



人权理事会
第三十六届会议
2017年9月11日至29日
议程项目5
人权机构和机制

联合国农民和其他农村地区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交联合国农民和其他农村地区劳动者权利宣言不限成员名额政府间工作组按照人权理事会第30/13号决议编写的报告。

* 本报告附件不译，原文照发。



一. 导言

1. 人权理事会第 21/19 号决议设立的联合国农民和其他农村地区劳动者权利宣言不限成员名额政府间工作组的任务是，谈判、完成并向理事会提交关于农民和其他农村地区劳动者权利的一份宣言草案。理事会在第 30/13 号决议中决定，工作组应在理事会第三十六届会议之前举行下两次年度会议，并要求工作组向理事会提交进度报告。本报告是根据这一要求编写的。

2. 2017 年 5 月 15 日至 19 日举行的工作组第四届会议由联合国人权事务高级专员办事处的一名代表宣布开幕，她赞扬第三次会议主席兼报告员在处理关于经修订的宣言草案的建议和关切时发挥的领导作用和秉持的开放态度(A/HRC/WG.15/4/2)。她强调指出，迫切需要处理农民和其他农村地区劳动者的状况，他们当中的许多人都希望工作组的讨论能够及时产生最终、强有力、凝聚共识的宣言。

二. 会议的组织安排

A. 选举主席兼报告员

3. 在第四届会议上，工作组根据牙买加代表拉丁美洲和加勒比集团的提名，选举 Nardi Suxo Iturry(多民族玻利维亚国)为主席兼报告员。

B. 通过议程和工作安排

4. 通过了议程(A/HRC/WG.15/4/1)。

5. 主席兼报告员对辩论方式作了解释，并指出，本次会议的目标之一是消除对宣言草案条文仍然存在的任何疑虑，就尽可能多的条款达成共识。

6. 主席兼报告员表示，将逐条宣读宣言草案，请与会者对改进案文提出具体措辞。

C. 开幕致辞

7. 联合国粮食及农业组织总干事的代表致辞，重申支持这一进程，他谈到了与农民权利有关的全球举措，包括 2016 年宣布的“联合国营养问题行动十年”。他强调指出，宣言草案与世界粮食安全委员会和粮农组织通过的至关重要的原则和准则直接相关，也与实现零饥饿的全球目标和《2030 年可持续发展议程》直接相关。

8. 主席兼报告员回顾了自 2016 年 5 月第三届会议以来取得的进展和她与各利益攸关方举行的会议的情况。

三. 专题小组讨论

9. 主席兼报告员请七名专家为此进程建言献策：Shivani Chaudhry、Priscilla Claeys、José Esquinas、Mamadou Goïta、Christophe Golay、Anuradha Mittal 及 Ana Maria Suarez Franco。在专题小组讨论中，专家们谈到宣言将如何应对诸如贫困、气候变化及土地私有化等挑战，以及如何填补现行国际法的空白。

四. 一般性发言

10. 突尼斯代表非洲集团对工作组的任务表示支持。该代表强调，农民在许多国家遭受历史性和持续的歧视，有必要填补国际人权法中的这些规范空白。

11. 南非确认对《经济、社会及文化权利国际公约》和《发展权利宣言》所包含的一系列重要专题拟订规范和标准的重要性。该代表重申，南非将支持并热切地积极参与这一进程。

12. 欧洲联盟强调指出，欧盟重视在农村地区生活和工作的权利，他们从欧盟政策中得到了支持，包括欧盟提供的发展援助。对宣言草案仍然有一些关切。既然宣言不具法律约束力，就不能创造新的权利。

13. 萨尔瓦多代表拉丁美洲和加勒比国家共同体就农民和传统农业对环境的贡献表示赞赏，《2030 年可持续发展议程》和大会第 66/222 号决议也对他们的贡献表示赞赏，该决议宣布 2014 年为“国际家庭农业年”。

14. 委内瑞拉玻利瓦尔共和国代表不结盟国家运动对宣言草案的谈判表示欢迎，指出该进程得到了第十七次不结盟国家运动国家元首或政府首脑会议与会者的支持。在发展中国家，向可持续农业、改善农业管理及支持家庭农业和小户农民转变是至关重要的。

15. 日本对整个宣言草案持保留态度，因为它认为，宣言草案含有不成熟的内容，国际社会尚未将这些内容确认为人权，因此是不适当的。利用现有机制可能会更为有效。

16. 尼加拉瓜对拉共体和不结盟国家运动的意见表示赞同并强调维护农民权利的重要性，农民是社会基础部门的重要成员。

17. 埃塞俄比亚强调指出，农民是发展的基石，并重申它支持宣言草案，宣言可能成为促进发展的重要文书。

18. 墨西哥指出，宣言草案将农民单列为一个类别，而案文中的权利已经被编入其他国际人权文书。该文件是重复劳动，无助于国际人权法的适当实施和系统化。

19. 阿根廷对主席兼报告员采取的开放性、建设性精神表示欢迎，指出，主席兼报告员已经考虑了阿根廷提出的几项建议。阿根廷对一些概念表示了疑虑，但强调现有案文中有关于性别问题和妇女的作用的内容是积极的。

20. 危地马拉认为工作组是探索如何改善农村地区劳动者状况的极好机会。为了对宣言提出评论，正在国家一级进行包容性磋商。在目前阶段，危地马拉无法支持宣言草案，对整个案文持保留态度。

21. 埃及表示支持工作组的任务，并表示，需要有一项特别文书促进和保护农民的人权，文书要考虑到各国的法律，确认农民对发展的贡献，并以国际人权法所规定的得到普遍同意和确认的人权为根据。
22. 智利强调指出，虽然新案文有所改进，但仍需要在国家一级和部门之间开展有关磋商。智利的意见与以前发表的意见相一致。
23. 巴西强调指出，关于宣言的谈判，是为引起对农民的重视所做的许多努力之一。宣言草案不应反对或批评农业企业，农业企业的做法也应符合人权。巴西将为达成一项符合国际法的平衡兼顾的宣言草案做贡献。
24. 秘鲁表示，案文应考虑各种不同法律制度的特殊性，特别是关于自然资源主权法的特殊性，某一特定群体不能行使这种主权。秘鲁准备就这一问题和其他问题达成所需要的协商一致，以尽快完成宣言草案的起草。
25. 俄罗斯联邦强调指出，它支持设立工作组的决议。将适用于某个群体，譬如土著人的具体标准转用于农民状况时，应当非常谨慎地行事。增加赋权不应使其他群体的权利受到侵犯。
26. 印度强调指出，宣言草案载有从现有条约和公约中借用的多项权利，关于实质性权利的讨论必须注意已有的规范。
27. 瑞士对新草案表示欢迎，并强调指出，重点仍然是执行现有文书，例如《粮食和农业植物遗传资源国际条约》(关于农民权利的第 9 条)。可以通过包容性进程和遵循以人权为本的方针解决农民面临的需求和挑战。
28. 马来西亚对不结盟国家运动的意见表示赞同。它强调指出，农民和小户农民对国民经济做出了重要贡献。在全球竞争背景下，他们需要有一个可以蓬勃发展的环境。
29. 多民族玻利维亚国表示，宣言是解决人权理事会咨询委员会研究报告中认明的诸如营养不良和缺乏种子等问题所必需的。
30. 厄瓜多尔强调了宣言草案的坚实性，指出，该草案是以 50 多个文书、决议及国际劳工组织公约为基础的。通过国际文书保护人权一直处于不断发展演变中，这样可以更加重视一些被忽视的群体。
31. 古巴强调指出，一个宣言可能有助于解决农村、环境及粮食问题，并强调有必要确认新权利，以及增加对现有权利的保护。
32. 委内瑞拉玻利瓦尔共和国强调指出，许多研究结果强调需要有一项关于农民权利的宣言。极端贫困、农业技术的原始性质及当代形式的奴隶制等问题的存在，显示需要支持起草一项关于这一问题的文书。宣言草案必须体现《联合国宪章》的原则。
33. 乌拉圭强调指出，宣言草案不是创造新权利，而是确保农村地区劳动者可以平等地享有一切人权。
34. 肯尼亚支持宣言草案，因为其目标是复杂的农业领域所需要的许多解决方案的一部分。这一宣言将解决农民面临的紧迫挑战，其中包括农产品价格过低、农业基础设施差及享有住房和健康权利的情况差。

35. 巴拿马表示支持这一进程，认为这是消除贫穷的有效途径。它承诺为所做努力做贡献，将对一些条款做评论。
36. 国际劳工组织指出，应修改草案，以更好地体现关于禁止童工的国际标准、国际劳工组织的工作及在《2030 年议程》中确定的共同目标，特别是可持续发展目标 2 和 8。
37. 全球妇女征程强调指出，农民处于脆弱状态，宣言对于帮助扭转他们的处境是至关重要的。
38. 农民之路(欧洲)对欧盟的立场表示关切，强调需要重新审视工作组取得进展的领域。必须确保以农产品为生的人的安全和可以获取资源。
39. 农民之路(非洲)提请注意加强国际文书的必要性。发表一项宣言将发出强有力的政治信息，表明农民对人类的未来是至关重要的并提高他们的能见度。
40. 世界渔民论坛强调指出，需要一项维护农民、牧民和其他人的集体人权的综合性文书。
41. 国际印第安人条约理事会表示，深受新宣言草案的鼓舞，宣言草案显然是基于人权标准。它对一些国家不承认农民集体权利的发言表示关切。
42. 农民之路(巴勒斯坦)强调指出，需要保护农民获得种子和土地的机会，这是农民生活的基本组成部分。该代表着重阐述了种子和土地现在被用来从事投机买卖的方式。
43. 世界土著游牧民联盟指出，游牧生活方式受到强制畜牧业产业化的威胁，游牧生活特性正在受到侵蚀。牧民有权以游牧方式生活。
44. 农民之路(北美洲)强调了代表移民工人和季节性工人的重要性，并强调指出，许多年轻人不再想在农村劳动，而宣言草案激发了年轻人的希望。
45. 欧洲—第三世界中心指出，宣言反映了商定的措词，案文是成熟的，是一套连贯一致的条文。现在是通过的时候了。
46. 其他一些民间社会组织指出，现有的国际人权框架偏重于城市，需要加以纠正以确保普遍性。规范分散在几个文书中，是不完整的。在农业用水、种子及土地权利方面存在法规空白。
47. 国际食品、农业、旅馆、饭店、餐饮、烟草和同业工会联合会指出，在实质性条文中，需要明确解决农村工人遭受剥削的情况。

五. 宣读宣言草案

A. 第 1 至 4 条

1. 第 1 条

第 1 段

48. 危地马拉指出，“农民”的定义以一个群体的经济活动为依据，没有包括影响农民的贫困因素，危地马拉对此表示关切。危地马拉要求对“对土地有依附关

系”和“农村地区”的含义加以澄清。危地马拉认为，集体权利仅在涉及自决问题时才得到过承认。

49. 南非建议在定义中包括“小户农民生产”一词，并提及也住在农村地区的其他人，譬如不工作的儿童。国际劳工组织建议插入关于儿童的措词。

50. 国际人权网建议，在定义中包括农村地区的其他工人，譬如，从事观光农业的农民和从事采矿业的农民。其他一些民间社会组织建议，包括佃农和租地农民，这些人易受强制迁离，地位脆弱。

51. 欧洲—第三世界中心回顾称，第1条是基于各国在粮农组织通过的案文，也是与直接有关的人和由于全球化变得脆弱的人进行磋商得出的结果。

52. 关于“单独或与他人联合或作为一个社群”一词，Golay 先生解释称，“或”一字是提供不同可能性，并具体说明，除其他外，世界粮食安全委员会通过的2012年《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》中载有“承认土著人民之外群体的集体权利”的提法。

第3段

53. 哥伦比亚建议删去第3段，认为它可能歧视少数群体，如非洲人后裔。危地马拉也建议删去此段。厄瓜多尔表示，可以通过包括其他群体来加强此段。妇女经济、社会及文化权利方案建议，在名单中列入达利特人。

第4段

54. 欧洲联盟和突尼斯建议，增加“以及如国家法律规定的”。瑞士强调指出，移民工人和季节性工人在开始工作之前需要得到依法批准。

55. 约旦保留对第4段的立场，特别是对关于“移民工人和季节性工人，不论其法律地位如何”的措词。

56. 国际劳工组织表示赞成第4段，并提到领取薪酬的农村工人人数报告不足。国际食品、农业、旅馆、饭店、餐饮、烟草和同业工会联合会对此表示同意，并建议以“雇佣的工人，包括”代替“雇佣的工人，以及”。

