于生物多样性权利的提法。一位专家还建议根据工作组第四届会议审议的前一版本案文中第二十六条第4款的内容，增加一个新段落。他呼吁各国采取措施，确保在农民和农村地区其他劳动者对遗传资源拥有准予获取的既定权利的情况下，在获取此类遗传资源时得到农民和农村地区其他劳动者的事先知情同意或批准和参与。民间社会组织赞同该条款草案全文，并敦促各国保护小规模渔民，因为后者始终在不破坏生态系统的情况下开展作业，但现在由于工业捕捞而日益边缘化和失去生计。另一位民间社会代表提醒勿采纳一项关于对农民施加义务的建议，并建议寻求能够鼓励农民履行责任的各方达成共识的措辞。

第二十一条 水权和卫生设施权

79. 没有对第二十一条的内容提出重大反对意见。会上对水的优先排序问题进行了一些讨论。许多与会者表示，由于农民无法与跨国公司和大农场主竞争，因此简单“获取”劳作用水是不够的。一个代表团反对为农民创造新的具体权利并提出了附件三载列的措辞建议。一个代表团呼吁在案文中紧挨着水权插入卫生设施权，目的是防止水污染。另一个代表团强调了水的重要性，特别是对农民和渔民的重要性，并呼吁免费、不歧视和优质地获取水资源。专家们重申该权利属于基本权利，国际人权法充分承认水和卫生设施权利。专家们还提到承认灌溉对食物权的重要性的若干国际文书。他们还强调了特别受影响的妇女的处境。一位专家赞同该条款的标题侧重于水权而非水管理。民间社会组织支持该条款的目前版本，并表示虽然农民有权获得水和卫生设施，但实际上被剥夺了这些权利。

第二十二條 社會保障權

80. 在討論第二十二條時，各代表團認為，社會保障權取決於個人的法律地位，在這方面，他們提出了具體的措辭建議。其他代表團要求保留第二十二條全文，特別是第二十二條第 2 款不變。一位國際組織的代表對提及國際勞工組織的標準表示歡迎，並進一步提出了其他具體措辭建議。一些民間社會代表和專家呼吁保持目前版本的案文不變，特別是以此保護各種移民身份的移民。

第二十三條 人人享有能達到的最高標準身心健康權

81. 一個代表團就此項目作了發言，建議將“people”改成“persons”，並強調可能與討論知識產權和傳統知識的其他政府間論壇存在重複。其他代表團未對第二十三條提出關切意見。

第二十四條 適當住房權

82. 沒有代表團對第二十四條提出關切意見。

第二十五條 受教育和培訓權

83. 雖然各代表團提出了一些意見，但沒有對第二十五條的內容提出重大反對意見。一個代表團要求明確提及所有農民的受教育權，並提出了具體的措辭建議。一名國際組織代表提出了有關教育質量的措辭建議。民間社會組織強調了教育對農村人口的重要性和適當性。一位民間社會代表還呼吁更多提及反對童工行動。

第二十六條 文化權利和傳統知識

84. 第二十六條的內容與宣言中的許多其他問題密切相關。一個代表團提出了附件三載列的具體措辭建議。另一個代表團同意其他代表團就第 4 段提出的關切意見，並建議使用《生物多樣性公約關於獲取遺傳資源和公正和公平分享其利用所產生惠益的名古屋議定書》案文，而不是目前案文。一個代表團支持該條的內容，但反對在第 4 段中提及遺傳資源，因為第五、十九和二十條已經有所提及。其他代表團贊同保留該條款的目前版本。一個代表團指出，第二十六條第 4 款的措辭借鑒了《名古屋議定書》，並建議將其刪除或就該措辭達成一致。另一個代表團支持新增的關於事先知情同意的第 4 段，認為這是一項關鍵的普遍適用原則。專家們強調了維護和保護傳統知識，包括農民和土著人民的傳統知識的重要性。若干民間社會組織表示支持該條款的目前版本和新增的關於獲取遺傳資源的事先知情同意的第 4 段。其他代表團未對該條提出關切意見。

第二十七條 聯合國和其他國際組織的責任

85. 一個代表團提議將該條標題中的“責任”改為“貢獻”，並就案文提出了具體的措辭建議。一位專家回顧，第二十七條的靈感源自《聯合國憲章》。她進一步建議勿提及《2030 年可持續發展議程》和《可持續發展目標》，因為宣言時限將超出《2030 年議程》時間表。民間社會代表呼吁保留目前版本的案文，因為該案文符合《聯合國土著人民權利宣言》、《在民族或族裔、宗教和語言上屬於少數群體者權利宣言》和其他文書中所載的商定措辭。其他代表團未對本條提出關切意見。

第二十八条 总则

86. 在就宣言草案早先版本发表评论之后，主席介绍了第二十八条这一新条款。许多代表团欢迎第二十八条。有些代表团就案文提出了措辞建议。另一个代表团要求提供关于宣言将受国内法制约的明确案文。一个代表团支持该段的当前版本，同时建议进行一些编辑。另一个代表团就工作方法提出问题，并得到了其他代表团的附议，这些代表团要求给予更多时间审议所提出的建议。主席提到形成宣言草案现有案文花了五年时间并遵循了同样的方法，同时回顾称，2018 年 2 月就将目前草案提供给各方。专家们认为，第二十八条以人权文书的类似条款为基础，遵循了《联合国土著人民权利宣言》中的商定措辞。专家们质疑一个代表团建议提及国内法的理由。

集体权利

87. 工作组第五届会议还于 4 月 12 日下午就集体权利进行了具体讨论。一些代表团表示反对集体权利和在宣言中创造新的人权。一个代表团借辩论的机会作了一般性发言，表达对集体权利的关切意见。另一个代表团对宣言中的某些权利尚未得到承认表示关切。其他代表团指出，集体权利并未削弱个体权利。相反，正如在国际、区域和国家各级广泛承认的那样，两者相互加强和补充。

88. 一个代表团指出，权利的主体是个人，在宣言草案的范围内，权利持有人是个体农民。但是，有些人权具有集体维度，有些权利可以集体提出主张。该代表团认为，如果审视每一项条款，就有可能找到所有人都能接受的措辞。两个代表团表示集体权利已得到牢固确立，并敦促其他代表团进行建设性对话。一个代表团强调，如果个体权利没有集体成分，就无法得到充分行使。一些社群如果无法获得这些集体权利，就不能蓬勃发展。

89. 专家们提供了国际、区域和国家立法中支持集体权利概念的广泛实例。

90. 许多民间社会代表发言支持集体权利，并表示许多国际、区域和国家文书都承认了集体权利。民间社会组织解释称，这些不是新权利，与个体权利也不冲突。与会者就这一概念如何以及为何是宣言的核心内容及对保护农民和农村地区其他劳动者权利至关重要交换了确定意见。

六. 最后发言

91. 在工作组第五届会议第九次暨最后一次会议上，各代表团和民间社会组织作了发言并感谢主席在整个会议期间进行开放和建设性的辩论，同时表示希望这一重要宣言能够得到及时通过。一个代表团强调对宣言内容仍然存在不同意见，重申关于反对创造新权利的立场，并希望该问题得到解决。该代表团表示将致力于达成一个所有人都能接受的案文与利益攸关方进一步接触，并保留其立场。

七. 主席兼报告员的结论和建议

A. 结论

92. 在 2018 年 4 月 13 日举行的第五届会议第九次暨最后一次会议上，根据人权理事会第 21/19 号决议规定的任务和第 36/22 号决议，《联合国农民和农村地区其他劳动者权利宣言》不限成员名额政府间工作组通过了以下结论：

(a) 工作组赞赏地欢迎会议开幕式上人权事务副高级专员、粮农组织代表的发言和欧洲经济和社会委员会的视频信息，以及劳工组织和其他组织的参与；

(b) 工作组赞赏地欢迎主席兼报告员在提交订正宣言草案方面所作的努力；

(c) 工作组赞赏地欢迎各国政府、区域和政治团体、民间社会、政府间组织、专家和相关利益攸关方，特别是农民和农村地区其他劳动者代表进行建设性的谈判、参与和积极接触，并欢迎所收到的意见；

(d) 工作组表达了对农民和农村地区其他劳动者人权状况的共同关切，并认识到农民和农村地区其他劳动者对解决饥饿问题、保护和改善生物多样性等方面作出的贡献，同时强调必须尊重、促进、保护和实现其人权；

(e) 工作组鼓励主席兼报告员根据工作组第五届会议期间提出的不同建议和意见编写一份订正草案，鼓励主席举行非正式和双边磋商，并将订正草案分发给各代表团；

(f) 工作组鼓励各国、民间社会组织和相关利益攸关方在 2018 年 4 月 20 日之前将在第五届会议期间提出的关于宣言草案案文的建议和其他意见形成书面文字提交。

B. 建议

93. 在工作组会议期间进行的谈判结束后，主席兼报告员建议：

(a) 在第五届会议所开展的工作以及非正式和双边磋商的基础上，主席兼报告员编写一份宣言草案终稿，并提交人权理事会通过，以完成人权理事会第 21/19 号决议第 1 段及其后各项决议规定的工作组任务；

(b) 各国和其他相关利益攸关方在审议案文时应考虑到整个谈判进程取得的重大进展；

(c) 各国和其他相关利益攸关方继续进行建设性接触和对话，并在双边和非正式磋商中增强灵活性，以便迅速达成包容和有意义的宣言；

(d) 各国承诺以最大程度的关注和政治意愿促进迅速通过《联合国农民和农村地区其他劳动者权利宣言》草案，以期解决农民和农村地区其他劳动者面临的境况，并使其继续为消除贫困、解决饥饿问题和促进可持续发展作出贡献。

Annex I

List of participants

States Members of the Human Rights Council

1. Angola, Brazil, Chile, China, Côte d'Ivoire, Cuba, Ecuador, Egypt, Ethiopia, Germany, Iraq, Japan, Mexico, Nepal, Pakistan, Panama, Peru, Republic of Korea, Senegal, Slovakia, Slovenia, South Africa, Spain, Switzerland, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of).

States Members of the United Nations

2. Argentina, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Bulgaria, Colombia, Costa Rica, Dominican Republic, France, Greece, Guatemala, Honduras, India, Indonesia, Jordan, Latvia, Luxembourg, Mali, Malta, Morocco, Myanmar, Nicaragua, Paraguay, Portugal, Romania, Russian Federation, Uruguay, Zambia.

Non-Member States

3. Holy See, State of Palestine.

Intergovernmental organizations

4. European Union, Food and Agriculture Organization of the United Nations, International Labour Organization, Non-Aligned Movement, South Centre.

Non-governmental organizations in consultative status with the Economic and Social Council

General

5. Centre Europe — Tiers Monde (CETIM), International Indian Treaty Council (IITC).

Special

6. Bäuerliche Erzeugergemeinschaft Schwäbisch Hall w.V. (BESH).

Roster

7. American Anthropological Association, FIAN International e.V., International Federation of Rural Adult Catholic Movements (FIMARC), International Union of Food Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations (IUF).

Other non-governmental organizations

8. Alliance for Food Sovereignty in Africa (AFSA), Comité français pour la Solidarité Internationale, Community Self Reliance Centre (COSEREC), Farmworkers Association of Florida, Indonesian Peasant Union (SPI), Korean Women Peasants Association (KWPA), Red Nacional de Agricultura Familiar (RENAF), SOS Faim, Via Campesina, World Forum of Fisher People (WFFP).

Annex II

Summary of statements by panellists

1. Professor José Esquinas Alcazar emphasized that the recognition of the right to seeds in the UN Declaration is crucial for the realization of the human rights of peasants as well as of the entire world population. According to FAO, seeds are essential to ensure food security for this generation. Small-scale farmers could not survive without seeds thus the importance of maintaining biological diversity. Peasants have developed, conserved, and now provide to other farmers, who will improve biodiversity. He also highlighted that there is no way to combating climate change that it is not based on biological diversity of seeds of farmers who adapt crops to the changing climate conditions. Mr. Esquinas underscored that biodiversity is key to achieve many of the Sustainable Development Goals including eradication of poverty, eradication of hunger and malnutrition, and those related to climate change and the preservation of biodiversity. In his conclusions, he suggested that the right to seeds is in fact not a new right but reflected the application of existing agreements to the specific needs and vulnerabilities of peasants and, that it was important to recognize and reaffirm in the human rights framework.