57. 厄瓜多尔指出，宣言意在使愿望胜过地方法律。菲律宾表示同意厄瓜多尔的意见。厄瓜多尔补充称，没有法律地位的人特别脆弱。

2. 第2条

58. 危地马拉表示同意其他一些国家表示的某些保留意见。较一般地说，它指出，条文之间有相互矛盾之处，一方面提到国家义务，另一方面又提到了作为非约束性文件的地位。

59. 俄罗斯联邦指出，第2条涉及到一些敏感问题，如域外适用。它不能支持目前的条文。

60. 欧洲联盟再次表示，在整条中，应以“人”取代“人民”。哥伦比亚对此表示赞同。埃及表示，应酌情保留“人民”，以与宣言草案的标题和人权理事会有关决议相一致。

第 1 段

61. 欧盟建议从第一句中删去“两者”、“本国领土以外”及“其他适当”。
62. 瑞士建议，第 1 段的措词应与《经济、社会及文化权利国际公约》第二条第(1)款的措词相似。南非同意瑞士关于完全“逐步完全落实”的提法，这种措辞与《公约》所使用的提法一致。南非建议删去“的要素”，俄罗斯联邦表示同意。
63. 智利要求对第 1 段关于域外适用的实际实施进行澄清，巴西、哥伦比亚、埃及、危地马拉、印度、菲律宾、俄罗斯联邦及乌拉圭也有同样要求。阿根廷建议，增加“根据各国的国内法律秩序”。厄瓜多尔表示，域外维护人权是可行的。危地马拉要求对“进步的直接的义务”进行澄清。
64. 厄瓜多尔要求西班牙语译文与英文一致，西班牙语译文未提及域外管辖权。
65. 妇女经济、社会及文化权利方案建议删去“无法立即保证”。
66. 专家们解释称，第 2 条整体是以现行法律为依据的，宣言草案在为农民和其他农村地区劳动者实施宣言上提供了准则。
67. 约旦保留对第 1 段的原有立场。

第 2 段

68. 墨西哥指出，第 2 段应明确论述多种形式的歧视。

第 3 段

69. 欧盟建议，以“应当”取代“将”，删去“以期征得农民和农村地区其他劳动者自由、事先和知情的同意”。
70. 瑞士询问，一般适用于土著人民的“自由、事先和知情同意”概念，如何适用于农村劳动者。乌拉圭为了更好地理解第 3 段而问了问题。
71. 南非支持“自由、事先和知情同意”原则，并强调指出，在跨国公司和发展项目的管理方面，这一原则是相关的。
72. 墨西哥承认磋商的义务，但不同意将其适用于所有政府决定。按照目前的措词，这一段可能会对土著人民的权利产生不利影响，应写得更具体些。
73. 危地马拉不同意第 3 段的措辞，认为这可能会损害土著人民的权利。
74. 俄罗斯联邦指出，在土著人民的权利方面，“自由、事先和知情同意”仍然是个有争议的问题，不清楚这一原则如何适用于农村社区。俄罗斯联邦虽然不反对纳入这一表述，但要求对如何具体适用于农民进行澄清。
75. 埃及表示，埃及《宪法》承认磋商原则，但不承认事先同意的原则。因此，埃及不能同意将这一原则写入第 3 段。
76. 厄瓜多尔表示，第 3 段不是像其他国家所说的将损害土著人民的权利，而是加强了其他标准，譬如国际劳工组织《1989 年土著和部落人民公约》(第 169 号)。

77. 专家和民间社会组织代表解释称，在国际法中，已经很好地规定了“自由、事先和知情同意”原则。这一原则是在涉及农民权利、生计及尊严的决策中的要素。即使这一原则在历史上适用于土著人民，将这一原则延伸至农民是正确的。该原则中的自由同意，是防止强迫的重要保障。

第 4 段

78. 危地马拉和印度建议删去第 4 段。约旦表示对第 4 段持保留意见，认为第 4 段的意思不清楚。

79. 厄瓜多尔指出，第 4 段要求与人权标准相符，是至关重要的，应该全面实施。

第 5 段

80. 欧盟建议，在第一句中，用“促进对……尊重”来取代“确保”。

81. 关于对私营部门活动的监管，厄瓜多尔指出，这一规定对于保护农民而言是至关重要的，他们往往容易被强制迁移。

第 6 段

82. 瑞士指出，第 6 段所设想的伙伴关系应包括私营部门，并建议在第 6(d)分段中，提及共同商定的条件。

83. 危地马拉表示，第 6(e)分段关于市场管理的内容，是世界贸易组织应该处理的问题，因为即使在有政治意愿的情况下执行这一规定都具有复杂性。巴西对此表示同意。阿根廷建议，在第 6(e)分段中，以“市场运作”取代“市场管理”，因为建议的措词较少强制性。

84. 欧洲联盟建议，在第 6(a)分段中，在“确保”之前插入“酌情”。在第 6(d)分段中，在“技术转让”之前插入“自愿”。

3. 第 3 条

85. 瑞士建议，在被禁止的歧视理由清单中，增加“出身”。乌拉圭对没有包括在内的理由表示关切，建议以“一切形式的歧视”取代清单，以便各国能够根据本国法律来解释该条款文。

86. 智利和哥伦比亚强调了包含性别认同和性取向在内的全面清单的重要性，埃及和俄罗斯联邦对此表示反对。一个民间社会组织提出增加“法律地位”。

87. 欧洲联盟建议，在第 1 段中，在《世界人权宣言》之后插入“一切”，在“理由”之前加上“任何”。

88. 智利要求恢复草案上一版本的措词。埃及和约旦要求将关于不歧视的措辞与《公民权利和政治权利国际公约》第二条列出的歧视理由的措词一致。

89. 多民族玻利维亚国和乌拉圭建议，在第 1 段中增加关于多重和交叉形式的歧视的内容。

90. 危地马拉认为，在国际法中，唯一的集体权利是自决权。欧盟、哥伦比亚、危地马拉及瑞士建议，删去“单独和集体”的措词。

91. 多民族玻利维亚国和古巴支持包括单独和集体表达权利的措辞，指出许多权利适用于群体，譬如社区。

92. Golay 先生建议，可以使用第 1(1)条中“单独或与他人联合”的措词。

4. 第 4 条

93. 墨西哥提请注意条文需要反映多种和交叉形式的歧视。一些国家代表强调指出，在条文中需要确认妇女的贡献。

94. 欧洲联盟建议，增加一个关于妇女享有自己购买和处置土地及继承土地的权利的分段。妇女经济、社会及文化权利方案表示支持。

95. 关于第 2(a)分段，瑞士建议：“全面、平等、有效地参与各级旨在促进性别平等的发展规划的制订和执行工作”。墨西哥支持这一建议。

96. 欧洲联盟建议，在第 2(b)分段中，提及能达到的最高标准的身心健康。该建议得到危地马拉的支持。瑞士建议，在第 2(g)分段中，在“获得”之前加上“平等地”。

97. 国际劳工组织建议，在第 2(e)分段中，在“合作社”之前加上“、协会”。

98. 关于第 2(g)分段，国际劳工组织建议，在“信贷和贷款”之前插入“金融服务，如”，增加“租赁和保险”，删去“农业”。

99. 危地马拉回顾了几个国家对第 2(h)分段的保留，特别是对关于土地改革的提法。

100. 国际劳工组织建议，在第 2(h)分段中包含土地和自然资源的平等权利。墨西哥指出，重要的是说明使用自然资源应充分遵守环境法，避免使用这些资源产生负面影响。

101. 关于第 2(i)分段，国际劳工组织建议，在“同酬”之后插入“同值工作”，将“福利”改为“保障”。

102. 关于第 2(j)分段，欧洲联盟建议，在“暴力”之前插入“所有形式的”。农民之路对此表示赞同。瑞士建议采用“免受暴力侵害，包括家庭暴力、性暴力及其他形式的基于性别的暴力、女性生殖器官切割及儿童早婚和强迫婚姻”的措词，这是基于大会第 68/139 号决议的措辞。

103. 埃及和约旦要求删去第 2(k)分段，因为它源自《消除对妇女一切形式歧视公约》第十六条，而埃及和约旦对此条持保留态度。

104. 国际粮食第一信息和行动网建议，增加关于对妇女获取资源有不利影响的传统做法的提法。

105. 其他非政府组织就关于基本服务、妇女的照料责任及数字鸿沟的措词提出了建议。

106. 农民之路提出，注意需要阐明各国防止法律上和事实上对妇女的歧视的义务。

107. 瑞士告知与会者，它即将送来关于更多段落的建议。

108. 南非对目前精练的文本表示赞赏，支持在文本纳入关于妇女在粮食安全中的作用的语言。

B. 第 5 至 8 条

1. 第 5 条

第 1 段

109. 欧洲联盟指出，自然资源权利不存在，因此建议删去“有权获得”，取而代之使用“获得和利用自然资源”的措词。

110. 几个国家指出，自然资源是公有财产，它们的使用和开采受国家法律管制。

111. 巴西、约旦及俄罗斯联邦赞同埃及关于在该段末尾增加“根据国家法律法规”的建议。此外，欧盟和埃及建议，将“参与”改为“受到咨询”。约旦重申对第 5 条、特别是第 1 段持保留态度。

112. 危地马拉表示，由于与危地马拉《宪法》和国家法律冲突，它在自然资源权利上持保留态度，不能接受目前第 1 段的提法。

113. 瑞士认为，第 5 条第(1)段的措词参照《生物多样性公约》第 15 条的措词可能会更好。同样，它建议，第 1 段第 2 部分可以从借用《粮食和农业植物遗传资源国际条约》第 9 条第(2)款(b)项的准确措辞受益。

114. 农民之路几个分会强调指出，自然资源权利是确保农民生计的关键，往往被视为事实上的权利，需要在宣言中明确确认这一点。

115. 世界土著游牧民联盟建议，以“这些社群所在地的”替换“社区内的”。

第 3 段

116. 瑞士和妇女经济、社会及文化权利方案建议，在第 3(a)分段中，增加“经济影响”和“性别指标”。

117. 俄罗斯联邦提出，第 3 段中的措辞和术语不准确地暗示该文书是一个具有法律约束力的文件，要求对措词进行相应的修改。

118. 埃及建议，第 3(b)分段中，删去关于“自由、事先和知情同意”的措辞。墨西哥表示，可以参照其他文书使用的语言，对关于“协商”的措辞进行修改，以确保执行。

119. 瑞士建议，在第 3(c)分段中，采用《粮食和农业植物遗传资源国际条约》或《生物多样性公约》及其《关于获取遗传资源以及公正和公平地分享其利用所产生惠益的名古屋议定书》的用语。

120. 厄瓜多尔指出，第 3 段的措词来自已经通过的文书，并强调指出，在保护农民权利方面向前迈进一步的同时，需要与目前使用的语言保持一致。

121. 世界土著游牧民联盟提请注意，开采不应导致驱赶群体，可能需要事先获得同意。

2. 第 6 条

122. 没有口头发言。

3. 第 7 条

123. 欧洲联盟建议，在第 2 段中，在“国际协定”之后，插入“和根据国家法律规定”。

124. 墨西哥指出，第 2 段措辞不够明确，未阐明对于不同人民的不同迁徙政策。瑞士对第 2 段的涵义范围表示疑虑，并征求其他国家的意见。

125. 智利表示，它对第 2 段使用的关于人员迁徙自由的措辞没有问题，但由于需要保护动植物，因而不能确保动植物迁徙自由。

126. 欧洲联盟和危地马拉建议，在第 3 段中，删去对土著人民的具体提及。危地马拉认为，草案不能提及任何跨界土地保有权问题。瑞士指出，第 3 段措辞应与粮农组织关于保有权的自愿准则一致。

127. 几个非政府组织对修改或删去第 2 段的意图表示真实关切，提请注意，例如，小规模渔民可能会被另一个国家的主管部门逮捕，会受潮汐的影响，会向错误方向漂移。

4. 第 8 条

128. 欧洲联盟和危地马拉建议，从第 2 段中删去“单独和集体”；从第 3 段中删去“单独一人或与他人一起”。Claeys 女士建设性地建议，采用经济、社会、文化权利委员会关于人人有权参加文化生活的第 21 号一般性意见(2009 年)使用的语言，其中指出“个人或与他人联合或在社区或在群体内”行使权利。

129. 韩国妇女农民协会建议，从第 1 和第 2 段中删去“和平”一词。

130. 国际印第安人条约理事会指出，在与许多土著人组织协商之后，它可以接受删去对土著人民的提及，但不能接受删去对集体权利的提及。农民之路(欧洲)强调指出，对于旨在维护农民权利的工会活动来说，集体权利是重要的。

C. 第 9 至 12 条

1. 第 9 条

131. 埃及建议，使第 9 条与《公民权利和政治权利国际公约》第二十二条第(2)款一致。俄罗斯联邦对此表示赞同。Golay 先生澄清说，《联合国土著人民权利宣言》没有提遵守国家法律，建议采用该《宣言》第四十六条第(3)款使用的措辞。

132. 国际劳工组织建议，在第 1 段中增加集体谈判权。该建议得到厄瓜多尔和国际食品、农业、旅馆、饭店、餐饮、烟草和同业工会联合会的支持。

133. 危地马拉建议，在第 2 段中，从“壮大和开展合法活动”一句中删去“他们的”，并使第 2 段与国际劳工组织《1975 年农村工人组织公约》(第 141 号)第五条第(1)款相一致。

134. 国际劳工组织建议，从第 2 段第 1 句中删去“合作社和其他组织”，并在“农村地区其他劳动者”之后，插入“包括工会、合作社及其他社会经济组织和团结经济组织”。

135. 国际食品、农业、旅馆、饭店、餐饮、烟草和同业工会联合会建议，在第 2 段中插入“积极鼓励”的措辞，如国际劳工组织《1975 年农村工人组织公约》(第 141 号)中所使用的语言。厄瓜多尔表示，支持的目的是帮助解决农民与同行谈判立场之间的不平衡。

136. 农民之路(韩国)支持第 9(1)条。

2. 第 10 条

137. 欧洲联盟建议，从标题中删去“权利”，标题应读为“参与”。在整个条文中都以“应该参与”取代“有权参与”。

138. 埃及建议，在第 3 段中，加上“根据国家法律法规”。

139. 危地马拉认为，不对“参与”一词加以限定，建议删去第 1 段中的“有意义和知情的”。应该从第 3 段中删去“土地和生计”。

3. 第 11 条

140. 欧洲联盟和危地马拉建议，删去标题中的“权利”一词。瑞士不反对在第 11 条中使用“权利”一词。厄瓜多尔则认为，如果删去“权利”一词，则该条款文将失去意义。

141. 关于第 2 段，危地马拉询问各国如何确保有效的参与。它指出，更恰当地表述是，各国应该只是为参加创造有利于条件。该段不应提及土地和生计。

142. 关于第 3 段，墨西哥指出，各国必须确保认证标准无区别地普遍适用于所有人。

143. 几个民间社会组织表示，支持将获得信息的权利纳入宣言草案。另一个民间社会组织建议，纳入获得适当技术和使用数字化信息系统的权利及获得关于天气预报和灾害预报信息的权利。

4. 第 12 条

144. 欧洲联盟建议，用关于获得解决争端的公正程序的措辞来取代第 1 段。埃及建议，将“人权标准”改为“根据国际人权法承担的有关义务”。

145. 危地马拉反对在第 1 段提及个人和集体权利，对农民法律制度的存在提出质疑。它要求除国际标准外还要提及国内法律。

146. 危地马拉表示更倾向于使用第 2 段原先的措辞。

147. 农民之路(印度)建议，在第 3 段中，以“国家应采取适当措施”取代“国家应考虑采取额外措施”。

148. 关于第 4 段，欧洲联盟建议提及有效的、独立的、多元化的国家机构。萨尔瓦多表示，宣言草案应阐明各国为加强国家人权机构需要采取什么行动，并可以提及《关于促进和保护人权的国家机构的地位的原则》(《巴黎原则》)。

149. 欧洲联盟建议，在第 5 段中，删去“强迫同化或融合”。危地马拉指出，第 5 段的措辞预先制止财产保有权争端的结果，因此妨碍了司法制度的公正性。

150. 国际团结协会法国委员会和妇女经济、社会及文化权利方案建议，增加一段关于禁止以发展的名义批准非自愿迁移的条文。

151. 几名民间社会组织代表强调，需要免费的法律援助，建议增加这类语言。

D. 第 13 至 16 条

1. 第 13 条

152. 欧洲联盟建议，重新拟定该条的标题，以反映《经济、社会及文化权利国际公约》第六条的条文。国际劳工组织建议标题提及“体面工作”，建议增加一段关于童工的条文，并就具体措词提出了建议。

153. 法律与社会研究中心民间协会建议，在第 1 段中增加“季节性工人和移民工人”，以保持一致。

154. 危地马拉对第 2 段措词来源表示理解，但是同时对目前的措辞表示关切，它建议各国应该如何采取行动解决问题。

155. 埃及建议，将第 2 段分为两段。第二段从“在农村贫困程度高的国家”开始，并建议提及国际合作的重要性。

156. 欧洲联盟建议，在第 3 段中，在“劳动监察机构”之后插入“酌情”。

157. 国际劳工组织建议，在第 4 段，增加强制劳动的措辞，以与国际标准一致。它具体地建议，在第一句末尾加上“成为人口贩运的受害者或当代任何形式的奴隶制的受害者”。在第二句中，“一切形式的当代奴隶制”提法可能比“经济剥削”的提法更为适当。

158. 关于增加关于童工的一段，Golay 先生建议，在序言中提及国际劳工组织公约，并在宣言正文中增加具体语言。关于在第 2 段中增加提及“国际合作”，他表示，宣言草案的其他分段一般地论述了这个问题。

2. 第 14 条

159. 欧盟建议，在第 1 段关于“移民工人”的措辞中，增加“根据国家法律规定”。厄瓜多尔表示，使第 1 段服从国内法律，可能被理解为剥夺在一定领土上非法工作的人获得安全和健康的权利。Golay 先生建议，一种解决办法可能是，增加与《联合国土著人民权利宣言》关于对行使权利的限制第四十六条第(2)款所载的语言相似的语言。

160. 国际劳工组织建议第 1 段更详细地阐述防止、减少及控制危险和风险的措施。

161. 妇女经济、社会及文化权利方案建议，在第 1 段“骚扰”之前插入“性”，并增加包含有“工人不应因自己摆脱危险而处于任何不利地位”意思的措辞。它建议，提及在工作场所提供育儿设施，确保前往有安全和负担得起的交通服务。

162. 国际劳工组织建议，以“有害物质或有毒化学品”取代从“农业化学品”开始的第2段的后半部分。它还建议，第3段以与国际劳工组织文书有关的措辞开始，并包括详细的适当措施。

163. 印度建议，考虑各国的制度差异，在第3段“负责机关”之前插入“适当的主管”。

164. 劳工组织建议，在第4段中，增加报告制度和职业安全与健康教育两个分段。它还建议，在(a)段的“化学品的”之后插入“经销”和“使用”。在(c)段中，以“追踪”替换“安全”，以“预防”取代“避免”。此外，它还建议，增加两个关于制度和雇主职责的分段。阿根廷表示倾向于使用已经商定的语言。

165. 农民之路(欧洲)建议，在第4段，增加关于在工作场所保护免受可能危及安全和健康的化学品和技术的伤害的分段。

3. 第15条

166. 欧洲联盟建议，将标题修改为“获得适足食物的权利”，删去“和粮食主权”，因为粮食主权利不存在。因此，欧洲联盟要求删去第2段，在第3段中以“适足”取代“主权”。其他代表团(智利、埃及、危地马拉、新西兰、巴拉圭及瑞士)也表示了类似的关切。埃及建议，使用“适足食物”一词。印度建议，使用“获得食物和免于饥饿的权利”。其他国家则建议使用“粮食安全”。巴西询问是否可能使“粮食主权”与其他用词融合。乌拉圭询问，既然“粮食安全”的概念已经存在并得到各国政府赞同，为什么选择了“粮食主权”一词。阿根廷表示倾向于使用以前商定的语言。

167. 瑞士建议，以可持续发展目标3关于可持续消费和生产方式的措辞取代“粮食主权”。

168. 新西兰表示，它正在考虑，在大会审议宣言草案时，是投弃权票还是投反对票。

169. 厄瓜多尔指出，大多数条款得到了各国代表团的支持，粮食主权提法引起的问题最多。粮食主权超越粮食安全，包括使用食品的文化权利和祖传权利。

170. 多民族玻利维亚国和南非指出，在宣言中，有可能使粮食安全、食物权及粮食主权一致。多民族玻利维亚国强调指出，国家宪法和区域议会文件中已有粮食主权的提法。

171. 多米尼加共和国和委内瑞拉玻利瓦尔共和国支持该条目前的条文，并认为用“粮食安全”取代“粮食主权”是不恰当的。

172. 若干非政府组织对粮食主权做了澄清，所有发言的民间社会组织都支持在宣言草案中纳入粮食主权概念，认为这是农民权利和生存的重要因素。欧洲—第三世界中心补充称，工作组可以起草表述更清晰的段落，或者可以通过增添注解，解释工作组对粮食主权的理解，这样做并没有任何障碍。

173. 欧洲联盟要求从第4段中删去“文化上可接受的”。瑞士对此表述赞同。欧盟还要求在该段第一句中删去“能通过物质和经济手段获取”之前的“有权”一词。一个民间社会组织回顾称，经济、社会和文化权利委员会在关于取得足够

食物的权利的第 12 号一般性意见(1999 年)已经确认粮食应该是文化上可接受的。

4. 第 16 条

174. 欧洲联盟对将没有确认和界定的权利列出表示严重关切。欧盟和新西兰建议，在“生产资料”之前插入“获得”。

175. 多民族玻利维亚国表示，它希望保留关于“权利”的措辞，并提及《经济、社会及文化权利国际公约》，在《公约》中，生产资料被解读为权利的一部分。

176. 欧洲联盟和危地马拉建议，从第 1 段中删去“单独和集体”。多民族玻利维亚国和委内瑞拉玻利瓦尔共和国表示，它们希望保留关于集体权利的措辞，它反映了行使这些权利的方式。厄瓜多尔解释称，这个措辞反映了农民一直是有组织的，并将继续这样做。

177. Suarez Franco 女士建议，以“单独和与其他人联合或与他人结为团体”取代“单独和集体”。

178. 欧洲联盟、智利、危地马拉及日本建议，在第 3 段中，删去关于定价的句子，因为这种做法干扰自由市场原则。多民族玻利维亚国解释称，关于定价的规定旨在应对投机活动和减少价格波动。厄瓜多尔提到补贴扭曲了市场价格。多米尼加共和国坚持认为，生产者应该能够参与定价，这有助于确保体面的收入。

179. 几个民间社会组织支持这一条。国际劳工组织建议，在第 4 段中，包括关于在农村经济中促进体面的非农就业的就业政策的论述。国际劳工组织承认，草拟的条文是面向小户农场，同时建议，增加关于体面的工资的语言。委内瑞拉玻利瓦尔共和国和国际食品、农业、旅馆、饭店、餐饮、烟草和同业工会联合会对此表示同意。

180. 危地马拉要求对第 5 段所说的“市场失灵”及其与自然灾害的关系进行澄清。委内瑞拉玻利瓦尔共和国表示，鉴于市场是不可预测的，第 5 段是必要的。

181. 农民之路(南非)建议，在第 5 段结尾处，增加“通过创造农业补偿基金”。

182. 委内瑞拉玻利瓦尔共和国希望维持该条原来的条文。农民之路几个分会维护这一权利，认为这是保护可持续的粮食系统所需要的。

E. 第 17 至 19 条

1. 第 17 条

183. 欧洲联盟表示，没有土地权，因此该条的标题和内容应读为“获得土地”；该立场得到俄罗斯联邦的支持。古巴呼吁在该条的标题中体现土地改革。

184. 欧洲联盟重申，应删去“单独和集体”一词，并建议在第 1 段第一行“获得”之前插入“应该”。

185. 大韩民国表示在土地权上持保留态度，并赞同欧洲联盟的意见。危地马拉和约旦也表示对整条持保留态度。

186. 危地马拉和新西兰对扩大土地权表示关切，直到此时，土地权只适用于土著人民。

187. 多民族玻利维亚国维护在标题和第 2 段原来条文中使用“土地权”一词。萨尔瓦多和委内瑞拉玻利瓦尔共和国对此表示赞同。

188. 农民之路(巴勒斯坦)建议，在“房屋”之后插入“和生产资料”。

189. 农民之路的几个分会建议，在第 5 段中的“补偿”应包括具有同等农业价值的土地和自然资源，“补偿”应足以恢复农业生产，且在不归还条件下提供给农民。

190. 关于第 6 段，大韩民国提出了以下建议：在第一句中，将“进行再分配性质的土地改革”改为“出台国内法律”；在第二句话中，以“国家应该”取代“再分配改革必须”，以“应该”取代“将”；在最后一句中，以“获得”取代“分配”。欧盟建议，在同一段第一句中，用“可以酌情决定实行”来替代“应进行”。