2. Mr. Million Belay underlined the cultural importance of food sovereignty for peasants and other people working in rural areas, which has four elements: (a) the spirituality of food as many communities regard food and land that produces it as sacred; (b) food as essential for their livelihood, health and healing; (c) language and knowledge of local people connected with food and food production; and (d) governance as local community manages its governance and their relationship with environment. Food sovereignty is also critical for promoting healthy food, against the increasing trends of obesity in some parts of the world and malnutrition in other parts. Promoting agroecology, a food production system that is ecologically sound and sustainable, offers possibilities to protect food sovereignty while respecting planetary boundaries, thereby contributing towards the implementation of the SDGs and the Paris Agreement.

3. Mr. Diego Monton outlined the contributions of his organization to raising attention to the dreadful situation of peasants worldwide, and highlighted the importance of the draft declaration in protecting their rights, resolving conflicts and building peace and social justice. Mr. Monton clarified that the concept of collective rights is based on the relationship between individuals and their community, which should be recognized by the international community. He highlighted the importance of combatting discrimination against peasants in exercising their collective rights, in particular on land ownership. He pointed out that existing legislations may protect the rights of indigenous peoples but do not offer sufficient protection to other affected communities, including peasants.

4. Professor Smita Narula¹ underlined the importance and urgency of articulating a substantive right to land in the context of widespread hunger and food insecurity in rural communities, forced displacements, large-scale land grabs, climate change, rapid urbanization, consolidation of corporate control in the food sector, the impoverishment of small-scale farmers and fisherfolks, and the exploitative and often inhuman treatment of landless and migrant workers. She pointed out that existing international human rights laws do not provide sufficient normative support to peasants and other rural communities to claim their right to land. The absence of a clear articulation of the rights and duties related to land allows for excessive interpretive discretion, with the result that the enforcement of existing standards has been partial and uneven at best.

5. International human rights law must therefore evolve from an instrumentalist approach to land to the recognition that land sustains life and forms culture and identity, and is, therefore, in and of itself a substantive human right. Moreover, if access to land

¹ Full statement available on the website of the Fifth Session of the Working Group on Peasants.

continues to be given primarily instrumental consideration — as an asset that serves as a gateway to the realization of other rights — then States can continue to undermine rural communities' access to land by claiming that there are other means to satisfy these corollary rights. Articulating a substantive right to land in the Declaration can help close this normative gap, which is also in keeping with the evolutionary character of international human rights law.

6. Ms. Yiching Song highlighted the challenges facing women in rural areas. Economic globalization is the cause of insufficient ecological and social development, threatens local food systems and leads to unemployment, hunger and migration. Ms. Song referred to women farmers as managers of natural resources (water, seeds and land). Ms. Song regretted that scientific technology has not paid enough attention to small-scale farmers. She also underscored the importance of the Declaration as it is focused on the specific needs of peasants, has a rights-based framework and recognizes both individual and collective rights. The Declaration is also closely related to the SDGs. Also, Ms. Song pointed to the usefulness of the Declaration in guiding national laws and policy design aimed at protecting the rights of peasants, in particular women farmers.

Annex III

List of concrete suggestions

General

Colombia

Colombia reiterated a number of comments made on the draft declaration as presented at the 4th session.

Preamble

Colombia

Suggested to replace “food sovereignty” with “food security”;

Argentina

Suggested replacing “food sovereignty” with “food security in PP 22

South Africa

- To add: Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world, (from the preamble of the CRPD),
- To add: Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms; and further reaffirming the fundamental human rights principles of human rights: equality, non-discrimination and transparency, dignity, transparency, inclusion, equity, participation accountability and the need for peasants and other people working in rural areas to be guaranteed their full enjoyment,
- South Africa proposes language that speaks to the empowerment and capacity building for peasants and other people working in rural areas on their rights so that they are able to fully participate in the decision making processes,
- Add language on mobilizing resources and investment in implementation and capacity-building. It is important that international cooperation also be reflected.

ILO

Proposal for a new paragraph(s), possibly after pp10 or pp14:

“Recognizing that most child labour is performed in the various subsectors of agriculture, much of this work is hazardous, and that is mainly performed in informal and family enterprises that depend on their children’s labour,”

The above paragraph is based on the language used in the Buenos Aires Declaration adopted by IV Global Conference on the Sustained Eradication of Child Labour. The original paragraph reads as follows: “Recognizing that 71 per cent of child labour is performed in the various subsectors of agriculture, 42 per cent of this work is hazardous, and is mainly performed in informal and family enterprises that depend on their children’s labour”.

An additional paragraph that we would like to propose for your consideration, which is also taken from the Buenos Aires Declaration, reads as follows:

“Recognizing the importance of rural poverty reduction, the extension of social protection and access to public, free, complete, universal, quality primary and secondary education,

affordable, quality technical vocational and tertiary education and life-long learning, and of area-based and community interventions for eradicating child labour and forced labour.”

PP1

EU

Taking into account the Committee on World Food Security’s Voluntary Guidelines on the Responsible Governance of Tenure of Land, the Principles for Responsible Investment (RAI principles) in Agriculture Systems, the Fisheries and Forests in the Context of National Food Security, the Voluntary Guidelines for Securing Sustainable Small Scale Fisheries in the Context of Food Security and Poverty Eradication, the International Treaty on Plant Genetic Resources for Food and Agriculture and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, and the Committee on World Food Security’s (CFS) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security as well as the principles proclaimed in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of discrimination against Women, the Declaration on the Right to Development, the Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, the Convention on the Rights of the Child, relevant conventions of the International Labour Organization, **the Convention on Biological diversity and its Protocols** and other relevant international instruments that have been adopted at the universal or regional level,

ILO

“Taking into account the principles proclaimed in the Charter of the United Nations ... relevant instruments of the International Labour Organizations, including the 1998 Declaration on Fundamental Principles and Rights at Work and the 2008 Declaration on Social Justice for a Fair Globalization, and other relevant international instruments that have been adopted at the universal or regional level.”

PP3

EU

Recognizing the special relationship and interaction between peasants and other people **persons** working in rural areas, and the land, water and nature to which they are attached and on which they depend for their livelihood,

PP4

EU

Recognizing also the past, present and future contributions of peasants and other people **persons** working in rural areas in all regions of the world to development and to conserving and improving biodiversity, which constitute the basis of food and agricultural production throughout the world, and their contribution in ensuring the right to adequate food and food security which are fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development,

Switzerland

Concernant le paragraphe 4 («Reconnaissant également les contributions passées, présentes et futures, ...»), nous vous enverrons nos quelques modifications par écrit qui concernent l’addition de la notion de développement durable.

PP5**EU**

Concerned that peasants and other people **persons** working in rural areas suffer disproportionately from poverty, hunger and malnutrition,

PP6**EU**

Concerned also that peasants and other people **persons** working in rural areas suffer from the burdens caused by environmental degradation and climate change,

PP7**Switzerland**

Concernant le paragraphe 7 («Constatant en outre avec préoccupation que la population paysanne est en vieillissement, ...»), nous souhaiterions ajouter la reconnaissance de la problématique de la migration vers les zones urbaines. Nous proposons donc de compléter le texte comme ceci:

“Concerned further about peasants ageing around the world and youth increasingly **migrating to urban areas and** turning their backs on agriculture (the rest as is it)”

PP8**EU**

Alarmed by the increasing number of peasants and other people **persons** working in rural areas forcibly evicted or displaced every year,

PP11**EU**

Stressing also that several factors make it difficult for peasants and other people **persons** working in rural areas, including small-scale fishers and fish workers pastoralists, foresters and other local communities to make their voices heard, to defend their human rights and tenure rights, and to secure the sustainable use of the natural resources on which they depend,

PP12**EU**

Recognizing that access to land, water, seeds and other natural resources is an increasing challenge for rural people **persons**, and stressing the importance of improving access to productive resources and investment in appropriate rural development,

PP13**EU**

Convinced that peasants and other people **persons** working in rural areas should be supported in their efforts to promote and undertake sustainable practices of agricultural production that support and are in harmony with nature, also referred to as Mother Earth in

a number of countries and regions, including by respecting the biological and natural ability of ecosystems to adapt and regenerate through natural processes and cycles,

PP14

EU

Considering the hazardous and exploitative conditions that exist in many parts of the world under which many peasants and other people **persons** working in rural areas have to work, often denied the opportunity to exercise their fundamental rights at work, and lacking living wages and social protection,

PP15

Switzerland

Par rapport au paragraphe 15 («Constatant avec préoccupation que des particuliers, des groupes et des institutions œuvrant à promouvoir et à protéger les droits de l'homme»), nous rappelons que ce sont les Etats qui sont responsables de protéger les droits de l'homme, pas des particuliers ou des groupes. Nous proposons donc de remplacer le mot «protéger» dans ce paragraphe par le mot «défendre».

PP16

EU

Noting that peasants and other people **persons** working in rural areas often face difficulties in gaining access to courts, police officers, prosecutors and lawyers to the extent that they are unable to seek immediate redress or protection from violence, abuse and exploitation,

PP17

Switzerland

Concernant le paragraphe 17 («Préoccupé par la spéculation sur les produits alimentaires,»), nous souhaiterions modifier le texte comme ceci:

“Concerned about speculation on food products, and the increasing concentration in agroindustry and uneven power relations along the value chains and between different parties as well as unbalanced distribution of food, which impairs the enjoyment of human rights”

PP20

EU

Reaffirming that the right to development is an inalienable human right and an integral part of fundamental human rights. Reaffirming that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized,

PP21

EU

Recalling the right of peoples **persons** to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources,

PP22**Argentina**

Recognizing that the concept of food sovereignty **security** has been used in many States and regions to designate the right to define their food and agriculture systems and the right to healthy and culturally appropriate food produced through ecologically sound and sustainable methods that respect human rights

EU

Recognizing that the concept of food sovereignty **security** has been being used in many States and regions to designate the right to define their food and agriculture systems and the right to healthy and culturally appropriate food produced through ecologically sound and sustainable methods that respect human rights

PP24**EU**

Recalling also the extensive work of the Food and Agriculture Organization of the United Nations and the Committee on World Food Security on the right to food, tenure rights, access to natural resources and other rights of peasants, in particular the International Treaty on Plant Genetic Resources for Food and Agriculture, and the Organization's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, **and the Committee on world Food Security's (CFS) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security,**

PP26**EU**

Convinced of the need for greater protection of the human rights of peasants and other people **persons** working in rural areas, and for a coherent interpretation and application of existing international human rights norms and standards in this matter,

PP27**EU**

Solemnly adopts the following declaration on the rights of peasants and other people **persons** working in rural areas:

Article 1**Colombia**

Suggested changing peasant with "persona campesina"

EU

Title: Definition of peasants and other people persons working in rural areas

South Africa

South Africa is also supportive of including those also living in rural areas considering the Declaration's reference to older persons and children. In this regard, in addition to those dependent family members of peasants to also include "rural households".

Brazil

Add "traditional communities" in Article 1, paragraph 3.

Jordan

Article 1.4: deletion of "regardless of their legal status."

Ecuador

Proposed adding "local communities" after "indigenous peoples" in paragraph 3.

ILO

While supporting Brazil and Switzerland's proposal to include a reference to traditional communities in paragraph 4, we recommend retaining the rest of the paragraph as originally drafted.

American Anthropology Association

I'll end by asking that you note what I think is a typographical error. The last word of paragraph 1 ought to be the singular "land" not the plural "lands".

CSRC

Para. 1: last sentence — land, forest and water or land and natural resource (not only land, forest and water as well).

Para. 2: Request you to include sharecroppers and tenants in the definition of peasants.

Para. 2: Instead of any person, any women and men, in South Asia farmer, means Kishan which only denotes men and not women

Para. 3: together with Indigenous people add the group dalits which are marginalized groups in South Asia especially in Nepal and India

Article 2

Japan

1. States shall respect, protect and fulfil the rights of peasants and other people working in rural areas. They may shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the rights of the present declaration that cannot be immediately guaranteed.

EU

1. States shall respect, protect and fulfil the rights of peasants and other people **persons** working in rural areas. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the rights of the present declaration that cannot be immediately guaranteed.