191. 俄罗斯联邦指出，该条有问题，因为若干内容违反俄罗斯法律，特别是第 6 段。它要求将“应进行”改为“酌情决定实行”。

192. 厄瓜多尔赞同国际印第安人条约理事会的建议，即增加一条类似于《联合国土著人民权利宣言》第四十五条的条文。

193. 几个民间社会组织强调指出了土地权和宣言包括实行重新分配的土地改革的重要性，特别是包括国家实行土地改革的义务。

2. 第 18 条

第 1 段

194. 欧洲联盟表示，它无法支持关于环境权的条文，并提议使用获得安全、清洁和健康的环境的措辞。

195. 瑞士表示，许多国家没有承认环境权，它发现很难确认农民的这一权利。该代表建议，以人权理事会第 34/20 号决议第 6(a)段中的条文替换这一条的条文。

196. 南非表示，这一进程的目的，是在国际一级制定规范。多民族玻利维亚国和委内瑞拉玻利瓦尔共和国表示支持第 18 条目前的条文。

197. 世界渔民论坛表示，鉴于许多国家已经确认权利，用“获得”取代“权利”是不适当的。

第 2 段

198. 欧洲联盟建议，在“养护和保护环境”之前插入“为……做贡献”。危地马拉对此表示同意。

199. 危地马拉询问该段中的“领地或农民领地”是否存在。Golay 先生建议，在“土地或领地和资源”之后加上“他们使用、管理和控制的”的措辞，可以澄清草案提到哪些资源。

第 4 段

200. 欧洲联盟建议，以“履行国际义务”取代“采取有效措施”。厄瓜多尔指出，在采取有效措施的同时，也可履行国际义务。

201. 欧洲联盟建议，将“材料”改为“废物”，并删去关于“自由、事先和知情同意”的措辞。厄瓜多尔表示，需要对“自由、事先和知情同意”进行讨论。如何在语言上取得平衡，值得重视。

202. 危地马拉不同意在第 4 段中将土著人民的权利扩大至农民。

203. 厄瓜多尔表示，在第 4 段中提及土地和领地是相关的，因为有毒废物污染可能会影响到任何群体的土地和资源，而不仅仅是土著人民的土地和资源。

204. 妇女经济、社会和文化权利方案建议，在第 18 条中，提及一个没有一切形式的暴力和歧视的环境，以及可以为谋生和家庭获得清洁的可再生的能源。

205. 农民之路(巴勒斯坦)建议，增加关于武器和弹药影响生物多样性、安全和有效使用土地以及污染者有恢复原状的责任的条文。

3. 第 19 条

206. 乌拉圭强调指出，应根据各国在知识产权方面承担的国际义务和承诺，来审议该条。危地马拉告知与会者，目前正在就第 19 条与国内法律及已批准的国际文书的兼容性进行磋商，因此对该条整条持保留态度。

207. 巴西询问如何确保第 19 条与《粮食和农业植物遗传资源国际条约》的兼容性。瑞士建议，以《粮食和农业植物遗传资源国际条约》的第九条替换宣言草案整个第 19 条，第九条包含了宣言草案的主要内容。

208. 欧洲联盟表示，它们不同意关于种子权的提法，因为这种提法与国际公约不相符。该条提“获得种子”更为恰当。第 1 段和第 3 段也应提“获得”。日本和大韩民国对此表示同意。

209. 多民族玻利维亚国表示，种子权已经在《粮食和农业植物遗传资源国际条约》中得到确认，在国际种子比农民有优势的背景下，宣言草案第 19 条旨在促进实现权利的再平衡。

第 1 段

210. 欧洲联盟建议，删去第 1(a)分段。它解释称，宣言不应包括该分段列出的权利。厄瓜多尔指出，删去第 1(a)分段将是错误的，因为必须保留传统知识；否则，例如，取得配方的专利权将对地方社区使用传统知识的能力产生负面影响。该代表补充称，粮农组织的文书没有限制知识产权制度。

211. 智利建议，在第 1 段中纳入“服从国家法律”的措辞，如在《粮食和农业植物遗传资源国际条约》中的提法。大韩民国对此表示同意。智利询问，宣言草案涵盖的种子是否可以扩大至《条约》附件所列作物之外的种子。

212. 农民之路(欧洲)建议，在第 1(d)分段中，将“农场自留的”改为“他们的”。

第 2 至 8 段

213. 欧洲联盟建议，在第 2 段中，以“应该能够”替代“有权利”。委内瑞拉玻利瓦尔共和国表示，需要在整条中保留“权利”一词。它建议，在第 2 段中，增加“祖传知识和做法”的措辞。

214. 智利询问，宣言草案所涵盖的种子，是否是一代代保存的种子，以及该条是否不包括第三方拥有的种子。

215. 欧洲联盟建议，删去第 3 段。智利要求对该段设想的措施类型进行澄清。

216. 智利要求对第 6 段中的“种子体系”的含义进行澄清。

217. 欧洲联盟建议，在第 7 段中，以“适当考虑”取代“以……为导向”。日本表示同意。

218. 欧洲联盟建议，在第 8 段中，删去“特别是种子权”一词。

219. 智利表示，需要对知识产权和贸易问题进行讨论，因为各种文件之间需要协同增效。

220. 欧洲—第三世界中心建议，宣言包括要求各国促进和支持农民种子库、原地保存和开发种子及采取措施对诸如农业跨国公司等非国家行为者进行管理的内容。

221. 其他民间社会组织的发言集中于需要保留第 19 条，保留“权利”一词。它们强调指出，第 19 条与其他国际协定没有矛盾。

F. 第 20 至 23 条

1. 第 20 条

222. 欧洲联盟建议，从标题中删去“权利”。厄瓜多尔表示，需要对删去“权利”一词的任何努力进行分析，厄瓜多尔原则上反对删去这个词。委内瑞拉玻利瓦尔共和国对此表示同意。Goïta 先生补充称，国家和区域一级的法律已经承认地方社区享有拥有生物多样性的权利，而且在宣言草案中的确认与国际环境法并没有分歧。

223. 危地马拉告诉与会者，它正在就第 20 条与国内法的兼容性进行磋商，因此它对此条整条持保留态度。

224. 瑞士指出，宣言草案第 20 条与第 26 条的一些因素有重复，应在《粮食和农业植物遗传资源国际条约》第 9 条第(2)款(a)项的基础上讨论该条。

225. 民间社会组织表示支持这一条。一个组织建议，需要在第 20 条中包括对动物育种的保护。

第 1 段

226. 欧洲联盟和危地马拉建议，删去“单独或集体”的措辞。委内瑞拉玻利瓦尔共和国对此表示反对，因为承认集体权利符合《生物多样性公约关于获取遗传资源和公正和公平分享其利用所产生惠益的名古屋议定书》。

227. 瑞士建议，增加“林业”。厄瓜多尔对此表示同意。世界渔民论坛建议，从第 1 段最后一句中删去“农业”一词，以便生物多样性权利被理解为涵盖林业和渔业。

228. 世界土著游牧民联盟建议，在第 20 条中，增加特别提及牲畜饲养者的权利的内容。

229. 在回答几个询问时，Esquinas 先生解释称，“相关知识”包括关于如何使用植物的知识。

230. 几个非政府组织强调指出农民权利与生物多样性之间的关系，其中包括提及人权与环境问题特别报告员 2018 年 3 月发表的关于生物多样性丧失造成的许多负面影响的发言。

第 3 至 4 段

231. 欧洲联盟建议，删去第 3 段。瑞士对此表示同意。厄瓜多尔不同意该建议，但表示愿意寻找所有国家都可以接受的条文。

232. 一个民间社会组织建议，在第 3 段中插入人权协定的内容；在第 4 段中，以“避免”取代“减少”。

2. 第 21 条

233. 瑞士建议使该条的标题与人权理事会第 33/10 号决议的用词一致。

234. 多民族玻利维亚国、巴拿马、南非、委内瑞拉玻利瓦尔共和国及农民之路的许多分会代表强调了获得饮用水的权利对于生命权的重要性，表示支持第 21 条目前的条文草案。

235. 危地马拉对该条保护一个群体权利的措辞可能导致侵犯其他群体的权利表示忧虑。该代表告诉与会者称，鉴于危地马拉正在就该条进行磋商，因此对该条整体持保留态度。

236. 瑞士提请注意，第 1 段的法文译文与英文原文(源自大会第 64/292 号决议)不相符。

237. 南非建议，在第 1 段中，增加提及尊严的措辞。

238. 哥伦比亚建议，第 1 段也提及水权的其他方面，例如水的可用性、质量及持续获得性。农民之路(欧洲)支持这一建议。

239. 国际食品、农业、旅馆、饭店、餐饮、烟草和同业工会联合会和国际劳工组织强调在第 2 段中增加“在工作场所获得免费饮用水的可能性”的重要性。

240. 瑞士建议，在第 3 段末尾，增加大会第 66/288 号决议题为“我们希望的将来”的附件第 109 段的用词。

241. 关于第 3 段，欧洲联盟提出以下建议：在“采取措施”之后插入“和努力”，在“弱势或边缘群体”之前插入“属于”，以及在“移民(不论其法律地位如何)”之后增加“如国家法律规定”的措辞。

242. 瑞士建议使第 4 段的用词与可持续发展目标 6.6 的用词一致。

243. 农民之路维护该条，提请注意获得饮用水的权利影响农民从事农业生产。

3. 第 22 条

244. 欧洲联盟建议, 在第 2 段中, 删去“不论其法律地位如何”。瑞士支持这一建议。国际劳工组织建议, 根据国际劳工组织《1962 年(社会保障)同等待遇公约》(第 118 号), 在“待遇”之前插入“国民”。

245. 巴拿马建议, 删去第 2 段, 因为同一条第 3 段也包括第 2 段的条文。巴拿马还指出, 使用“不论”一词使问题复杂化。Golay 先生表示, 从第 22 条中删去“不论他们的地位如何”将违反国际劳工组织公约。

246. 佛罗里达州农业工人协会和欧洲—第三世界中心强调指出, 无证件的移民工人不应被排除在社会保障权之外, 第 2 段应全部保留。

247. 关于第 3 段, 国际劳工组织建议, 用“加强”取代“维持”。妇女经济、社会和文化权利方案表示, 社会保障应涵盖暴力和因为意外事件、儿童照管和生育计划而丧失生计, 并且可以携带社会保障。

248. 国际劳工组织和妇女经济、社会和文化权利方案建议, 在第 4 段中, 增加关于制度和程序充分性的语言。

4. 第 23 条

249. 欧洲联盟要求标题与商定的语言一致, 改读为: “人人有权享有能达到的最高标准身心健康”。农民之路(非洲)建议, 标题提及“适足健康权”。

250. 国际劳工组织建议, 第 3 段提及医务人员的体面工作条件。

G. 第 24 至 27 条及序言

1. 第 24 条

251. 危地马拉报告称, 正在就第 24 条与国内法的兼容性进行磋商。

252. 多民族玻利维亚国和委内瑞拉玻利瓦尔共和国支持该条的内容。南非建议, 使第 1 段第一句与商定的语言一致, 并加上“和在这方面的不歧视权利”。

253. 几个非政府组织发言, 强调适足住房权的重要性。一个民间社会组织建议, 增加阐述自然灾害问题及移民农村工人和季节性农村工人的适足住房问题的段落。

2. 第 25 条

254. 欧洲联盟和危地马拉建议, 删去第 1 段第二句, 因为它可能含有允许不符合人权的因素的含义。

255. 瑞士建议, 在第 1 段末尾, 在“农村地区”之后, 增加“和可能认为有助于可持续发展目标 4 的”。厄瓜多尔认为, 这一建议是有重要的。

256. 国际劳工组织建议, 在第 1 段最后一句, 在“他们将”之后, 增加“维护和促进人权的普遍性和”。

257. 国际劳工组织建议, 在第 3 段中增加关于童工的条文。厄瓜多尔、乌拉圭及农民之路(欧洲)表示赞同,

258. 根据多民族玻利维亚国的意见，不应该忽视替代性教育制度，该条应该保留草案条文，以保护农村地区人民的利益。厄瓜多尔强调了农民教育和培训的重要性，包括以他们自己的语言进行教育和培训。

3. 第 26 条

259. 阿根廷、智利及危地马拉指出，关于第 26 条的讨论不应先于世界知识产权组织就传统知识进行的谈判。

260. 欧洲联盟要求从第 2 段中删去“单独或集体”。瑞士指出，第 1 段与第 19(2)和第 20(2)条论述的问题重复。

261. 厄瓜多尔和委内瑞拉玻利瓦尔共和国支持该条，并指出，土著人民之外的群体有不同的文化，并补充指出，文化基本上是集体性的。

262. 几个民间社会组织表示支持这一条，并提及世界知识产权组织正在讨论土著和地方社区传统知识的定义。

4. 第 27 条

263. 欧洲联盟表示，它不想对《联合国土著人民权利宣言》规定的权利进行推断。它建议，删去第 1 段的最后一句。危地马拉支持这一意见，要求对“方式方法”的含义进行澄清。

264. 厄瓜多尔表示，应该保留关于农民参与的语言。

265. 几个民间社会组织代表强调指出了在实现宣言中阐述的权利上参与国际合作的重要性。

266. 农民之路(印度尼西亚)建议，增加一个关于监测和报告的段落，并强调指出，传统知识应被承认为一项人权。

5. 序言

267. 欧洲联盟建议，在整个序言中，将“人民”改为“人”。欧洲—第三世界中心对此表示反对。

268. 危地马拉指出，序言中许多段落涉及危地马拉关切的问题，例如第 1 至 2 条、第 15、17 及 19 条中也提到的问题，因此它对序言这些段落持保留态度。

269. 哥伦比亚对序言涉及诸如环境与气候变化等人权理事会任务之外的问题表示关切。它也对文本中载有诸如“地球母亲”等定义尚未得到接受的概念表示关切。

270. 南非建议，在序言中提及经济、社会和文化权利的可诉性。

271. 国际劳工组织和农民之路建议，在序言中增加一个关于青年人的段落。

272. 欧洲联盟建议，在序言第一段中，将“希望”改为“确认”。国际劳工组织建议，在同一段中，增加提及国际劳工组织《关于工作中基本原则和权利宣言》和国际劳工组织《关于争取公平全球化的社会正义宣言》。

273. 瑞士建议，在序言中，譬如在序言第二段之后，提及《粮食和农业植物遗传资源国际条约》和上述《条约》序言第二十二段的内容，以及使用《条约》序言第三段的语言。瑞士也建议，序言部分提及《条约》第9条第(2)款的用语。

274. 危地马拉反对在序言第三段提及“领地”。

275. 瑞士建议，在序言第四段，采用以下措词：“为可持续发展及在保护和管理水及保护土壤和生物多样性方面”。

276. 欧洲联盟和危地马拉建议，在序言部分第五和第十七段，以“适足的食物”取代“粮食主权”。智利倾向于使用“粮食安全”一词。Esquinas 先生建议在宣言草案中有关于定义的段落。

277. 妇女经济、社会和文化权利方案建议，在序言第九段中列入关于农村妇女、她们缺乏可用的基础设施及妇女无偿照料的负担的措辞。

278. 欧洲联盟和危地马拉建议，在序言第十二段中，删去“善待地球母亲并与之和谐共存”。多民族玻利维亚国对此表示反对。

279. 欧洲联盟和危地马拉建议，在序言第十三段中，用“一些可能存在危险状况的地方”取代“有害和受剥削的环境”。国际食品、农业、旅馆、饭店、餐饮、烟草和同业工会联合会和国际劳工组织建议，在序言同一段中，将“劳动者”改为“工人”。国际劳工组织建议，在“得不到维生工资和社会保护”之前，插入“被剥夺在工作场所行使基本权利的机会”。

280. 国际劳工组织建议，在序言部分第十四段的“团体”之后，插入“协会”。

281. 欧洲联盟建议，在序言部分第十八段，以“在与内部和地方事务有关的事项上，以及在为行使自治职能筹集资金的方法和途径上，行使自决权，享有自主权或自治权”取代从“包括土著农民”开始的段落。

282. 阿根廷解释称，序言第十八段第二部分是它考虑到《联合国土著人民权利宣言》第46条第(1)段而在工作组第三次会议期间提出的建议。

283. 危地马拉表示，在关于“农民”的定义问题得到解决之前，它对序言部分第十八段持保留态度。

284. 国际劳工组织建议，提及与宣言草案特别相关的关于国际劳工标准的文书，特别是国际劳工组织的基本公约和主要公约，以及特别关于在农村经济中的工人的权利和条件及土著人民和部落人民权利和条件的有关文书。

285. 危地马拉对序言第二十二和二十三段的内容表示关切。

286. 几个民间社会组织代表对整个序言表示支持。

六. 主席兼报告员的结论和建议

A. 结论

287. 在 2017 年 5 月 19 日举行的第四届会议第九次即最后一次会议上，联合国农民和其他农村地区劳动者权利草案不限成员名额政府间工作组根据人权理事会在第 30/13 号决议中确定的任务，通过了以下结论：

(a) 工作组注意到粮农组织在本届会议开幕式上发出的信息，注意到国际劳工组织参会；

(b) 工作组同意关于工作组第四届会议审议主席兼报告员编写的经过修改的宣言草案的意见，并对她的努力表示欢迎；

(c) 工作组对各国政府、区域和政治组织、民间社会组织、政府间组织、专家及有关利益攸关方、特别是农民和其他农村地区劳动者代表的建设性谈判、广泛参与及积极合作表示欢迎，并对收到的意见表示欢迎；

(d) 工作组对农民和其他农村地区劳动者的人权状况表示共同的关切，对他们为解决饥饿及保护和改善生物多样性等做的贡献表示感谢，并强调需要尊重、促进、保护及实现他们的人权；

(e) 工作组鼓励各国、民间社会组织及有关利益攸关方在 2017 年 5 月 26 日之前，提交它们在第四届会议上提出的关于宣言草案的建议和条文的书面文本。

B. 主席兼报告员的建议

288. 在工作组会议期间举行的谈判结束之后，主席兼报告员建议：

(a) 继续由主席兼报告员与国家、区域组织及有关利益攸关方、包括学术界代表举行闭会期间磋商；

(b) 召开工作组第五届会议；

(c) 主席兼报告员根据工作组的任务，在工作组第四届会议期间提出的建议、闭会期间的磋商及收到的意见基础上，编写一份经过修改的宣言草案，将修改的文本提交工作组第五届会议审议和进一步讨论，以便完成宣言案文的编写；

(d) 各国和其他有关利益攸关方继续建设性地参与和对话，以迅速通过包容性的有意义的宣言。

Annex I

List of participants

States Members of the Human Rights Council

1. Bangladesh, Belgium, Bolivia (Plurinational State of), Brazil, China, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Germany, Ghana, India, Indonesia, Iraq, Japan, Kenya, Nigeria, Panama, Paraguay, Philippines, Portugal, Republic of Korea, South Africa, Switzerland, Togo, Tunisia, United Arab Emirates, United Kingdom, Venezuela (Bolivarian Republic of).

States Members of the United Nations

2. Algeria, Argentina, Austria, Chile, Colombia, Costa Rica, Czech Republic, Dominican Republic, Estonia, France, Guatemala, Haiti, Honduras, Iran (Islamic Republic of), Italy, Jamaica, Jordan, Luxembourg, Malaysia, Mexico, Morocco, Myanmar, Nepal, New Zealand, Nicaragua, Pakistan, Peru, Romania, Russian Federation, Spain, Syrian Arab Republic, Ukraine, Uruguay, Zambia.

Non-Member States

3. Holy See, State of Palestine

Intergovernmental organizations

4. European Union (EU), Food and Agriculture Organisation of the United States (FAO), International Labour Organization, NAM, 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. Centro de Estudios Legales y Sociales (CELS), Foundation Bread For All (BFA), International Association of Democratic Lawyers (IADL), Programme on Women's Economic, Social and Cultural Rights (PWESCR), Réseau International des Droits Humains (RIDH)

Roster

7. American Anthropological Association, Association of World Citizens, 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. Asociacion Uraba Suiza Colombia, Bäuerliche Erzeugergemeinschaft Schwäbisch Hall w.V. (BESH), Comité français pour la Solidarité Internationale, Community Self Reliance Centre (COSEREC), Farmworkers Association of Florida, Foundation House of Farmers, Korean Women Peasants Association, Landless people movement, Sindicato

Andaluz Trabajadores y trabajadoras, Via Campesina, World Alliance of Mobile Indigenous Pastoralists (WAMIP), World Forum of Fisher People (WFFP), World March of women.

Experts invited by the Chair

Ms. Shivani Chaudhry, Ms. Priscilla Claeys, Professor José Esquinas, Mr. Mamadou Goïta, Mr. Christophe Golay, Ms. Anuradha Mittal, and Ms. Ana Maria Suarez Franco.

Annex II

Summary of statements by panellists**

José Esquinas

José Esquinas reminded the audience more than 70% of the food produced worldwide come from small-scale farming. Hence this declaration is needed to tackle crucial issues faced by peasants and consequently the whole world. If norms were set elsewhere: the declaration consolidated and restated them, facilitating its implementation. Mr. Esquinas emphasized on the importance of the rights to land, natural resources and seeds. He also affirmed that food sovereignty is essential to avoid being at the mercy of markets and losing political sovereignty.

Shivani Chaudhry

Shivani Chaudhry stressed that the proposed declaration is important and unique in that it provides a human rights framework to protect peasants and other rural people, within an environmental and sustainable development paradigm. The acute crisis in rural areas, including that of farmer suicides, reflects a colossal tragedy and global policy failure, making the need for this declaration all the more urgent. The proposed declaration plays a significant role in recognising the individual and collective right to land, as well as the principle of food sovereignty. Ms. Chaudhry stated that the declaration would help meet implementation gaps in the Paris Agreement and the 2030 Agenda for Sustainable Development.

Mamadou Goïta

Mr. Mamadou Goïta drew attention to challenges facing peasants including the technical and natural risks induced by climate changes, the global trend of privatization of land, soil degradation, and the lack of investment in education and professional training for peasants and other people working in rural areas. Consequently, Mr. Goïta expressed the view that the most important aspects of the draft declarations were the recognition of the right to food sovereignty, the right to access and control of resources and associated knowledge and the right to basic social services.

Anuradha Mittal

Ms. Anuradha Mittal underscored that the declaration would be a significant milestone for billions of peasants and rural workers who were stewards of the land and natural resources and were carrying out the much needed agroecological transition of our food system. She called attention to the fact that, in spite of this, peasants were disproportionately impacted by poverty, malnutrition, hunger, and face ongoing threats of displacement and criminalization. She stressed that in view of this, the declaration was a tool urgently needed to both protect and defend the lives, livelihoods and rights to natural resources of the peasants and rural workers.

Priscilla Claeys

Ms. Priscilla Claeys stated that the objective of the drafting of the new declaration was twofold: to apply the most progressive international standards in human rights and to ensure that the human rights international system respond to new challenges such as climate change, natural resource depletion, as well as to difficulties faced by peasants. Elements of the declaration, such as food sovereignty, seek to address them. Food sovereignty is the right of peoples to define and build their own food systems. It is a contemporary version of

** Full statements are available on the webpage of the session:

<http://www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/4thSession.asp>

the right to development, the right to self-determination and the right to dispose of natural resources.

Annex III

List of concrete suggestions

Annex IV contains the concrete oral and written suggestions, where specific languages were proposed on the revised text of the Declaration (A/HRC/WG.15/4/2) presented by the Chair-Rapporteur at the 4th session of the working group by member states and other participants. This document needs to be read in conjunction with the general and other comments included in the body of the present report.