2. Particular attention shall be paid in the implementation of the present declaration to the rights and special needs of peasants and other people **persons** working in rural areas, including older persons, women, youth, children and persons with disabilities, taking into account the need to address multiple forms of discrimination.

3. Without disregarding specific legislation on indigenous peoples, before adopting and implementing legislation and policies, international agreements and other decision-

making processes that may affect the rights of peasants and other people **persons** working in rural areas, States shall **should** consult and cooperate in good faith with peasants and other people **persons** working in rural areas through their own representative institutions, engaging with and seeking the support of peasants and other people **persons** working in rural areas who could be affected by decisions before those decisions are made, and responding to their contributions, taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.

5. States shall take all necessary measures to prevent **ensure** non-State actors that they are in a position to regulate, such as private individuals and organizations, and transnational corporations and other business enterprises, from nullifying or impairing the enjoyment of the rights of peasants and other people **persons** working in rural areas.

6. States, recognizing the importance of international cooperation in support of national efforts for the realization of the purposes and objectives of the present declaration, shall take appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of peasants and other people **persons** working in rural areas, among others. Such measures could include:

(a) Ensuring that relevant international cooperation, including international development programmes, is inclusive, accessible and pertinent to peasants and other people **persons** working in rural areas;

(d) Providing, as appropriate, technical and economic assistance, facilitating access to and sharing of accessible technologies, and through the **voluntary** transfer of technologies, particularly to developing countries on mutually agreed terms;

Switzerland

La déclaration doit selon ma délégation également mentionner systématiquement la responsabilité/l'obligation de la population paysanne de se conformer aux normes environnementales internationales. Par ailleurs, nous partageons ce qui a été dit précédemment et que les obligations en matière de protection de l'environnement des acteurs non-étatiques devraient aussi être inscrites.

Ma délégation se félicite de l'inclusion de l'expression «dans des conditions convenues d'un commun accord» dans le paragraphe 6, d). Nous demandons simplement qu'une virgule soit insérée avant ce terme.

India

Recommended deleting paragraph 4.

Brazil

Proposed, as a compromise, moving the text of paragraph 4 to the preamble

Experts

Were against the deletion or moving paragraph 4 to the preamble.

CSOs

Proposed amending the text, for example, by including after “international agreements” the text “as they apply to peasants and persons working in rural areas” or substituting “their human rights obligations” for “the present declaration”.

CSRC

Para. 1: should be deleted; Present declaration that cannot be immediately guaranteed

Para. 2: add after children, Dalits

Via Campesina Asia

Art. 2 Clause 4 was introduced in the context of trade, finance and other obligations of the State in the draft introduced last year. The draft declaration in the 4th Session reads as follows;

“States shall elaborate, interpret and apply international agreements and standards, including in the areas of trade, investment, finance, taxation, environmental protection, development cooperation and security, in a manner consistent with their human rights obligations.”

To ensure the obligations of the States towards applying the International Instruments we would like the article to read as follows:

“States shall elaborate, interpret and apply international agreements and standards in manner consistent with their human rights obligations as they apply to peasants and other people working in rural areas.”

We also do not agree with the change to the word “may” instead of “shall” as suggested by the distinguished delegate from Japan. So we request that the word “Shall” be retained.

Article 3

EU

Title: Equality and non-discrimination, and right to development

1. Peasants and other people **persons** working in rural areas have the right to the full enjoyment of all human rights recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and all other international human rights instruments, free from any kind of discrimination in the exercise of their rights based on any grounds such as origin, nationality, race, colour, descent, sex, language, culture, marital status, property, disability, nationality, age, political or other opinion, religion, birth or economic, social or other status.

2. Peasants and other people **persons** working in rural areas have the right to determine and develop priorities and strategies to exercise their right to development.

3. States shall take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination, including multiple and intersecting forms of discrimination, against peasants and people **persons** working in rural areas.

South Africa

Proposes that the title of this Article reflect the fundamental principles of human rights: equality, non-discrimination and transparency, dignity, inclusion, equity, participation accountability

Agrees that Peasants and Other People working in rural areas are equal to all other people in dignity and rights

1. propose the reinsertion of fundamental freedoms after human rights
3. propose that the Chair utilize language from the ICERD which extensively deals with affirmative action issues.

Switzerland

Nous proposons de faire référence au développement durable dans l'article 3, conformément à l'Agenda 2030.

India

Suggested art. 3 should use agreed language.

ILO

1. Peasants and other people working in rural areas have the right to the full enjoyment of all human rights recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and all other international human rights instruments, free from any kind of **direct and indirect** discrimination in the exercise of their rights based on any grounds such as origin, nationality **and national extraction**, race, colour, descent, sex, language, culture, marital status, property, disability, nationality, age, political or other opinion, religion, birth or economic, social or other status.
2. Peasants and other people working in rural areas have the right to determine and develop priorities and strategies to exercise their right to development.
3. States shall take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination, including multiple and intersecting forms of discrimination, against peasants and people working in rural areas.

CSRC

I draw your attention to include the word after race ‘caste’ which is still prevalent in South Asia and due to this most of the dalits and indigenous peoples are deprived from the land.

Article 4

South Africa

1. States ... shall take **all appropriate measures, including legislative, judicial, administrative or other measures** to ensure the full and equal enjoyment by peasant women and other women working in rural areas of all human rights and fundamental freedoms”. Another important area that needs to be reflected in the Declaration is the **recognition and empowerment of women as contributors to food security and agricultural development**.

Brazil

- 2 (a) To participate equally and effectively in the formulation and implementation of development planning at all levels, **considering the importance of empowering and increasing the participation of rural women in decision-making spaces in organizations and in politics**.

Colombia

On paragraph 1, Colombia suggested the following addition

Los Estados adoptarán todas las medidas apropiadas para erradicar todas las formas de discriminación de las campesinas y otras mujeres que trabajan en las zonas rurales a fin de asegurar que, sobre la base de **la igualdad de género** entre hombres y mujeres, estas disfruten plenamente y en condiciones de igualdad de todos los derechos humanos y libertades fundamentales y que libremente puedan perseguir su desarrollo económico, social, político y cultural, participar en él y aprovecharlo

Holy See

Suggested the deletion at Art.4.2.b of “information, counselling and family planning” that could include abortion and similar actions that are not in line with peasants’ interests

Switzerland

Suggested adding in 2.a “decision-making”, in 2.f “participate actively” and in 2.j add “and other harmful practices”.

CSRC

Including women's rights to "productive resources" including natural resources, financial resources — banking, credit loan, social resources — education, skills, information, health care, energy, technology, and political participation in all decision making processes.

Mr. Chairman, I would like to draw your attention in following points;

1. We further ask the WG to Recognise women's rights to Private property — including inheritance of agricultural land, house, etc. whether under secular or under customary/personal law. So I would like to take your attention to add (k.) "to promote inheritance in housing and agriculture land of women and men"
2. Ensure rural Women rights to Public resources — including land redistribution, joint land leasing, common property resources (for water, fuel, grazing, forests, street markets, etc.), public services for water, energy, and food security, all kinds of social protection measures, infrastructure and market access, technological resources and training.
3. Ensure rural women can acquire assets including Property and other resources in the market. Remove all direct and indirect obstacles including bureaucratic administrative process.

Article 5

EU

Title: Right Access to natural resources

1. Peasants and other people **persons** working in rural areas have the right to have access to and to use **in a sustainable manner and in line with the pertinent requirements set out in environment protection legislations**, the natural resources present in their communities that are required to enjoy adequate living conditions. They have the right to participate in the management of these resources and to enjoy in a fair and equitable way the benefits of their development and conservation in their communities.
2. States shall take measures to ensure that any exploitation of the natural resources that peasants and other people **persons** working in rural areas traditionally hold or use is permitted based on:
 - (a) A social and environmental impact assessment duly conducted by technically capable and independent entities, with the individual and collective involvement of peasants and other people **persons** working in rural areas;
 - (c) Modalities for the fair and equitable sharing of the benefits of such exploitation that have been established on mutually agreed terms between those exploiting the natural resources and the peasants and other people **persons** working in rural areas.

Brazil

We consider that there is a need to improve the text of Article 5, paragraphs 2 and 2(a). Those paragraphs seem to link any kind of exploitation of natural resources, **including those by peasants**, to a social and environmental impact assessment analysis.

We consider that not necessarily all traditional practices of peasants and traditional communities have to be submitted to a social and environmental impact assessment.

In addition, we are concerned that the expression "independent entities" in paragraph 2 (a) lacks definition. In the case of Brazil, this would mean: the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA), which is an independent public agency in charge of environmental impact assessments in protected areas, including those occupied by traditional communities.

In this context, and in line with article 14, paragraph 1 (a) of the Convention on Biological Diversity, which is, we believe, one of the sources of article 5 of this draft Declaration, we would propose the following edits in paragraph 2:

2. States shall take measures to ensure that any exploitation of the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted, **as far as possible, and as applicable**, based on:

With regard to subparagraph (a), in order to clarify the scope of “technically capable and independent entities” we propose the following edits:

(a) A social and environmental impact assessment duly conducted by technically capable and independent entities **established under applicable domestic law/as defined at the national level**, with the individual and collective involvement of peasants and other people working in rural areas;

Concerning subparagraph (c), we propose to add reference to ILO Convention 169 after “article 2.3 of the present declaration”, since it is Convention 169 the instrument that regulates matters related to FPIC.

Chile

1. [De conformidad a la legislación de cada Estado,] los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a acceder a los recursos naturales presentes en su comunidad y necesarios para gozar de condiciones de vida adecuadas, y a utilizar dichos recursos. Tienen derecho a participar en la gestión de estos recursos y a disfrutar de manera justa y equitativa de los beneficios de su desarrollo y conservación en su comunidad.

2. Los Estados adoptarán medidas para garantizar [el uso sostenible] que se permita toda forma de explotación de los recursos naturales que los campesinos y otras personas que trabajan en las zonas rurales mantengan o empleen tradicionalmente, para lo cual [podrán basarse, entre otras en:] se basarán:

(a) Una evaluación del impacto social y ambiental debidamente realizada por entidades independientes y con capacidad técnica, con la participación individual y colectiva de los campesinos y de otras personas que trabajan en las zonas rurales;

(b) Consultas celebradas de buena fe, de conformidad con el artículo 2.3 de la presente declaración;

(c) Modalidades de participación justa y equitativa en los beneficios de esa explotación, establecidas en condiciones mutuamente acordadas entre quienes explotan los recursos naturales y los campesinos y otras personas que trabajan en las zonas rurales.

Japan

I would like to express our support to the proposal made by the European Union to change the title of Article 5 to “Access to natural resources”, instead of “Right to natural resources”

South Africa

2a, South Africa proposes an addition to 5.2a it should read individual and collective involvement including sensitization

Jordan

Suggested deleting the excessive “have” and “to” (under “have the right to have access to”), in its first line.

Switzerland

Il nous semble important lorsque l'on parle de ressources naturelles de mentionner explicitement la responsabilité de préserver l'environnement en accord avec les objectifs du développement durable.

Suggested merging art. 5 with art. 17

Diego Monton (expert)

Suggested to use the term “sustainable use” of natural resources and agreed that the problems of sustainable management of natural resources are related to large-scale companies rather than peasants. Along the same lines

CSRC

Add the para no involuntary or forced displacement in the name of development, national parks, national forest and special economic zone and commercialization of agriculture.

Also add, without permission of peasants and other people working in rural area no land and natural resource grabbing in the name of different name.

Article 6**EU****Title: Right to life, prohibition of torture, liberty and security of person**

1. Peasants and other people **persons** working in rural areas have the right to life, physical and mental integrity, liberty and security of person
2. Peasants and other people **persons** working in rural areas shall not be subjected to arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, and shall not be held in slavery or servitude.

South Africa**Title: Right to life, liberty, security of person and the enjoyment of fundamental freedoms**

6.2 South Africa proposes addition on human trafficking

Article 7**EU**

1. Peasants and other people **persons** working in rural areas have the right to recognition everywhere as persons before the law.
2. States shall take appropriate measures, including by means of international agreements, to facilitate the freedom of movement of peasants and other people **persons** working in rural areas, and in particular pastoralists, fisherfolk, nomads, semi-nomads, and migrant and seasonal agricultural workers, including across borders.
3. States shall cooperate to address transboundary tenure issues affecting peasants and other people **persons** working in rural areas that cross international boundaries.