Text in bold indicates a proposal to add new text. Struck-through text indicates a proposal to delete text. Struck-through text immediately followed by text in bold indicates a proposal to replace the struck-through text with the bold text. Text shown in curly brackets indicates a request to delete the entire text. Text in square brackets indicates an expression of reservation to it. A number of additional comments are indicated (when verbatim, they are indicated with “<” and “>”).

Preamble

IUF, comment:

<We would like to see a more comprehensive reference to the ILO and its instrument back in the preamble in the same form as the reference in the current draft to the FAO.>

Golay, expert: suggested that reference to ILO conventions should be made in the preamble and that the specific language be added in the body of the declaration.

Preambular paragraph 1:

EU

PP1. ~~*Wishing*~~ ***Acknowledging*** to promote the realization of 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 and the Convention on the Rights of the Child, and other relevant international instruments that have been adopted at the universal or regional level,

ILO

PP1. *Wishing* to promote the realization of 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 ICCPR, 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 ILO Declaration on Fundamental Principles and Rights at Work, the ILO Declaration on Social Justice for a Fair Globalization**, the Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families and the Convention on the Rights of the Child, and other relevant international instruments that have been adopted at the universal or regional level,

Preambular paragraph 3:

EU

PP3. *Recognizing* the special relationship and interaction between peasants and other ~~people~~ **persons** working in rural areas, and the land, water, nature and territory to which they are attached and on which they depend for their livelihood,

Guatemala: reservation

PP3. *Reconociendo* la especial relación e interacción entre los campesinos y otras personas que trabajan en las zonas rurales, y la tierra, el agua, la naturaleza [y el territorio] al que están vinculados y de los que dependen para su subsistencia,

Chaudhry, expert

PP3. *Recognizing* the special relationship and interaction between peasants and other people working in rural areas, and the land, water, nature, **natural resources**, and territory to which they are attached and on which they depend for their livelihood,

Preambular paragraph 4:

EU

PP4. *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 sovereignty**, which is fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development,

Guatemala: reservation

PP4. *Reconociendo* también las contribuciones pasadas, presentes y futuras de los campesinos y de otras personas que trabajan en las zonas rurales en todas las regiones del mundo al desarrollo y a la conservación y el mejoramiento de la biodiversidad, que constituyen la base de la producción alimentaria y agrícola en todo el mundo [, y su contribución para garantizar la soberanía alimentaria,] que es fundamental para lograr los objetivos de desarrollo convenidos internacionalmente, incluida la Agenda 2030 para el Desarrollo Sostenible,

Peru

PP4. *Recognizing also* the past, present and future contributions of peasants and other people 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 food ~~sovereignty~~ **security**, which is fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development,

Chaudhry, expert

PP4. *Recognizing also* the past, present and future contributions of peasants and other people 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 food **security and** sovereignty, which is fundamental to attaining the internationally agreed development goals, including the 2030 Agenda for Sustainable Development,

Preambular paragraph 5:

EU

PP5. *Concerned* that peasants and other ~~people~~ **persons** working in rural areas suffer disproportionately from poverty and malnutrition,

Chaudhry, expert

PP5. *Concerned* that peasants and other people working in rural areas suffer disproportionately from poverty, **hunger** and malnutrition,

PP5 bis. *Recognizing agrarian distress and the growing inequality of land ownership in rural areas and the failure of states to carry out human rights-based agrarian and land reform,*

Preambular paragraph 6:

EU

PP6. *Concerned also* that peasants and other ~~people~~ **persons** working in rural areas suffer from the burdens caused by environmental degradation and climate change,

PP6. Preambular paragraph 7:

LVC Nepal, comment

PP6. <Along with the 7th paragraph of preamble, we propose an additional paragraph on youths addressing the challenges faced by youths in agriculture and recognizing the importance of attracting more youth in agriculture to transform as well as for the future of agriculture.>

Preambular paragraph 8:

EU

PP8. *Alarmed* by the increasing number of peasants and other ~~people~~ **persons** working in rural areas forcibly evicted or displaced every year,

Chaudhry, expert

PP8. *Alarmed* by the increasing number of peasants and other people working in rural areas forcibly evicted, **dispossessed of their homes and lands**, or displaced every year,

PP8 bis. *Also alarmed by the high incidence of farmer suicides in several countries,*

Preambular paragraph 9:

Chaudhry, expert

PP9. *Stressing* that peasant women and other rural women play a significant role in the economic survival of their families **and in contributing to the rural and national economy**, including through their work in the non-monetized sectors of the economy, but are often denied tenure and ownership of land, equal access to land, productive resources, financial services ~~and credit~~, information, employment or social protection, and are often victims of violence, **exclusion, subordination, and discrimination** in a variety of forms and manifestations,

PWESCR, comment

PP9. <Lack of adequate infrastructure for basic rights and essential services in rural areas results in an unequal and unfair burden of unpaid work on women to provide for these. Therefore it is important to recognise, redistribute and reduce rural women's unpaid work by providing adequate infrastructure, clean renewable energy and better technology options. We also would like inclusion of digital infrastructure as part of productive resources available to rural communities.>

Preambular paragraph 10:

EU

PP10. *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,

Preambular paragraph 12:EU

PP12. *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 Mother Earth~~, including the biological and natural ability of ecosystems to adapt and regenerate through natural processes and cycles,

Guatemala: reservation

PP12. *Convencido* de que los campesinos y otras personas que trabajan en las zonas rurales deben contar con apoyo en su labor de promover y emplear prácticas de producción agrícola sostenibles [que benefician a la Madre Tierra y estén en armonía con ella], como la capacidad biológica y natural de los ecosistemas para adaptarse y regenerarse mediante procesos y ciclos naturales,

Chaudhry, expert

PP12. *Convinced* that peasants and other people working in rural areas should be **acknowledged and** supported in their efforts to promote and undertake sustainable practices of agricultural production that support and are in harmony with Mother Earth, including the biological and natural ability of ecosystems to adapt and regenerate through natural processes and cycles,

Preambular paragraph 13:EU

PP13. *Considering* the ~~hazardous and exploitative~~ conditions **that may be in some places hazardous** under which many labourers in agriculture, fisheries and other activities have to work, often lacking living wages and social protection,

Guatemala: reservation

PP13. *Teniendo en cuenta* las condiciones peligrosas y de explotación en las que trabajan [quienes se dedican a la agricultura, la pesca y otras actividades], que a menudo carecen de salarios mínimos vitales y de protección social,

ILO

PP13. *Considering* the hazardous and exploitative conditions under which many ~~labourers~~ **workers** in agriculture, fisheries and other activities have to work, often **denied the opportunity to exercise their fundamental rights at work and** lacking living wages and social protection,

Chaudhry, expert

PP13. *Considering* the hazardous and exploitative conditions under which many labourers in agriculture, fisheries, **forests**, and other activities have to work, often lacking living wages and social protection,

Preambular paragraph 14:ILO

PP14. *Concerned* that individuals, groups, **associations** and institutions that promote and protect the human rights of those working on land and natural resources issues face a high risk of being subject to different forms of intimidation and of violations of their physical integrity,

Chaudhry, expert

PP14. *Concerned* that individuals, groups and institutions that promote and protect the human rights of those working on land and natural resources issues face a high risk of being subject to different forms of intimidation and of violations of their physical integrity **and human rights**,

Preambular paragraph 15:EU

PP15. *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,

Preambular paragraph 16:Chaudhry, expert

PP16. *Concerned* about **the growth of agri-business and its control over food systems and** speculation on food products, and the increasing concentration and unbalanced distribution of food systems, which impairs the enjoyment of human rights,

Preambular paragraph 17:EU

PP17. *Recognizing* that, in order to guarantee the right of peoples to **adequate** food ~~sovereignty~~, it is essential to respect, protect and promote the rights recognized in the present declaration,

Guatemala: reservation

PP17. Reconociendo que [, para garantizar la soberanía alimentaria de los pueblos,] es esencial que se respeten, se protejan y se promuevan los derechos reconocidos en la presente Declaración,

Peru

PP17. *Recognizing* that, in order to guarantee the right of peoples to food ~~sovereignty~~ **security**, it is essential to respect, protect and promote the rights recognized in the present declaration

Chaudhry, expert

PP17. *Recognizing* that, in order to guarantee the right of peoples to food sovereignty, it is essential to respect, protect and promote the **human** rights recognized in the present declaration,

Preambular paragraph 18:EU

PP18. *Affirming* that, according to the United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions. ~~which include indigenous peasants and other indigenous people working in rural areas, have the right to self-determination in matters relating to their internal and local affairs, while highlighting that nothing in the Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations, or construed as authorizing or encouraging any action that would dismember or impair, either totally or in part, the territorial integrity or political unity of sovereign and independent States,~~

Guatemala: reservation on the whole paragraph

PP18. [*Afirmando* que, de conformidad con la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas, estos últimos, entre ellos los campesinos indígenas y otras personas indígenas que trabajan en las zonas rurales, tienen derecho a la libre determinación en las cuestiones relacionadas con sus asuntos internos y locales, y resaltando al mismo tiempo que nada en la presente Declaración se interpretará en el sentido de que confiera a un Estado, pueblo, grupo o persona derecho alguno a participar en

una actividad o realizar actos contrarios a la Carta de las Naciones Unidas, ni se entenderá en el sentido de que autoriza o alienta acción alguna encaminada a quebrantar o menoscabar, total o parcialmente, la integridad territorial o la unidad política de Estados soberanos e independientes,]

Preambular paragraph 21:

ILO

PP21. *Recalling* also the extensive body of conventions and recommendations of the International Labour Organization on labour protection and decent work, **in particular the eight Conventions enshrining fundamental rights at work and the priority Conventions concerning labour inspection, employment policy and tripartite consultation, and those Conventions specifically concerning the rights and working conditions of those engaged in agriculture and in other sectors of the rural economy and of indigenous and tribal peoples.**

Preambular paragraph 22:

Guatemala: reservation

PP22. *Recordando* además la amplia labor de la Organización de las Naciones Unidas para la Alimentación y la Agricultura sobre el derecho a la alimentación, [los derechos de tenencia, el acceso a los recursos naturales y otros derechos de los campesinos,] en particular el Tratado Internacional sobre los Recursos Fitogenéticos para la Alimentación y la Agricultura, y las Directrices Voluntarias sobre la Gobernanza Responsable de la Tenencia de la Tierra, la Pesca y los Bosques en el Contexto de la Seguridad Alimentaria Nacional, las Directrices Voluntarias para Lograr la Sostenibilidad de la Pesca en Pequeña Escala en el Contexto de la Seguridad Alimentaria y la Erradicación de la Pobreza, y las Directrices Voluntarias en Apoyo de la Realización Progresiva del Derecho a una Alimentación Adecuada en el Contexto de la Seguridad Alimentaria Nacional, todas ellas de esa organización,

India

PP22. *Recalling further* the extensive work of the Food and Agriculture Organization of the United Nations 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, ~~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,

Preambular paragraph 23:

Guatemala, comment

PP23. <Guatemala considera que este párrafo debe ajustarse al contexto de la Declaración de Principios de la Conferencia Mundial sobre Reforma Agraria y Desarrollo Rural, en particular reflejando que “incumbe a cada gobierno la responsabilidad principal de la reforma agraria y del desarrollo rural en su país”. >

Preambular paragraph 24:

EU

PP24. *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,

Chaudhry, expert

PP24. *Convinced* of the need for greater protection of the human rights of peasants and other people working **and living** in rural areas, and for a coherent interpretation and application of existing international human rights norms and standards in this matter,

Preambular paragraph 25:EU

PP25. *Solemnly adopts* the following declaration on the rights of peasants and other ~~people~~ **persons** working in rural areas:

Article 1. Definition of peasants and other people working in rural areasRIDH, comment:

1. <La definición que se adopte de lo campesino deberá incluir otros sectores y actividades sociales y económicas que se desarrollan en lo rural, como son “los pobladores rurales” que no son considerados en algunos países industrializados como campesinos en el estricto sentido de la palabra; estos pobladores rurales mantienen relaciones sociales, culturales, familiares y comunitarias con los campesinos, que son necesarias para su supervivencia.>

Paragraph 1

Guatemala: reservation to the whole article and the parts indicated in brackets

1. A los efectos de la presente Declaración, “campesino” es toda persona que se dedique o pretenda dedicarse, ya sea de manera individual o en asociación con otras o como comunidad, a la producción agrícola en pequeña escala para subsistir o comerciar y que para ello dependa, sobre todo, aunque no necesariamente en exclusiva, del trabajo en familia o en el hogar y de otras formas no monetarias de organización del trabajo, y que tenga una especial dependencia [y apego a sus] tierras.