India

Suggested that listing of “other people working in rural areas, in particular pastoralists, fisherfolk ...” is not necessary to be repeated if the definition under art. 1 includes them.

Article 7, para. 3

India suggested to delete this paragraph since the notion of transboundary tenure issues is ambiguous and does not address the concerns of India.

CSRC

I would like to take your attention to add para; a para security of land rights defender, farmers’ leaders, peasants and land rights activists.

Article 8

EU

1. Peasants and other people **persons** working in rural areas have the right to freedom of thought, belief, conscience, religion, opinion, expression and peaceful assembly. They have the right to express their opinion, including through claims, petitions and mobilizations, at the local, regional, national and international levels.
2. Peasants and other people persons working in rural areas have the right, individually and collectively, in association with others or as a community, to participate in peaceful activities against violations of human rights and fundamental freedoms.

Article 9

EU

1. Peasants and other people **persons** working in rural areas have the right to form and join organizations, trade unions, cooperatives or any other organization or association of their own choosing for the protection of their interests, and to bargain collectively. Such organizations shall be independent and voluntary in character, and remain free from all interference, coercion or repression.
2. States shall take appropriate measures to encourage the establishment of organizations of peasants and other people **persons** working in rural areas, including unions, cooperatives or other organizations, particularly with a view to eliminating obstacles to their establishment, growth and pursuit of lawful activities, including any legislative or administrative discrimination against such organizations and their members, and provide them with support to strengthen their position when negotiating contractual arrangements in order to ensure that conditions and prices are fair and stable and do not violate their rights to dignity, a decent life and a sustainable livelihood.

Article 10

EU

1. Peasants and other people **persons** working in rural areas have the right to active and free participation, directly and/or through their representative organizations, in the formulation **preparation of**, implementation and assessment of policies, programmes and projects that may affect their lives, land and livelihoods.
2. States shall take adequate measures to ensure the participation, directly and/or through their representative organizations, of peasants and other people working in rural areas in decision-making processes that affect their lives, land and livelihoods **States shall strive to promote active and free participation, directly and/or through their representative organisations, in the formulation of policies that may affect their lives, land and livelihoods**; this includes respecting the establishment and growth of strong and independent organizations of peasants and other people **persons** working in rural areas and promoting their participation in the formulation and implementation **preparation** of food safety, labour and environmental standards that may affect them.

South Africa

Including the issue of free, prior and informed consent

Smita Narula (expert)

Suggested adding agricultural policies to the list in art. 10.2

Article 11

EU

Title: Right to Access to information with regard to production, marketing and distribution

1. Peasants and other people **persons** working in rural areas have the right to seek, receive, develop and impart information, **as appropriate**, including information about factors that may affect the production, processing, marketing and distribution of their products.
2. States shall adopt appropriate measures to ensure that peasants and other people **persons** working in rural areas have access, **as appropriate**, to transparent, timely and adequate information in a language and form and through means adequate to their cultural methods that ensure their effective participation in decision-making in matters that may affect their lives, land and livelihoods.
3. Peasants and other people **persons** working in rural areas **should** have the right **access** to a fair, impartial and appropriate system of evaluation and certification of the quality of their products at the local, nation and international levels, and to participate in its formulation.

South Africa

- 2 — language reformulation — ...include “**relevant**” in addition to transparent, timely and adequate information so as to ensure and also add “**taking into account their cultural methods so as to**” before the words ensure their effective participation in decision and also add “**overall well-being and empowerment**” after the words livelihoods.

Article 12

EU

1. Peasants and other people **persons** working in rural areas have the right to effective and non-discriminatory access to justice, including access to fair procedures for the resolution of disputes and to effective remedies for all infringements of their human rights. Such a decision shall give due consideration to their customs, traditions, rules and legal systems in conformity with relevant obligations under international human rights law.
3. Peasants and other people **persons** working in rural areas have the right to legal assistance. States shall consider additional measures, including legal aid, to support peasants and other people working in rural areas who would otherwise not have access to administrative and judicial services.
5. States shall provide peasants and other people **persons** working in rural areas with effective mechanisms for the prevention of and redress for any action that has the aim or effect of violating their human rights, **arbitrarily** dispossessing them of their land and natural resources or of depriving them of their means of subsistence and integrity, and for any form of forced sedentarization or population displacement.

CSRC

Kindly requested to add sentence state should ensure to stop such kind of investment in agriculture and land and eviction of informal tenants, sharecroppers and smallholders in the declaration for the protection and rights these groups.

Ana Maria Suárez Franco

En cuanto al punto resaltado sobre la Unión Europea de no usar la palabra “dispossesing” y anteponer la palabra “arbitrary” se aclaró que:

De conformidad con el diccionario legal la palabra despojo es la traducción correcta para “dispossessing”. En español la palabra correcta, teniendo en cuenta su uso común, es despojo.

No se recomienda incluir el término arbitrario, pues precisamente lo que necesitan los campesinos y campesinas, para determinar si el despojo es arbitrario o no es el acceso a la justicia. Si ya se incluye el término “arbitrario” en la declaración, las autoridades administrativas podrían alegar la arbitrariedad según su criterio y justificar el despojo, sin que se garantice el acceso a los recursos jurídicos a los campesinos y campesinas que requerirían cuestionar judicialmente esa arbitrariedad.

Article 13

EU

1. Peasants and other people **persons** working in rural areas have the right to work, which includes the right to choose freely the way they earn their living.
2. States shall create an enabling environment with opportunities for work and that provides remuneration allowing for an adequate standard of living for peasants and other people **persons** working in rural areas and their families.
3. In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall **consider** take **taking** appropriate measures to establish and promote food systems that are sufficiently labour-intensive to contribute to the creation of decent employment.
5. No one shall be required to perform forced, bonded or compulsory labour, be subject to the risk of becoming a victim of human trafficking or be held in any other form of contemporary slavery. States shall, in consultation and cooperation with peasants and other people **persons** working in rural areas and their representative organizations, take appropriate measures to protect them from economic exploitation and all forms of contemporary slavery, such as debt bondage of women, men and children, and forced labour, including of fishers and fish workers, forest workers, or seasonal or migrant workers.

Switzerland

Underlined the essentialness of highlighting local aspects, especially in paras 2 and 3, to avoid the article being read as legitimising large scale acquisition of land. The delegate also made some suggested changes to para. 13.2 (suggested changes in bold) ‘states shall create e enabling environment with opportunities for work for **peasants, those working in rural areas and their families**. In para. 13.3 the delegate suggested the following changes: “... promote **sustainable** food systems” and “... creation of decent employment **especially for local work force**”.

ILO

2. States shall create an enabling environment with opportunities for **decent** work and that provides remuneration.
6. Child labour, defined in the relevant ILO fundamental Conventions as types of work that the child concerned is too young to perform, shall be prohibited and eliminated. All children under the age of 18 years shall be protected from hazardous work or other worst forms of child labour.

Christophe Golay (expert)

Specified that 13.2 should include peasants and other rural workers, and the reference to remuneration should not be removed.

Article 14

EU

1. Peasants and other people **persons** working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers, have the rights to work in safe and healthy conditions, to participate in the application and review of safety and health measures, to select safety and health representatives and representatives in safety and health committees, to measures to prevent, reduce and control hazards and risks, to have access to adequate and appropriate protective clothing and equipment and to adequate information and training on occupational safety, to work free from violence and harassment, including sexual harassment, to report unsafe and unhealthy working conditions, and to remove themselves from danger resulting from their work activity when they reasonably believe that there is an imminent and serious risk to their safety or health, without being subject to any work-related retaliation for exercising such rights.
2. Peasants and other people **persons** working in rural areas have the right not to use or to be exposed to hazardous substances or toxic chemicals, including agrochemicals or agricultural or industrial pollutants.
3. States shall take appropriate measures, **in accordance with relevant ILO conventions, the OECD Guidelines for multinational enterprises, the UN Guiding Principles, the OECD-FAO Guidance for Responsible Agricultural Supply Chains, the United Nations Guiding Principles on Business and Human Rights and General Comment No. 24 on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities (CESCR)**, to protect the above-mentioned rights for the safety and health at work of peasants and other people **persons** working in rural areas, and shall in particular designate appropriate competent authorities responsible, and establish mechanisms for intersectoral coordination for the implementation of policies and enforcement of national laws and regulations on occupational safety and health in agriculture, the agro-industry and fisheries, provide for corrective measures and appropriate penalties, and establish and support adequate and appropriate systems of inspection for rural workplaces.

ILO

1. Peasants and other people working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers, have the rights to work in safe and healthy conditions, to participate in the application and review of safety and health measures, to select safety and health representatives and representatives in safety and health committees, **to the implementation of** measures to prevent, reduce and control **workplace** hazards and risks, to have access to adequate and appropriate protective clothing and equipment and to adequate information and training on occupational safety, to work free from violence and harassment, including sexual harassment, to report unsafe and unhealthy working conditions **without fear of reprisal**, and to remove themselves from danger resulting from their work activity when they reasonably believe that there is an imminent and serious risk to their safety or health, without being subject to any work-related retaliation for exercising such rights.

Article 15

EU

1. Peasants and other people **persons** working in rural areas have the right to adequate food and the fundamental right to be free from hunger. This includes the right to produce food and the right to adequate nutrition, which guarantee the possibility of enjoying the highest degree of physical, emotional and intellectual development.
2. States shall ensure that peasants and other people **persons** working in rural areas enjoy physical and economic access at all times to sufficient and adequate food that is produced and consumed sustainably and equitably, respecting their cultures, preserving

access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and collectively, responding to their needs.

4. Peasants and other people **persons** working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.

5. States shall formulate, in partnership with peasants and other people **persons** working in rural areas, public policies at the local, national, regional and international levels to advance and protect **the right to adequate** food sovereignty and sustainable and equitable food systems that promote and protect the rights contained in the present declaration. States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies.

South Africa

Commends the Chair on finding a solution in ensuring that the issue of “food sovereignty” is reflected in Article in 15.4. South Africa would prefer that the “right to food” which is extensively used in the international human rights system, including the relevant UNHRC resolutions be utilized.

On 15.1, South Africa proposes to add “poverty” as follows:

“... the fundamental rights to be free from hunger and poverty”.

Switzerland

La Suisse soutient cet article et voudrait simplement faire la remarque mineure suivante afin d’être aligné sur l’Agenda 2030: d’ajouter le mot “sustainably” au paragraphe 1, deuxième phrase, on lirait: “this includes the right to sustainably produce food and the right to adequate nutrition”.

Ecuador

Disagreed to replace “food sovereignty” to food security

Bolivia

Support maintaining “individually and collectively” in the text. It supported article 15 in its integrity.

Would like to maintain “individually and collectively”.

Argentina

Para. 4: Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty **security**. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.

Para. 5: States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect food sovereignty **security** and sustainable and equitable food systems that promote and protect the rights contained in the present declaration. States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies.

Para. 5: States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to **achieve food security** and sustainable food systems.”

Comments:

(a) Teniendo en cuenta que la seguridad alimentaria es una meta a alcanzar según los compromisos asumidos por los Estados en la Agenda 2030 para el Desarrollo Sostenible (ODS 2), y por los motivos expresados ut supra, se sugiere reemplazar “food sovereignty” por “food security”.

(b) Con respecto a la afirmación “sustainable and equitable food systems”, se agradecerá conocer el alcance de “equitable food systems”. Por otra parte, se manifiesta conformidad con la afirmación “sustainable food systems”, que es conforme con la meta 2.4 de la Agenda 2030 para el Desarrollo Sostenible.

Smita Narula (Expert)

Would like to retain “individually and collectively” and suggested moving it to the first line of paragraph 2, after “rural areas”. She strongly recommended to maintain food sovereignty in the text.