ILO

1. For the purposes of the present declaration, a peasant is any person who engages or who seeks to engage alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour – **including of his or her children** – and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the lands.

Paragraph 2Chaudhry, expert

2. The present declaration applies to any person engaged in artisanal or small-scale agriculture, the raising of livestock, pastoralism, fishing, forestry, hunting or gathering, and handicrafts ~~related to agriculture~~ or a related occupation in a rural area.

Paragraph 3

Guatemala: reservation

3. [La presente Declaración se aplica también a los pueblos indígenas que trabajan la tierra, a las comunidades trashumantes y nómadas y a las personas sin tierra.]

Colombia (report, para. 52)

3. {The present declaration also applies to indigenous peoples working on the land, transhumant and nomadic communities and the landless.}

PWESCR (report, para. 52)

3. The present declaration also applies to indigenous peoples working on the land, transhumant and nomadic communities, **Dalits**, and the landless.

Chaudhry, expert

3. The present declaration also applies to indigenous peoples working on the land, transhumant, ~~and~~-nomadic **and semi-nomadic** communities, and the landless.

Paragraph 4EU (report, para. 53)

4. The present declaration further applies to hired workers, and migrant and seasonal workers, regardless of their legal status **and as defined by national legislation** on plantations and farms in aquaculture and in agro-industrial enterprises.

Jordan: reservation especially regarding the reference to migrant and seasonal workers regardless of legal status (report, para. 54)

ILO and IUF

4. The present declaration further applies to hired workers, ~~and~~ **including** migrant and seasonal workers, regardless of their legal status on plantations and farms in aquaculture and in agro-industrial enterprises.

Chaudhry, expert

4. The present declaration further applies to hired workers, and migrant and seasonal workers, regardless of their legal status on **agricultural farms, forests**, plantations, and farms in aquaculture and in agro-industrial enterprises.

Article 2. General obligations of States

Jordan, the Russian Federation: reservation on the whole article (report, paras. 48, 66 and 77)

Guatemala: reservation to the whole article and the parts indicated in brackets.

PWESCR, comment

<State should ensure the comprehensive land reform programme on behalf of landless tenants, smallholders and women farmers to secure their rights.

State should ensure zero eviction in the name of development or other reasons without better alternatives to the marginalized farmers.

State should provide immediate support from the natural calamities like earthquake, floods, landslides etc. and supports the landless, tenants, sharecroppers, smallholders and women farmers.

State should ensures the disintegrated data of women and men on the access of land

State ensures the women's control on land not only access and ownership. >

Paragraph 1Argentina (report, para. 62)

1. States shall respect, protect and fulfil the rights of peasants and other people working in rural areas both in their territory and extra-territorially, **in line with the domestic legal order of each State**. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the elements 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 ~~both~~ in their territory ~~and extra-territorially~~. They shall promptly take legislative, administrative ~~and other appropriate~~ steps to achieve progressively the full realization of the elements of the rights of the present declaration that cannot be immediately guaranteed.

Guatemala

1. Los Estados respetarán, protegerán y harán efectivos los derechos de los campesinos y de otras personas que trabajan en las zonas rurales[, tanto en su territorio como fuera de

él.] [Adoptarán sin demora las medidas legislativas, administrativas y de otro tipo que resulten apropiadas para alcanzar progresivamente la plena efectividad de los elementos de los derechos de la presente Declaración que no puedan garantizarse de forma inmediata.]

South Africa (report, para. 61)

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

Switzerland

1. States shall respect, protect and fulfil the rights of peasants and other people working in rural areas both in their territory and extra-territorially. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the elements of the rights of the present declaration that cannot be immediately guaranteed. **States shall take steps, individually and through international assistance and co-operation, to the maximum of its available resources, with a view to achieving the full realization of the rights of the present declaration by all appropriate means, including particularly the adoption of legislative, administrative and other appropriate measures.**

CSCR-PWESCR

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

WFFP

1 (bis) **Los Estados que limitan, or comparten territorios continentales o acuáticos, deben realizar en un marco de respeto a sobrenías: negociaciones, o acuerdos de administración de recursos y de respeto a los derechos humanos de los campesinos y de otras personas que trabajan en las zonas rurales, cuando por tradición, inadvertidamente, arrastrados por las mareas o en busca de recursos migratorios o pelágicos traspasan los límites fronterizos y son capturados por autoridades de cada país.**

Paragraph 2

EU

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.

Chaudhry, expert

2. Particular attention shall be paid in the implementation of the present declaration to the rights and special needs of peasants and other people working in rural areas, including older persons, women, youth, children and persons with disabilities, **landless persons, and minorities.**

Paragraph 3

EU

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 ~~in order to obtain the free, prior and informed consent of peasants and other people working in rural areas.~~

Guatemala: reservation

3. [Sin olvidar la legislación concreta sobre pueblos indígenas, antes de aprobar y aplicar leyes y políticas, acuerdos internacionales y otras decisiones que puedan afectar a los derechos de los campesinos y de otras personas que trabajan en las zonas rurales, los Estados celebrarán consultas y cooperarán de buena fe con los campesinos y otras personas que trabajan en las zonas rurales, por conducto de sus propias instituciones representativas, a fin de obtener su consentimiento libre, previo e informado].

Paragraph 4

Guatemala: reservation

4. [Los Estados elaborarán, interpretarán y aplicarán los acuerdos y normas internacionales en consonancia con sus obligaciones en materia de derechos humanos, relativas, entre otras esferas, al comercio, la inversión, las finanzas, la fiscalidad, la protección del medio ambiente, la cooperación para el desarrollo y la seguridad.]

India: delete paragraph 4 (report says Guatemala too at para. 77)

4. {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.}

Paragraph 5

EU

5. States shall take all necessary measures to ~~ensure that~~ **promote the respect by** the non-State actors that they are in a position to regulate, such as private individuals and organizations, and transnational corporations and other business enterprises, do not nullify or impair the enjoyment of the rights of peasants and other ~~people~~ **persons** working in rural areas.

Paragraph 6

EU

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. Such measures could include:

Switzerland

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, **the private sector**, and civil society, in particular organizations of peasants and other people working in rural areas. Such measures could include:

Subparagraph (a)

EU

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

Subparagraph (d)

EU

(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;

Switzerland

(d) Fournir, au besoin, une assistance technique et économique, en facilitant l'accès à des technologies accessibles et le partage de ces technologies, et en procédant au transfert de technologies, en particulier vers les pays en développement, **selon des conditions mutuellement convenues** ;

Subparagraph (e)

Argentina (report, para. 83)

(e) Improving the ~~management~~ **functioning** of markets at the global level and facilitating timely access to market information, including on food reserves, in order to help to limit extreme food price volatility and the attractiveness of speculation.

Guatemala: reservation

(e) [Mejorar la gestión de los mercados a nivel mundial y facilitar el acceso oportuno a la información sobre estos, entre otras cosas sobre las reservas de alimentos, a fin de contribuir a limitar la extrema volatilidad de los precios de los alimentos y el atractivo de la especulación.]

WFFP: additional paragraph

6 (bis) **Los Estados que limitan, o comparten territorios continentales o acuáticos, deben realizar en un marco de respeto a soberanías: Negociaciones, o Acuerdos de administración de recursos y de respeto a los derechos humanos de los campesinos y de otras personas que trabajan en las zonas rurales, cuando por tradición, inadvertidamente, arrastrados por las mareas o en busca de recursos migratorios o pelágicos traspasan los límites fronterizos y son capturados por autoridades de cada país.**

Article 3. Equality and non-discrimination

Chile, comment: reinstate formulation from the previous version of the draft be reinstated.

LVC, comment: describe the relevant obligations of States to prevent *de jure* and *de facto* discrimination against women.

Paragraph 1

Uruguay and Bolivia, comment: add reference to multiple and intersectional forms of discrimination in paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas have the right to the full enjoyment, ~~individually and collectively~~, of all human rights and fundamental freedoms 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 race, colour, descent, sex, language, culture, marital status, property, disability, nationality, age, political or other opinion, religion, birth or economic, social or other status.

Chile (report, para. 86)

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

Egypt (report, para. 88)

1. Peasants and other people working in rural areas have the right to the full enjoyment, individually and collectively, of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and other

international human rights instruments, free from any kind of discrimination in the exercise of their rights based on grounds such as race, colour, ~~descent~~, sex, language, ~~culture~~, ~~marital status~~, property, ~~disability~~, ~~nationality~~, ~~age~~, political or other opinion, **national or social origin**, religion, birth ~~or economic, social~~ or other status.

Guatemala: reservation

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a disfrutar plenamente[, a título individual y colectivo,] de todos los derechos humanos y libertades fundamentales que se reconocen en la Carta de las Naciones Unidas, la Declaración Universal de Derechos Humanos y otros instrumentos internacionales de derechos humanos, sin ningún tipo de discriminación en el ejercicio de sus derechos por motivos de raza, color, linaje, sexo, idioma, cultura, estado civil, bienes, discapacidad, nacionalidad, edad, opinión política o de otra índole, religión, nacimiento o situación económica, social o de otra índole.

Switzerland (report, para. 90)

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

Uruguay (report, para. 58)

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

LVC Europe

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a disfrutar plenamente, a título individual y colectivo, de todos los derechos humanos y libertades fundamentales que se reconocen en la Carta de las Naciones Unidas, la Declaración Universal de Derechos Humanos y otros instrumentos internacionales de derechos humanos, sin ningún tipo de discriminación en el ejercicio de sus derechos por motivos de raza, color, linaje, sexo, idioma, cultura, estado civil, **estatuto legal**, bienes, discapacidad, nacionalidad, edad, opinión política o de otra índole, religión, nacimiento o situación económica, social o de otra índole.

Chaudhry, expert

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

Golay, expert (report, para. 92)

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

Paragraph 2

EU

2. States shall take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination against peasants and ~~people~~ **persons** working in rural areas.

Chaudhry, expert

2. States shall take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination against peasants and people working in rural areas. **States should also take measures to investigate crimes of discrimination against peasants and other people working in rural areas and bring the perpetrators to justice.**

Article 4. Rights of peasant women and other women working in rural areas

Chaudhry, expert

Article 4. Rights of peasant women and other women working **and living** in rural areas

CSCR-PWESCR, comment

< We call on this Working Group to recognise rural women as individual rights holders and not just as victims of violence and not just as vulnerable group that needs to be protected and taken care of.

Recognise the role women play in providing care – child care, elderly care. States should invest in institutionalise care facilities also in rural areas.

Inclusion of access to scientific and technical knowledge in the draft declaration. We also would like the declaration to address the digital gap that rural community face especially rural women.>

Paragraph 1

Chaudhry, expert

1. States shall take all appropriate measures, **including through implementing and revising laws**, to eliminate **all forms of** discrimination against ~~rural peasant~~ women and other women working **and living** in rural areas in order to ensure, on the basis of equality between men and women, that they fully and equally enjoy all human rights and fundamental freedoms and that **they are able to** freely pursue, participate in and benefit from ~~rural~~ economic, social, **political** and cultural development.