Article 16**EU****Title: Right to a decent income and livelihood an adequate standard of living and access to the means of production**

1. Peasants and other people **persons** working in rural areas have the right to a decent income and livelihood **an adequate standard of living** for themselves and their families, and to facilitated access to the means of production necessary to achieve them, including production tools, technical assistance, credit, insurance and other financial services. They also have the right **can choose** to use, individually and collectively, in association with others or as a community, traditional ways of farming, fishing, livestock rearing and forestry, and to develop community-based commercialization systems.
2. **States shall make efforts in order to favour the access of** Peasants peasants and other people **persons** working in rural areas have the right to the means of transportation, and processing, drying and storage facilities necessary for selling their products on local, national, and regional markets at prices that guarantee them a decent income and livelihood.
3. States shall take appropriate measures to strengthen and support local, national and regional markets in ways that facilitate, and ensure that peasants and other people **persons** working in rural areas have, full and equitable access and participation in these markets to sell their products at prices that allow them and their families to attain an adequate standard of living.
4. States shall take all **appropriate** measures to ensure that their rural development, agricultural, environmental, trade and investment policies and programmes contribute effectively to protecting and strengthening local livelihood options and to the transition to environmentally sustainable modes of agricultural production. States shall stimulate agroecological, organic and sustainable production whenever possible, and facilitate direct farmer-to-consumer sales.
5. States shall take appropriate measures **make efforts in order** to strengthen the resilience of peasants against natural disasters and other severe disruptions, such as market failures.
6. States shall take appropriate measures **make efforts in order** to ensure fair wages and equal remuneration for work of equal value, without distinction of any kind.

Argentina

Para. 4:

(a) Se sugiere la eliminación del término “environmentally”, ya que ese término circunscribe la producción agrícola sostenible a la dimensión ambiental y la producción agrícola sostenible abarca esa dimensión junto con la económica y la social.

(a) Con respecto a la frase “stimulate agroecological, organic and sustainable production”: se sugiere promover la producción sostenible, evitando señalar un tipo especial de producción como la agroecológica o la orgánica, toda vez que éstas sólo hacen referencia a una sola dimensión del desarrollo sostenible (la ambiental). Por ello, se recomienda hacer alusión sólo a la producción sostenible (“sustainable production”) por referirse de manera balanceada a las tres dimensiones del desarrollo sostenible (la económica, la social y la ambiental);

(b) Sobre la frase “facilitate direct farmer-to-consumer sales”: se sugiere la eliminación de esta afirmación, pues la misma podría incentivar políticas de “compre local” penalizando a los productos que dependen del transporte internacional para su oferta en el mercado, con fundamento en razones ambientales.

Por lo anteriormente mencionado, se sugieren las siguientes modificaciones al párrafo: “States shall take all measures to ensure that their rural development, agricultural, environmental, trade and investment policies and programmes contribute effectively to protecting and strengthening local livelihood options and to the transition to environmentally sustainable modes of agricultural production. States shall stimulate agroecological, organic and sustainable production whenever possible, and facilitate direct farmer-to-consumer sales.”

Brazil

Proposed to add “women” in paragraph 6

ILO

4. States shall take all measures to ensure that their rural development, **employment, social protection**, agricultural, environmental, trade and investment policies and programmes contribute effectively to protecting and strengthening local livelihood options and to the transition to environmentally sustainable modes of agricultural production. States shall stimulate agroecological, organic and sustainable production whenever possible, and facilitate direct farmer-to-consumer sales. **They shall also promote decent non-farm employment opportunities in the rural economy.**

5. States shall take appropriate measures to strengthen the resilience of peasants against natural disasters and other severe disruptions, such as market failures.

6. States shall take appropriate measures to ensure payment **of decent** fair wages and equal remuneration for work of equal value, without distinction of any kind.

Ana Maria Suárez Franco

Paragraph 2

Se sugiere cambiar el texto reemplazando la existencia de un derecho, por la otra cara de la moneda, que es hacer referencia al deber de los estados de garantizar dichos servicios. El texto podría ser: “Los Estados *deben* de asegurar los medios de transporte (...)”.

Article 17

Argentina

Para. 7: se sugiere la eliminación de la frase “including through agroecology”, toda vez que el artículo ya se refiere al uso sostenible de la tierra y de otros recursos utilizados en la

producción agrícola, no siendo necesario referirse a un tipo de producción que refuerza sólo la dimensión ambiental de la producción agrícola sostenible.

“States shall take measures aimed at the conservation and sustainable use of land and other natural resources used in their production and necessary for the enjoyment of adequate living conditions, including through agroecology, and ensure the conditions for the regeneration of biological and other natural capacities and cycles.”

EU

Title: Right Access to land and other natural resources

1. States shall **make efforts in order to favour the access to** Peasants **peasants** and other people **persons** living in rural areas have the right to land, individually and collectively, including the right to have access to, use and manage **their** land and **access to** the water bodies, coastal seas, fisheries, pastures and forests therein, **in a sustainable manner and in line with the pertinent requirements set out in environmental protection legislation** to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.

2. States are invited to implement the **Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security**.

2.3 States shall **make efforts in order to** remove and prohibit all forms of discrimination related to land tenure rights, including those resulting from change of marital status, lack of legal capacity or lack of access to economic resources. In particular, States shall ensure equal tenure rights for women and men, including the right to inherit and bequeath these rights. **Such State actions should be consistent with their existing obligations under relevant national law and legislation and international law, and with due regard to voluntary commitments under applicable regional and international instruments.**

3.4 **Based on examination of tenure rights in line with national law,** States **states** shall **make efforts in order to** provide legal recognition for land tenure rights, including customary land tenure rights, not currently protected by law. **States should protect legitimate tenure rights, and ensure that people are not arbitrarily evicted and that their legitimate tenure rights are not otherwise extinguished or infringed.** All forms of tenure, including tenancy, must provide all persons with a degree of tenure security that guarantees legal protection against forced evictions. States shall recognize and protect the natural commons and their related systems of collective use and management.

4.5 Peasants and other people **persons** working in rural areas have the right to **shall** be protected against arbitrary displacement from their land or place of habitual residence, or from other natural resources used in their activities and necessary for the enjoyment of adequate living conditions. States shall incorporate protections against displacement into domestic legislation that are consistent with international human rights and humanitarian law standards. States shall prohibit **arbitrary** forced evictions, the demolition of houses, the destruction of agricultural areas and the arbitrary confiscation or expropriation of land and other natural resources, including as a punitive measure or as a means or method of war.

5.6 Peasants and other people **persons** working in rural areas **shall** have the right **opportunity**, individually or collectively, in association with others or as a community, to return to the land and to have restored their access to the natural resources used in their activities and necessary for the enjoyment of adequate living conditions, of which they were arbitrarily or unlawfully deprived, or to receive just and fair compensation when their return is not possible. States shall take measures to restore access to land and other natural resources to those peasants and other people working in rural areas that have been displaced by natural disasters and/or armed conflict.

6.7 **Redistributive reforms can facilitate broad and equitable access to land and inclusive rural development. In this regard, where appropriate under national**

contexts, States may consider allocation of public land, voluntary and market based mechanisms as well as expropriation of private land, fisheries or forests for a public purpose. In such cases, States are invited to refer to chapter 15 of the **Voluntary Guidelines on the Responsible Governance of Tenure**. States shall carry out redistributive agrarian reforms where there is lack of broad and equitable access to land and other natural resources necessary to ensure that peasants and other people working in rural areas enjoy adequate living conditions, particularly young people and landless persons. Redistributive reforms must guarantee equal access of men and women to land, fisheries and forests, and shall limit excessive concentration and control of land taking into account its social function. Landless peasants, young people, small-scale fishers and other rural workers should be given priority in the allocation of public lands, fisheries and forests.

7.8 States shall take measures aimed at the conservation and sustainable use of land and other natural resources used in their production and necessary for the enjoyment of adequate living conditions, including through agroecology, and ensure the conditions for the regeneration of biological and other natural capacities and cycles.

South Africa

6. South Africa proposes that the right to land should not be limited to adequate living condition but be seen as an important component to the full enjoyment of all human rights and fundamental freedoms

Switzerland

Mon pays souhaiterait, à l'instar de notre commentaire pour l'article 5, proposer la fusion des articles 5 et 17.

Concernant le paragraphe 6, la Suisse souhaite faire le commentaire suivant: Il faudrait exiger que l'expropriation formelle, en tant qu'interférence avec une position juridique protégée, ne soit permise que s'il existe une base juridique suffisante, une loi au sens formel. De même, il devrait être exigé que la compensation soit fournie au moins sur la base de critères tels que «juste et équitable».

Finalement, à la fin du paragraphe 7, la Suisse aimerait proposer de remplacer les mots «ressources biologiques et des autres capacités et cycles naturels» par le mot «écosystèmes». Alors la fin du paragraphe 7 se lirait de la manière suivante: «les conditions que nécessite la régénération des écosystèmes».

Christophe Golay

“natural commons” in article 17.3 of the UN Declaration should be translated in the French version as “les communs naturels”.

In the current French version, it reads “les ressources naturelles communes”, which is not the same.

To support that request, you can find “commons” translated by “communs” in the Voluntary Guideline 8.3 on the governance of tenure.

Article 18

EU

Title: Right Access to a safe, clean and healthy environment

1. Peasants and other people **persons** working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use, manage and control.

2. States shall take appropriate measures to ensure that peasants and other people **persons** working in rural areas enjoy, without discrimination, a safe, clean and healthy environment, including its biodiversity and ecosystems.

3. States shall comply with their international obligations to combat climate change. Peasants and other people **persons** working in rural areas have the right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge.

4. States shall take effective measures to ensure that no hazardous material, substance or waste is stored or disposed of on the land of peasants and other people **persons** working in rural areas, and shall cooperate to address the threats to the enjoyment of their rights that result from transboundary environmental harm.

5. States shall protect peasants and other people **persons** working in rural areas against abuses by non-State actors, including by enforcing environmental laws that contribute, directly or indirectly, to the protection of the rights of peasants or other people working in rural areas.

Argentina

inciso 3: se observa que los comentarios formulados por la Argentina durante la Cuarta Sesión del Grupo de Trabajo no fueron incorporados, por lo que se agradecerá considerar el siguiente agregado a la redacción actual: “Los Estados cumplirán las obligaciones internacionales de combatir el cambio climático, [según las propias capacidades y el principio de responsabilidades comunes y diferenciadas.] Los campesinos y otras personas ...”

Switzerland

La Suisse accueille avec satisfaction cet article qui dans la version actuelle ne promeut plus un droit à un environnement sûr, propre et sain. Et nous partons du principe que le titre de l'article 18 va aussi être supprimé.

Nous avons deux observations à apporter.

La première concerne le paragraphe 3 qui est limité au changement climatique. A notre avis, le paragraphe pourrait bénéficier d'une référence additionnelle à la protection et l'utilisation durable de la biodiversité et à des obligations ou à la responsabilité par rapport aux produits chimiques et à la gestion des déchets.

Notre deuxième remarque porte sur le dernier paragraphe de cet article. Le paragraphe 5 contient le terme «les atteintes de la part d'acteurs non étatiques». Ce concept n'est pas suffisamment claire pour ma délégation et nous nous demandons s'il y a une terminologie plus appropriée pour cette idée.

Article 19

EU

Title: Right Access to seeds

1. Peasants and other people **persons** working in rural areas **should** have the right **access** to seeds, including:

(a) The right to **Support** for the protection of traditional knowledge relevant to plant genetic resources for food and agriculture;

(b) The right **to Support to** equitably participate in sharing the benefits arising from the utilization of plant genetic resources for food and agriculture;

(c) The right to participate **Participation** in the making of decisions on matters relating to the conservation and sustainable use of plant genetic resources for food and agriculture;

(d) The right to save, use, exchange and sell their farm-saved seed or propagating Material, **taking into account any existing plant variety protection rights**.

2. Peasants and other people working in rural areas have the right to maintain, control, protect and develop their own seeds and traditional knowledge. **States are invited to implement article 9 (Farmers' rights) of the International Treaty on Plant Genetic Resources for Food and Agriculture.**

3.2 States shall take measures to respect, protect and fulfil the rights to **concerning** seeds of peasants and other people **persons** working in rural areas.

4.3. States shall ensure that **a breeding and seeds sector is developed and/or has access to local markets, to provide seeds** of sufficient quality and quantity are available to peasants at the most suitable time for planting, and at an affordable price.

5.4 States shall recognize the rights of peasants to rely either on their own seeds or on other locally available seeds of their choice, **taking into account any existing plant variety protection rights**, and to decide on the crops and species that they wish to grow.

6.5 States shall support **commercial and where appropriate** peasant seed systems, and promote the use of peasant seeds and agrobiodiversity.

7.6 States shall **make efforts in order to** ensure that agricultural research and development duly takes into account the needs of peasants and other people **persons** working in rural areas; they shall **make efforts in order to** ensure their active participation in the definition of priorities and the undertaking of research and development, take into account their experience, and increase investment into research and development of orphan crops and seeds that respond to the needs of peasants and other people **persons** working in rural areas.

8.7 States shall ensure that **when defining** seed policies, plant variety protection and other intellectual property laws, certification schemes and seed marketing laws respect the rights of peasants, **should** and take into account their **the** needs and realities **of peasants and other persons working in rural areas.**

Argentina

Sobre el derecho a las semillas: se reitera comentario efectuado durante la Cuarta Sesión del Grupo de Trabajo, en el sentido que las actividades vinculadas con las semillas deberían estar sujetas a la legislación nacional.

Japan

Title: Access (Rights) to seeds

1. Peasants and other people working in rural areas have the access (right) to **seeds**, including:

3. States shall take measures to respect, protect and fulfil the **access** (right) to seeds of peasants and other people working in rural areas.

8. States shall ensure that seed policies, plant variety protection and (other intellectual property laws), certification schemes and seed marketing laws respect the rights of peasants, and take into account their needs and realities.

South Africa

3. South Africa proposes the addition of the word “promote”

Chile

1. [Consistente con el artículo 5 y de conformidad a la legislación de cada Estado,] Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a [sus] las semillas, en particular:

(a) El derecho a proteger los conocimientos tradicionales relativos a los recursos fitogenéticos para la alimentación y la agricultura;

(b) El derecho a participar en la distribución equitativa de los beneficios derivados de la utilización de los recursos fitogenéticos para la alimentación y la agricultura;

(c) El derecho a participar en la toma de decisiones sobre cuestiones relativas a la conservación y el uso sostenible de los recursos fitogenéticos para la alimentación y la agricultura;

(d) El derecho a conservar, utilizar, intercambiar y vender [sus] semillas o material de multiplicación conservados en [sus] las explotaciones agrícolas.

2. [Consistente con el artículo 5 y de conformidad a la legislación de cada Estado,] Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a mantener, controlar, proteger y desarrollar sus semillas y conocimientos tradicionales.

3. Los Estados adoptarán medidas para respetar, proteger y hacer efectivo el derecho a las semillas de los campesinos y de otras personas que trabajan en las zonas rurales.

4. Los Estados velarán por que los campesinos dispongan de semillas de calidad y en cantidad suficientes, en el momento más adecuado para la siembra y a un precio asequible.

5. [Consistente con el artículo 5 y de conformidad a la legislación de cada Estado,] Los Estados reconocerán los derechos de los campesinos a contar con sus propias semillas u otras semillas de su elección disponibles localmente, y a decidir las variedades y especies que deseen cultivar.

6. Los Estados apoyarán los sistemas de semillas de los campesinos, y promoverán el uso de sus semillas y la biodiversidad de la agricultura.

7. Los Estados velarán por que la investigación y el desarrollo agrícolas tengan en cuenta las necesidades de los campesinos y otras personas que trabajan en las zonas rurales; garantizarán su participación activa en la determinación de las prioridades en materia de investigación y desarrollo y en su realización, tendrán en cuenta su experiencia, y aumentarán la inversión en la investigación y el desarrollo de semillas y cultivos huérfanos que respondan a las necesidades de los campesinos y de otras personas que trabajan en las zonas rurales.

8. Los Estados velarán por que las políticas de semillas, las leyes de protección de las variedades vegetales y otras leyes de propiedad intelectual, los sistemas de certificación y las leyes de comercialización de semillas [jueguen un rol complementario de] respeten los derechos de los campesinos y tengan en cuenta sus necesidades y realidades.

Switzerland

Mon pays remercie le groupe de travail pour les propositions et les efforts faits dans la dernière version du texte notamment sur l'article 19. Cependant, dû à nos obligations internationales, notamment en matière de propriété intellectuelle, la Suisse a encore des réserves sur certains paragraphes de l'article 19 et souhaite faire les propositions suivantes:

Pour le paragraphe 1, lettre d), nous aimerions proposer d'ajouter à la fin du paragraphe d'ajouter «conformément au droit international pertinent». Le paragraphe se lirait de la manière suivante: «Le droit de conserver, d'utiliser, d'échanger et de vendre leurs semences ou matériels de multiplication, conformément au droit international pertinent.»

De même pour le paragraphe 4, nous aimerions proposer d'ajouter à la fin du paragraphe «conformément au droit international pertinent». Le paragraphe se lirait de la manière suivante: «Les États veillent à ce que des semences de qualité ou en quantité suffisante soient mises à la disposition des paysans au moment le plus propice à la plantation et à un prix abordable, conformément au droit international pertinent.»

L'article 28 paragraphe 2 indique que l'exercice des droits énoncés dans la présente déclaration sera soumis aux restrictions prévues par la loi et conformes aux obligations internationales relatives aux droits de l'homme et non pour l'ensemble du droit international. Nous aimerions, ainsi, préciser deux points: d'une part le droit et non pas seulement l'exercice de ce droit devrait être mentionné et deuxièmement l'article 28 se limite aux droits de l'homme et ne comprend pas le droit international dans son ensemble.

C'est pour cette raison que nous souhaiterions clairement dans l'article 19, paragraphes 1d et 4, faire une référence au droit international.

Finalement, nous souhaitons, pour le moment, mettre une réserve sur le paragraphe 8 et sommes intéressés à entendre les propositions des autres délégations sur ledit paragraphe.

FIMARC

La FIMARC propose donc un amendement très court dans cet article 6, qui serait rédigé ainsi: «Les Etats appuieront les systèmes de semences paysannes et **patrimoniales** et favoriseront ...».

Ana Maria Suárez Franco

Paragraph 8

En todo caso y para apoyar la negociación se podría usar el término “no hacer daño” (no harm) para reemplazar la referencia a la obligación de respetar. Este principio está reconocido internacionalmente, especialmente en las normas sobre derecho ambiental. Su inclusión en la declaración ayudaría a los estados a cumplir con su obligación de crear un ambiente propicio para la realización de los derechos humanos, de acuerdo con el artículo 56 de la carta de Naciones Unidas y 28 de la UDHR.

Article 20

EU

Title: Right to biological diversity

1. Peasants and other people **persons** working in rural areas have the right, individually or collectively, in association with others or as a community, to conserve **a key role in conserving**, maintain **maintaining** and sustainably use **using** and develop **developing in line with the pertinent requirements set out in environmental protection legislation** biological diversity and associated knowledge, including in agriculture, forestry, fishing and livestock. They also have the right to **need** maintain their traditional agrarian, pastoral and agroecological systems upon which their subsistence and the renewal of biodiversity depend, and the right to the conservation of the ecosystems in which those processes take place.

2. Peasants and other people working in rural areas have the right **States shall make efforts in order** to protect their associated traditional knowledge, innovation and practices relevant to the conservation and sustainable use of biological diversity **of peasants and other persons working in rural areas**.

4. States shall **should** regulate and prevent risks of violation of the rights of peasants and other people **persons** working in rural areas arising from the development, handling, transport, use, transfer or release of any living modified organisms.

South Africa

Proposes to include Indigenous and traditional food crops. Indigenous crops are environmentally sustainable, improve food security, help prevent malnutrition and increase income in households.

Bolivia

El artículo 20 Derecho a la diversidad biológica, en su numeral 1.— se redacta incorporando los verbos conservar, mantener, desarrollar y utilizar y se completa, de manera sostenible la diversidad biológica.

Consideramos que dada la cualidad de la relación, la naturaleza del vínculo entre los campesinos y dos ecosistemas y los elementos que lo componen, organismos vivos,

microorganismos, se protegerían ante un despliegue de la ciencia al servicio de la industria comercial, sin precedentes en la historia humana.

Por ello mismo, el numeral 2, realiza una especificación hacia un derecho a la protección de los “conocimientos, innovaciones y prácticas tradicionales” y son discutidos en este foro por cuanto son expresiones de humanidad y para el caso de los campesinos y otras personas que trabajan en zonas rurales como los ganaderos, pescadores, silvicultores, como parte de su identidad, un elemento que va más allá del disfrute de un derecho cultural.

Como lo he descrito en el ejemplo de los trashumantes ganaderos, estos están basados en sistemas de uso colectivo, colaborativo, asociativo no solo como organización social, no solo para con la administración de la tierra como ya se lo ha explicado en el artículo 17, sino también en relación con la diversidad biológica y es por ello su importancia.

Si me permite señor presidente quiero leer en texto un párrafo preambular de la resolución del Consejo de Derechos Humanos 34/20,

“Reconociendo también que la degradación y la pérdida de diversidad biológica suelen obedecer a pautas existentes de discriminación y refuerzan esas pautas, y que los daños ambientales pueden tener consecuencias desastrosas, y en algunos casos dispersas geográficamente, en la calidad de vida de los pueblos indígenas, las comunidades locales, los campesinos y otras personas que dependen directamente de los productos de los bosques, ríos, lagos, humedales y océanos para obtener sus alimentos, combustible y medicamentos, lo que da lugar a una mayor desigualdad y marginación,” Gracias

Chile

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho, a título individual o colectivo, en asociación con otros o como comunidad, a conservar, mantener y desarrollar y utilizar de manera sostenible la diversidad biológica y los conocimientos conexos, en particular en la agricultura, la silvicultura, la pesca y la ganadería. También tienen derecho a mantener sus sistemas tradicionales de agricultura, pastoreo y agroecología de los que dependen su subsistencia y la renovación de la [diversidad biológica] biodiversidad agrícola, y derecho a la conservación de los ecosistemas en que tienen lugar esos procesos.

2. Los campesinos y otras personas que trabajan en las zonas rurales tienen el derecho de proteger sus conocimientos, innovaciones y prácticas tradicionales conexos pertinentes para la conservación y el uso sostenible de la diversidad biológica.

Switzerland

Premièrement, il faudrait à notre avis, ici aussi, affirmer que le droit d'utiliser la diversité biologique doit aller de pair avec l'obligation des paysans de protéger les espèces et les écosystèmes.

L'autre observation porte sur le paragraphe 2. Nous constatons que le savoir traditionnel est couvert par cet article 20, mais aussi par différents autres articles, notamment 19.1a, 19.2 et 26. En principe, ça ne pose pas de problèmes tant qu'on évite les duplications. Cependant, nous vous encourageons d'utiliser les termes de manière cohérente dans les différents articles. Nous restons à votre disposition pour contribuer à assurer que le langage soit cohérent et uniforme.

Ecuador

Proposal para. 4: “States shall regulate activities as to prevent the risks of violations ...”.

Christophe Golay

In article 20 on the right to biological diversity, a new paragraph should be included with the content of former article 26 (4):

States shall take measures to ensure that the prior informed consent or approval and involvement of peasants and other people working in rural areas is obtained for access to genetic resources where they have the established right to grant access to such resources.

FIAN

1. Peasants and other people working in rural areas have the right, individually or collectively, in association with others or as a community, to conserve, maintain and sustainably use and develop biological diversity and associated knowledge, including in agriculture, forestry, fishing and livestock, **upholding their responsibility in this regard**. They also have the right to maintain their traditional agrarian, pastoral and agroecological systems upon which their subsistence and the renewal of biodiversity depend, and the right to the conservation of the ecosystems in which those processes take place.

Article 21

EU

Title: Rights to drinking water and to sanitation: Water management

1. Peasants and other people **persons** working in rural areas have the human rights to safe and clean drinking water and to sanitation, which are essential for the full enjoyment of life and all human rights and human dignity. They also have the right to **These human rights include** water supply systems and sanitation facilities that are of good quality, affordable and physically accessible, and non-discriminatory and acceptable in cultural and gender terms.

2. Peasants and other people **persons** working in rural areas have the right to **need** water for **personal and domestic use**, farming, fishing and livestock keeping and **as well as** to securing other water-related livelihoods, ensuring the conservation, restoration and sustainable use of water. They have the right to equitable access to water and water management systems, and to be free from arbitrary disconnections or the contamination of water supplies.

3. States shall respect, protect and ensure access to water, including in customary and community-based water management systems, on a non-discriminatory basis, and shall take measures to guarantee affordable water for personal, domestic and productive uses, and improved sanitation, in particular for rural women and girls, and persons belonging to disadvantaged or marginalized groups, such as nomadic pastoralists, workers on plantations, all migrants, regardless of their legal status, and persons living in irregular or informal settlements. States shall promote appropriate and affordable technologies, including irrigation technology, technologies for the reuse of treated wastewater, and for water collection and storage.

5. States shall prevent third parties from impairing the enjoyment of the right to water of peasants and other people **persons** living in rural areas. States shall prioritize water use for human needs, small-scale food production, ecosystem needs and cultural use before other uses

Switzerland

Ma délégation souhaite cependant souligner, dans la lignée de nos commentaires précédents, que ces dispositions devraient inclure, en plus du droit à l'eau et aux installations sanitaires, un engagement à veiller à ce que les populations concernées manipulent avec soin et ne polluent pas l'eau.

Article 22

EU

1. Peasants and other people **persons** working in rural areas have the right to social security, including social insurance. They also have the right to enjoy fully all social security rights established under applicable international and domestic labour law.

2. All **legally employed** migrant workers in rural areas shall, regardless of their legal status, enjoy equality of treatment with regard to social security.

3. States shall recognize the rights of peasants and other people **persons** working in rural areas to social security, including social insurance, and, in accordance with national circumstances, should establish or maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security, which together secure effective access to goods and services defined as necessary at the national level.

ILO

1. Peasants and other people working in rural areas have the right to social security, including social insurance. They also have the right to enjoy fully all social security rights established under applicable international and domestic labour **and social security** law.

2. Migrant workers in rural areas shall, regardless of their legal status, enjoy equality of treatment **with nationals** in social security.

3. States shall recognize the rights of peasants and other people working in rural areas to social security, including social insurance, and, in accordance with national circumstances, should establish or strengthen strengthen their social protection floors comprising basic social security guarantees, as part of their social security systems. These guarantees should ensure at a minimum that, over the life cycle, all in need have access to at least essential health care and to basic income security, which together secure effective access to goods and services defined as necessary at the national level.

4. Basic social security guarantees should be established by law. **They should promote non-discrimination, be responsive to special needs and be socially inclusive and include workers in the informal economy.** Impartial, transparent, effective, accessible and affordable grievance and appeal procedures should also be specified. Systems should be in place to enhance compliance with national legal frameworks.

IUF

Para. 2

The IUF supports the maintenance of the text as it is i.e. retain “regardless of their legal status”.

Article 23

EU

1. Peasants and other people **persons** working in rural areas have the right to the enjoyment of the highest attainable standard of physical and mental health. They also have the right to have access, without any discrimination, to all social and health services.

2. Peasants and other people **persons** working in rural areas have the right to use and protect their traditional medicines and to maintain their health practices, including access to and conservation of their plants, animals and minerals for medicinal use.

ILO

3 States shall guarantee access to health facilities, goods and services in rural areas on a non-discriminatory basis, especially for groups in vulnerable situations, access to essential medicines, immunization against major infectious diseases, reproductive health, information concerning the main health problems affecting the community, including methods of preventing and controlling them, maternal and child health care, as well as **decent working conditions and** training for health personnel, including education on health and human rights.

Article 24

EU

1. Peasants and other people **persons** working in rural areas have the right to adequate housing. They have the right to sustain a secure home and community in which to live in peace and dignity, and the right to non-discrimination in this context.
2. Peasants and other people **persons** working in rural areas have the right to be protected against forced eviction from their home, harassment and other threats.
3. States shall not, either temporarily or permanently, remove peasants or other people **persons** working in rural areas against their will from the homes or land that they occupy without providing or affording access to appropriate forms of legal or other protection. When eviction is unavoidable, the State must provide or ensure fair and just compensation for any material or other losses.
4. In cases of eviction, States shall guarantee the right to resettlement of peasants and other people **persons** working in rural areas, in accordance with existing international human rights standards. This includes the right to alternative housing that satisfies the criteria for adequacy, namely, accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to such essential rights as those to health, education and **drinking water and sanitation**.

Article 25

EU

1. Peasants and other people **persons** working in rural areas have the right to adequate training suited to the specific agroecological, sociocultural and economic environments in which they find themselves. Issues covered by training programmes should include, but not be limited to, improving productivity, marketing, and the ability to cope with pests, pathogens, system shocks, the effects of chemicals, climate change and weather-related events.
2. All children of peasants and other people **persons** working in rural areas have the right to receive education in accordance with their culture, and with all the rights contained in human rights instruments, and to be free from child labour.
3. States shall encourage equitable and participatory farmer-scientist partnerships, such as farmer field schools, participatory plant breeding, and plant and animal health clinics to respond more appropriately to the immediate and emerging challenges that peasants and other people **persons** working in rural areas face.

South Africa

On Article 25.1, South Africa would like to strengthen the text to reflect that the right to education for peasants first and foremost as a basic human right be frontloaded in this Article, which will then be followed by education and training.

On Article 25.2, South Africa proposes that the word “receive” be deleted and hence read as “the right to education”.

ILO

1. Peasants and other people ... weather-related events, **as well as the development of non-agricultural livelihoods**.
2. All children of peasants and other people working in rural areas have to right to receive **quality** education in accordance ...

IUF*Para. 2*

Text from the 4As produced by former UN Special Rapporteur on the Right to Education, Katarina Tomasevski

Delete: “, in accordance with their culture,” to read:

Insert: “which is free of discrimination, relevant and culturally appropriate”

Article 26**EU**

1. Peasants and other people working in rural areas have the right to enjoy their own culture and to pursue freely their cultural development, without interference or any form of discrimination. They also have the right to maintain, express, control, protect and develop their traditional and local knowledge, such as ways of life, methods of production or technology, or customs and tradition. No one may invoke cultural rights to infringe upon the human rights guaranteed by international law, nor to limit their scope.
2. Peasants and other people **persons** working in rural areas have the right, individually and collectively, in association with others or as a community, to express their local customs, languages, culture, religions, literature and art, in conformity with international human rights standards.
3. States shall respect, and take measures to recognize and protect, the rights of peasants and other people working in rural areas relating to their traditional knowledge, and eliminate discrimination against the traditional knowledge, practices and technologies of peasants and other people working in rural areas.
4. States shall take measures, as appropriate, to ensure that the prior informed consent or approval and involvement of peasants and other people working in rural areas is obtained for access to genetic resources where they have the established right to grant access to such resources.

Argentina

Sobre Derechos culturales y conocimiento tradicional: se destaca que en el ámbito de la Organización Mundial de la Propiedad Intelectual (OMPI), especialmente en el Comité Intergubernamental sobre Propiedad Intelectual y Recursos Genéticos, Conocimientos Tradicionales y Folclore, se están desarrollando negociaciones para generar uno o varios instrumentos internacionales que tienden a asegurar la protección eficaz y equilibrada de los recursos genéticos (RR.GG.), los conocimientos tradicionales (CC.TT.) y las expresiones culturales tradicionales (ECT). Todos estos temas, en especial los referidos a los recursos genéticos, deberían abordarse en el ámbito específico de la OMPI.

Japan

4. States may shall take measures, as appropriate, to ensure that the prior informed consent or approval and involvement of peasants and other people working in rural areas is obtained for access to genetic resources where they have the established right to grant access to such resources.

South Africa

4. South Africa propose that cardinal principle full notion of Free, Prior and Informed Consent be incorporated in its entirety

South Africa proposes language that will acknowledge traditional knowledge systems as intellectual property of rural communities and should be protected as such

Chile

4. Los Estados adoptarán las medidas apropiadas para asegurar que se obtenga el consentimiento previo informado o la aprobación y la participación de los campesinos y de otras personas que trabajan en las zonas rurales para acceder a los recursos genéticos cuando se les haya reconocido el derecho de conceder acceso a esos recursos.

Switzerland

Les paragraphes 1, 2 et 3 de l'article 26 nous semblent importants et bien rédigés. Par contre, nous ne comprenons pas pourquoi l'article, qui traite des droits culturels et des savoirs traditionnels, contient un paragraphe 4 traitant des ressources génétiques. Les ressources génétiques ne sont-elles pas déjà couvertes par les articles 5, 19 et 20? Si l'idée était d'avoir un paragraphe sur le savoir traditionnel basé sur les dispositions du Protocole de Nagoya, alors il faudrait choisir une disposition qui porte uniquement sur les savoirs traditionnels et pas sur les ressources génétiques.

Christophe Golay

4. States shall take measures to ensure that the prior informed consent or approval and involvement of peasants and other people working in rural areas is obtained for access to traditional knowledge associated with genetic resources that they hold.

Article 27

EU

Regarding Article 27-para. 1, EU reiterates the request for the deletion of the phrase “Ways and means of ensuring the participation of people in rural areas” and the replacement of “established” by “considered” to be insufficient in view of the implications for the UN institutional system as a whole of such participation;

Title: Responsibility Contribution of the United Nations and of other international organizations

1. The specialized agencies, funds and programmes of the United Nations system, and other intergovernmental organizations, including international and regional financial organizations, shall contribute to the full realization of the provisions of the present declaration, including through the mobilization of, inter alia, development assistance and cooperation, **strengthening collaboration on reporting on relevant SDG indicators, supporting countries to develop the capacity of statistical systems, and ensuring meaningful disaggregation of data.** Ways and means of ensuring the participation of peasants and other people working in rural areas on issues affecting them shall be considered.

2. The United Nations and its specialized agencies, funds and programmes, and other intergovernmental organizations, including international and regional financial organizations, shall promote respect for and the full application of the provisions of the present declaration, and follow up on its effectiveness.

Article 28

EU

1. Nothing in the present declaration may be construed as diminishing or extinguishing the rights that peasants and other people **persons** working in rural areas currently have or may acquire in the future.

2. The human rights and fundamental freedoms of **all as well as other national and international law** shall be respected in the exercise of the rights enunciated in the present declaration. The exercise of the rights set forth in the present declaration shall be subject only to such limitations **in accordance with national law** as are determined by law and in

accordance with international human rights obligations. Any such limitations shall be non-discriminatory and necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others, and for meeting the just and most compelling requirements of a democratic society.

2.3 This Declaration shall not be interpreted as amending the rights and obligations of States arising under existing international agreements.

Christophe Golay and Smita Narula (Expert)

Proposed to be included in article 28 of the UN Declaration, taken from article 8.2 of the UN Declaration on the rights of persons belonging to minorities:

The exercise of the rights set forth in the present Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.

Annex IV

Additional explanations provided by experts

Collective rights

Recognition of the collective form or communal property of the land is a fundamental condition to guarantee access to justice and provide security to peasant families in terms of the full exercise of their economic, social and cultural rights.

Collective rights enrich the human rights system, provide it a pluricultural perspective that brings them closer to the notion of universality. Without collective rights, human rights can hardly be considered universal. Collective rights are not contrary to individual rights. Rather, they should be seen as complementary rights which, in many cases, are the way to guarantee individual rights. They are fundamental because the connection that individuals have to their communities has a cultural, a spiritual and a subsistence dimension.

Peasants and rural communities, using customary and collective practices have been preserving these ecosystems for centuries.

If we look at the collective dimensions of the right to food and the right to land, the right to food requires States to ensure that individuals, either “alone or in community with others have physical and economic access at all times to adequate food or means for its procurement”. It is important to consider the right to food as a collective right as well as an individual right.

Collective rights also do not undermine State sovereignty. Collective rights are therefore an essential precondition for the ability of peasants and other people living in rural areas to enjoy human rights, ensure food security, and help protect our planet’s biodiversity.

Moreover, collective rights do not undermine individual rights; on the contrary, they would strengthen their protection, as has been recognized by several human rights mechanisms.

The former Special rapporteur on the right to housing has noted “without the adequate legal recognition of individual as well as collective land rights, the right to adequate housing, in many instances, cannot be effectively realized.

Preamble

It is important to retain the concept of food sovereignty. The term Mother Earth, included in the preamble, gives a thorough understanding of the pluricultural nature of the Declaration, as well as the relationship between peasants and the land, nature and natural goods.

Article 1

Definition of peasants

In the draft Declaration, the definition of “peasant” emphasizes the relationship with land and environment as means of production. It includes activities that produce certain results which are not necessarily profitable.

The vulnerability of peasants and other people working in rural areas derives from their economic activity and that former international instruments for specific groups have been adopted to solve discrimination derived from an intrinsic condition of the affected groups.

Article 2

Obligation of States

Article 2, in its entirety, is based on existing law and, as such, steps to realize economic, social and cultural rights must be taken immediately as clarified by the General Comments of the Committee on Economic, Social and Cultural Rights. This article is about States' obligations, to respect, protect and fulfil human rights,

Regarding the principle of the progressiveness of rights and the reference to some obligations that cannot be guaranteed immediately, referred to in paragraph 1 of Article 2, it was clarified that although Article 2 refers to the progressivity of certain rights (for example, the right to social security), there are others, such as the obligation of non-discrimination or the obligations to respect, which can and must be met immediately. This interpretation is consistent with General Observations 3, 9, 14 of the CESCR Committee.

Free, prior and informed consent

"Free, prior and informed consent" is well established in international law and its implementation is confirmed through the jurisprudence of human rights treaty bodies as well as that of regional bodies. It is a key element of people's right to participate in decisions that affect their lives, lands and livelihoods. Its practical application needs to be understood in a democratic framework.

This principle has been perceived as an expression of the primacy of international human rights law, based on the United Nations Charter, article 103, to be read in conjunction with articles 55 (c) and 1.3 and its preamble.

Article 5

Right to natural resources

It was recalled that prior and informed consent had been removed from the draft, as some States had objected, so systematic interpretation is necessary in light of the compromise made. The Convention on Biological Diversity, other guidelines and general comments of treaty bodies, should guide the management of natural resources. Peasants contribute to the protection of the environment and of biodiversity, rather than disrupt them.

Regarding the proposal to change the word "Right" to "Access" in this article, the original idea is to protect the right of the peasants and to ensure that they can exercise their right to participate in the management of these natural resources. Experts argued that "right" carries more weight than "access" and allows for legal and non-legal recourse.

It was also mentioned that FAO Voluntary Guidelines had been adopted by consensus, using the term "right" throughout the text.

A proposal to include a reference to the ILO Convention No. 169 that contains the requirement of free, prior and informed consent was supported to the experts

It must be remembered that the prior and informed consent of local (non-indigenous) communities is already recognized in a number of legal sources (eg the Nagoya Protocol) and therefore the fact that this principle is not explicitly included in the declaration does not exclude its application under these international instruments. The Declaration must be interpreted systematically with those instruments, for the states that have ratified them.

Regarding the preservation of the environment, on the proposal of Switzerland to include a reference to the SDG in the text, it must be taken into account that the goals of the SDGs were established for the States and not for the peasants. Peasants contribute to mitigate climate change, as well as to the co-evolution of diversity. The purpose of this declaration is to clarify the obligations of the States and not the responsibilities of the peasants. Additionally, the Sustainable Development Goals refer to a specific period, while the declaration will have an indefinite application in time, so a reference to the SDG and application would be outdated once the deadline for the SDGs is met.

Article 10

Right to participation

Peasants and other people working in rural areas should also participate in the formulation and implementation of agricultural policies, on top of food safety, labour and environmental standards that may affect them.

The principle of prior, free and informed consent for local communities was eliminated, since it is enshrined in other sources of international law. However, and in order to guarantee the participation of peasants and other people working in rural areas, the language agreed in the Guidelines on Responsible Governance of Land Tenure that includes the main elements of participation in its principle was included. Article 10 should be interpreted systematically with Article 2.3 of the Declaration, and other relevant norms of international law, which recognize free, prior and informed consent for local communities, such as the Nagoya Protocol.

Article 11

With regard to the proposal of a State to eliminate paragraph 3 of article 11, referring to fair market systems and the appropriate systems of evaluation and certification, it is important to remember that the origin of this article was to avoid applying an equal treatment for producers of food at the industrial level and for small-scale peasant producers. This would generate discrimination and end up excluding small farmers from the market. For this reason it is advisable not to delete this paragraph. In the event of any reformulation of the text, it is recommended to ensure that at least safeguards are established, that protect peasant farmers and other persons working in rural areas from the discriminatory impact of generalized certifications.

Article 15

Peasants and other people working in rural areas have the right to adequate food. This includes the right to produce food and the right to adequate nutrition, which guarantees the possibility of enjoying the highest degree of physical, emotional and intellectual development.

Rural children are particularly at risk of hunger and malnutrition and inadequate access to nutritional education and healthcare. The paragraph also recalls the obligation of States to meet the nutritional needs of rural pregnant and lactating women, as highlighted by CEDAW in its general recommendation 34 on the rights of rural women. The importance of addressing micronutrient deficiencies and misinformation on infant feeding are also raised in guideline 10 on nutrition of the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security.

The text builds on the definition of the right to food provided in ICESCR. It applies to the specific situation of peasants and other people working in rural areas by including a reference to the production of food as one of the ways of securing access to food. As emphasized by the Special Rapporteur on the right to food, individuals can secure access to food (a) by earning incomes from employment or self-employment; (b) through social transfers; or (c) by producing their own food, for those who have access to land and other productive resources.

The text also elaborates on the obligation of States to progressively realize the human right to adequate food. As highlighted by CESCR, States have a core obligation to take the necessary action to mitigate and alleviate hunger. The core content of the right to adequate food implies 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.

Food sovereignty

The inclusion of food sovereignty is a crucial element for peasants to ensuring national food production. The concept is recognized at international, regional and national levels. They stated that food sovereignty is about process while food security is about outcomes.

Multiple Special rapporteurs on the right to food have said that food sovereignty is a condition for the full realization of the right to food.

Moreover, the text underscores the notion of sustainability, which, according to CESCR, “is intrinsically linked to the notion of adequate food or food security, implying food being accessible for both present and future generations. Sustainability incorporates long-term availability and accessibility.

Right to culturally acceptable food

The right to food in particular requires States to ensure that individuals, either 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 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.

Article 17

The importance and urgency of articulating a substantive right to land must be seen in the context of forced displacements, large-scale land grabs, speculative land investments, climate disruptions and environmental devastation, and rapid urbanization. It must also be seen in the context of widespread hunger and food insecurity in rural communities, and the increasing criminalization and persecution of environmental and land rights defenders.

The right to land must be recognized as both an individual and a collective right given the communal nature of land use and ownership in many parts of the world.

Secure land rights, including collective land rights, are therefore an essential precondition for the ability of peasants and other people living in rural areas to enjoy human rights, ensure food security, and help protect our planet’s biodiversity

States must ensure freedom from arbitrary displacement and forced evictions and must ensure the right of rural communities to return to lands from which they have been displaced, or to receive just and fair compensation when their return is not possible. States must also protect rural communities’ access to land and natural resources by preventing third parties from interfering in any way with the enjoyment of this right.

The unequal distribution of arable land is a major contributing factor to hunger and poverty in the world today, especially in rural areas. Studies have shown that more secure, sustainable, and equitable access to land serves not only rural communities’ rights, but also supports broader economic development and food security goals. The importance of redistributive agrarian reforms has been highlighted by the ILO and CEDAW, and in the International Covenant on Economic, Social and Cultural Rights, and the Tenure Guidelines, among other instruments. Redistributive agrarian reforms must guarantee equal access of men and women, and priority should be given to historically discriminated communities, to landless peasants, women, youth, small-scale fishers and other rural workers in the allocation of public lands, fisheries and forests.

The notion of access to land proposed by some countries instead of right to land would dilute the protection of the rights of peasants. Communities and people access, control, manage and use land and natural resources in many different forms, in order to live a dignified life, according to their social and cultural context.

Although secure access to land is implicit to the realization of numerous rights, international human rights law explicitly guarantees only limited land rights. First, States cannot arbitrarily deprive people of property. The right to property, however, protects the

rights of existing property owners. It does not protect the majority of those in rural areas: those who are landless or those whose relationship to land is difficult to formalize in individualistic legal terms. Second, States cannot evict settled communities that rely on a piece of land but lack legal title to it, without first meeting certain conditions. Specifically, States must ensure that: a) evictions serve a legitimate public purpose; b) are not discriminatory; c) meet the requirements of due process; and d) provide communities with fair compensation.

The States are reminded that agrarian reform, accompanied by the necessary incentives and extensive services, can be an effective mechanism to prevent migration. In this respect, States should see integral rural reforms as a way to prevent migrations.

Article 18

The right to a healthy environment is recognized in detail in article 29 of the United Nations Declaration on Rights of Indigenous Peoples, in regional instruments (Inter-American Court of Human Rights), reports by the Special Rapporteur on Environment and Human Rights and the Framework Principles on Environment and Human Rights.

Article 19

There is an unjustified appropriation of the traditional knowledge of peasants and other people working in rural areas, which has caused them harm for the exercise of their peasant activity. Furthermore, the digitalization of genetic information can generate a negative impact for the peasants that would also affect future generations.

The primacy of human rights derives from the provisions of the Charter of the United Nations, article. 103 interpreted systematically with articles 55 c and 1.3, and has been reiterated in general observations No. 12, 15, 24 of the ICESCR.

Article 20

The reference to the right to biological diversity should be maintained. The prior informed consent or approval and involvement of peasants and other people working in rural areas should be obtained for access to genetic resources where they have the established right to grant access to such resources.

Prior informed consent or approval and involvement of peasants and other people working in rural areas is obtained for access to genetic resources where they have the established right to grant access to such resources.

Regarding the elimination of the word “Right”, it should be remembered that the right concept implies two dimensions: on the one hand, the objective right, which implies that States must develop and adopt normative and political frameworks, and on the other, subjective rights (entitlements), which are those that right holders may require in administrative, quasi-judicial and judicial bodies.

Article 21

This article is not about water management, it is about the right to water and this article is not about just drinking water, is about water as a resource. On 28 July 2010, through Resolution 64/292, the United Nations General Assembly explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realization of all human rights. It is a prerequisite for the realization of other human rights. Furthermore, the Committee on Food Security recalls the essentiality of water of “appropriate quality and quantity (...) for food production (fisheries, crops and livestock), processing, transformation and preparation”. General Comment 15 of CESCR calls to focus on providing equitable access to water and management systems. General Comment 15 refers to Article 1, paragraph 2 of the ICESCR which states that people may

not be “deprived of its means of subsistence”, thus States parties should ensure that “there is adequate access to water for subsistence farming and for securing their livelihoods”.

Treating water as a human right and not as a commodity is the key to rehabilitating this existential resource and to stop its accelerated pollution and degradation. States should prioritize water use for human needs, small scale food production, ecosystem needs and cultural use, before other uses.

The right to water and sanitation are inextricable for the realization of a whole range of human rights for rural population. Water is thus not only indispensable for mere human survival ensuring hydration, nutritious food-intake and maintaining health and well-being, water is also vital for basic sanitation and good hygiene. Water lays the foundation for a healthy, productive and dignified life, which is at the core of all human rights

The right to water includes water for productive uses necessary for securing the livelihoods and conduct a life in dignity including protecting the right to food and to work. The realization of the right to water for irrigation and agricultural and fishers use is a condition *sine qua non* for the realization of the right to food and nutrition for all.

Article 22

Regarding the unrestricted application of this right to migrants, regardless of their legal status, it should be remembered that this application must be interpreted on the progressivity of compliance of the international obligations of the States, contained in article 2.1 of the ICESCR and the general observations of that Committee that interprets it, and that it is reflected in article 2.1 of the Declaration.

Article 26

Experts highlighted the importance of the preservation and protection of traditional knowledge, including those of peasants and indigenous peoples. Several civil society organizations expressed their support for the article as it is and for the new para. 4 on prior informed consent for access to genetic resources in para. 4.

States shall take measures to ensure that the prior informed consent or approval and involvement of peasants and other people working in rural areas is obtained for access to traditional knowledge associated with genetic resources that they hold.

Article 28

The exercise of the rights set forth in the Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.

It is important to clarify that the *raison d'être* of international law is to have a common standard among States, particularly in the field of human rights, to ensure that the concept of human dignity is at the center of the debate, public policies and regulatory frameworks. In accordance with general observations 9 and 3 of the CESCR, interpreting Article 2.1 of the ICESCR, the States must adopt all necessary measures for the implementation of their international obligations derived from the ICESCR and the judges must apply the Covenant in its judicial decisions, even in a direct way, in case there are no laws that incorporate these standards in national law.