Paragraph 2

Subparagraph (a)

EU: additional subparagraph

Subpara (a) (bis) **To purchase and dispose land on their own. They shall also be able to inherit land.**

Switzerland

(a) To participate ~~meaningfully~~, **equally and effectively** in the formulation and implementation of **gender-responsive** development planning at all levels;

Chaudhry, expert

(a) To participate meaningfully in **governance, including in** the formulation and implementation of development planning at all levels;

Subparagraph (b)

EU

(b) To have access **to the highest attainable standard of physical and mental health, including** to adequate health-care facilities, ~~including~~ information, counselling and services in family planning;

Guatemala: reservation

(b) Acceder a servicios adecuados de atención de la salud [, entre ellos los de información, asesoramiento y atención en materia de planificación familiar;]

Switzerland

(b) To have **equal** access to adequate health-care facilities, including information, counselling and services in family planning;

Chaudhry, expert

(b) To **health and to** have access to adequate **and culturally acceptable** health-care facilities, including information, counselling and services in **reproductive health and** family planning;

Subparagraph (e)

ILO

(e) To organize self-help groups, **associations** and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

Subparagraph (g)

Guatemala: reservation

(g) Obtener acceso a los créditos y préstamos agrícolas, los servicios de comercialización y las tecnologías apropiadas[, y disfrutar, en condiciones de igualdad, de los derechos relativos a la tierra y los recursos naturales;]

Switzerland

(g) To have **equal** access to agricultural credit and loans, marketing facilities, appropriate technology, equal rights with regard to land and natural resources;

ILO

(g) To have access to **financial services such as savings, agricultural credit and loans, leasing and insurance;** marketing facilities;; **and,** appropriate technology; ~~equal rights with regard to land and natural resources;~~

Chaudhry, expert

(g) To have equal access to agricultural credit and loans, marketing facilities and appropriate technology, ~~equal rights with regard to land and natural resources;~~

Subparagraph (h)

Guatemala: reservation

(h) Poder, en condiciones de igualdad, acceder a la tierra y los recursos naturales, utilizarlos y controlarlos, independientemente de su estado civil [y de los sistemas de tenencia particulares, y beneficiarse de un trato igualitario o prioritario en el marco de la reforma agraria y de propiedad de la tierra y de los planes de reasentamiento;]

ILO

(h) To have equal **rights and** access to, use of and control over land and natural resources, independently of their civil and marital status and of particular tenure systems, and equal or priority treatment in land and agrarian reform and in land resettlement schemes;

Chaudhry, expert

(h) To have equal **rights to** access, **own,** use [of] and control [over] land and **other** natural resources (**including inter alia water bodies, fisheries, forests, seeds**), independently of their civil and marital status and of particular tenure systems, and equal or priority treatment in land and agrarian reform and in land resettlement **and redistribution** schemes;

Subparagraph (i)

ILO

(i) To decent employment, equal remuneration **for work of equal value** and social **protection benefits,** and to have access to income-generating activities;

Subparagraph (j)EU

(j) To be free from **all forms of violence**;

Switzerland

(j) To be free from violence; **including domestic violence, sexual violence and all other forms of gender-based violence, female genital mutilation and child early and forced marriage.**

Chaudhry, expert

(j) to be free from violence – **physical, mental, emotional, sexual and psychological; and to be free from forced/early marriage, trafficking, discriminatory stereotypes, and subordination;**

Subparagraph (k)

Egypt and Jordan: deletion (report, para. 103)

(k) {To be treated with equality and justice in marriage and in family relations, both in law and in private.}

Chaudhry, expert: additional sub-paragraphs

(k) (bis) **To adequate food and nutrition, including for the girl child and pregnant and lactating women.**

(k) (ter) **To equal rights to adequate housing, land, property and inheritance, as well as access to basic services. Secure titles to land, housing, and property should be provided in the names of women, wherever possible. States should endeavour to remove social, legal, and economic barriers that impede women's access to land, housing, property, and inheritance.**

(k) (quarter) **To adequate representation, including in government and municipal and local bodies.**

(k) (quinquies) **To information, participation, and adequate consultation, including through their full free prior and informed consent, regarding decisions that directly or indirectly impact them and their families.**

(k) (sexies) **To access justice and effective legal remedy and legal aid. Including safety/security to register/file complaints... where non-formal mechanisms for justice/dispute resolution exist, they should be brought in line with human rights standards and principles of gender equality.**

(k) (septies) **To child care services.**

(k) (octies) **To education, including secure and adequate facilities in schools/colleges.**

(k) (novies) **To disaster risk reduction, preparedness, and adequate relief/rehabilitation/reconstruction.**

Article 5. Rights to natural resources and the right to development**Switzerland, comment**

<Il faudrait concilier l'article 5 paragraphe 1 du projet de déclaration avec la disposition de l'article 15 de la Convention sur la diversité biologique qui précise que : « étant donné que les États ont droit de souveraineté sur leurs ressources naturelles, le pouvoir de déterminer l'accès aux ressources génétiques appartient aux gouvernements et est régi par la législation nationale ».

On pourrait aussi utiliser le langage de l'article 9.2(b) du Traité international sur les ressources phytogénétiques pour l'alimentation et l'agriculture dans le paragraphe 3(c) du projet de déclaration ou éventuellement s'inspirer des formulations agréées dans le cadre de la Convention sur la diversité biologique et son Protocole de Nagoya.>

EU

Article 5. ~~Rights~~ Access to natural resources and the right to development

Guatemala and Jordan: reservation to the whole article and the parts indicated in brackets

Paragraph 1

Egypt

1. Peasants and other people working in rural areas have the right to have access to and to use 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 the benefits of their development and conservation in their communities **in accordance with national laws and legislation.**

EU

1. Peasants and other ~~people~~ **persons** working in rural areas **should** have ~~the right to have access~~ to and ~~to use~~ of the natural resources present in their communities that are required to enjoy adequate living conditions. They have the right to ~~participate in~~ **be consulted about** the management of these resources and to enjoy the benefits of their development and conservation in their communities.

Jordan

1. [Peasants and other people working in rural areas have the right to have access to and to use 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 the benefits of their development and conservation in their communities.]

Switzerland

1. Les paysans et les autres personnes travaillant dans les zones rurales ont le droit d'avoir accès aux ressources naturelles présentes dans leur communauté dont ils ont besoin pour s'assurer un niveau de vie convenable et de les utiliser. ~~Ils ont le droit de participer à la gestion de ces ressources et de bénéficier des avantages de leur mise en valeur et de leur conservation au sein de leur communauté.~~ **Les paysans et les autres personnes travaillant dans les zones rurales ont le droit de participer équitablement au partage des avantages découlant de l'utilisation des ressources phylogénétiques pour l'alimentation et l'agriculture.**

Peru

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a acceder al **aprovechamiento de** 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 los beneficios de su desarrollo y conservación en su comunidad.

WAMIP (report, para. 114)

1. Peasants and other people working in rural areas have the right to have access to and to use the natural resources ~~present in their communities~~ **where these communities are based** that are required to enjoy adequate living conditions. They have the right to participate in the management of these resources and to enjoy the benefits of their development and conservation in their communities.

Chaudhry, expert

1. Peasants and other people working in rural areas have the right ~~have to~~ access ~~to~~ and ~~to use~~ 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 the benefits of their development and conservation in their communities.

Paragraph 2

EU

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

Chaudhry, expert

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

Paragraph 3

EU

3. 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:

Chaudhry, expert

3. States shall take measures to ensure that any **use**/exploitation of the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted based **only upon**:

Subparagraph (a)

EU

- (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;

PWESCR

- (a) A social and environmental impact assessment **that includes gender indicators** duly conducted by technically capable and independent entities, with the individual and collective involvement of peasants and other people working in rural areas;

Switzerland (report, para. 115)

- (a) A social, **economic** and environmental impact assessment duly conducted by technically capable and independent entities, with the individual and collective involvement of peasants and other people working in rural areas;

Chaudhry, expert

- (a) A social/**human rights-based** and environmental impact assessment duly conducted by technically capable and independent entities, with the individual and collective involvement of peasants and other people working in rural areas;

Subparagraph (b)

EU

- (b) Consultations in good faith to obtain the free, prior and informed consent of peasants and other ~~people~~ **persons** working in rural areas;

Egypt

- (b) Consultations in good faith ~~to obtain the free, prior and informed consent~~ of peasants and other people working in rural areas;

Guatemala: reservation

- (b) [Consultas celebradas de buena fe para obtener el consentimiento libre, previo e informado de los campesinos y de otras personas que trabajan en las zonas rurales;]

Chaudhry, expert

- (b) Consultations in good faith to obtain the **full** free, prior and informed consent of peasants and other people working in rural areas;

- (b) (bis) **Adequate and timely information, provided in advance, in a culturally acceptable manner in the local language;**

Subparagraph (c)

Chaudhry, expert: additional sub-paragraph

- (c) (bis) **Mechanisms for grievance redress, reparation, and restitution.**

PWESCR: new paragraph

3 (bis) **No involuntary displacement in the name of development and special economic zone and commercialization of agriculture.**

Article 6. Right to life, liberty and security of person

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas have the right to life, physical and mental integrity, liberty and security of person.

Paragraph 2

EU

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.

CSCR-PWESCR

2. Peasants and other people working in rural areas shall not be subjected to arbitrary arrest or detention, torture, **sexual violence** or other cruel, inhuman or degrading treatment or punishment, and shall not be held in slavery or servitude.

Article 7. Freedom of movement

Switzerland, comment

<Nous aimerions souligner que le paragraphe 3 de l'article 7, devrait être en ligne et possiblement reprendre le langage des Directives volontaires pour une Gouvernance responsable des régimes fonciers de la FAO.>

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas have the right to recognition everywhere as persons before the law.

Paragraph 2

EU

2. States shall take appropriate measures, including by means of international agreements **and as defined by national legislation**, to facilitate the freedom of movement of peasants and other ~~people~~ **persons** working in rural areas, and in particular pastoralists, fisher-folk, and migrant and seasonal agricultural workers, including across borders.

Chaudhry, expert:

2. States shall take appropriate measures, including by means of international agreements, to facilitate the freedom of movement of peasants and other people working in rural areas, and in particular pastoralists, fisher-folk, **nomadic and semi-nomadic communities**, and migrant and seasonal agricultural workers, including across borders.

Paragraph 3

EU

3. States shall cooperate to address transboundary tenure issues affecting peasants and other ~~people~~ **persons** working in rural areas, ~~such as indigenous peoples~~, and those relating to rangelands or seasonal migration routes of pastoralists, and fishing grounds of small-scale fishers, that cross international boundaries.

Guatemala: reservation

3. Los Estados cooperarán para tratar las cuestiones relativas a la tenencia [transfronteriza] que afectan a los campesinos y a otras personas que trabajan en las zonas rurales[, como los pueblos indígenas,] y las relativas a los pastizales o las rutas de

migración estacional de los pastores y los caladeros de las pequeñas explotaciones pesqueras que atraviesan fronteras internacionales.

Article 8. Freedom of thought, opinion and expression

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas have the right to freedom of thought, 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.

KWPA

1. Peasants and other people working in rural areas have the right to freedom of thought, 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.

Chaudhry, expert

1. Peasants and other people 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, **according to their cultural practices and beliefs**, including through claims, petitions and mobilizations, at the local, regional, national and international levels.

1 (bis) **Efforts should be made to provide them with avenues and opportunities to express themselves and make their voices heard.**

1 (ter) **There should also be protection of their right to protect, to dissent and the right to refuse/object to development or other infrastructure projects that threaten their lives, lands, and livelihoods.**

Paragraph 2

EU

2. Peasants and other ~~people~~ **persons** working in rural areas have the right, ~~individually and collectively~~, to participate in peaceful activities against violations of human rights and fundamental freedoms.

Guatemala: reservation

2. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho[, individual y colectivamente,] a participar en actividades pacíficas contra las violaciones de los derechos humanos y las libertades fundamentales.

Claeys, expert

2. Peasants and other people working in rural areas have the right, ~~individually and collectively~~ **alone, or in association with others or as a community or group as such [or] alone, or in association with others or as a community**, to participate in peaceful activities against violations of human rights and fundamental freedoms.

KWPA

2. Peasants and other people working in rural areas have the right, individually and collectively, to participate in ~~peaceful~~ activities against violations of human rights and fundamental freedoms.

Paragraph 3

Guatemala: reservation

3. Los Estados adoptarán todas las medidas necesarias para garantizar la protección, por las autoridades competentes, de toda persona[, **individual o colectivamente**,] frente a toda violencia, amenaza, represalia, discriminación de derecho o de hecho, presión o

cualquier otra acción arbitraria resultante del ejercicio legítimo y la defensa de los derechos descritos en la presente Declaración.

Article 9. Freedom of association

PWESCR, comment:

<Recognize and support all the multiple forms of organising/membership based associations, collectives and cooperatives of women farmers in rural areas; e.g. cooperatives, producer companies, collectives and unions in rural areas.>

Paragraph 1

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. Such organizations shall be independent and voluntary in character, and remain free from all interference, coercion or repression.

ILO

1. Peasants and other people 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.

IUF

1. Peasants and other people 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.

Paragraph 2

Guatemala: reservation

2. Los Estados adoptarán las medidas adecuadas para apoyar a las cooperativas y otras organizaciones de campesinos y de otras personas que trabajan en las zonas rurales, en particular con miras a eliminar los obstáculos a su establecimiento, a su crecimiento y al ejercicio de **[sus]** actividades lícitas, como la discriminación legislativa o administrativa de todo tipo que se ejerza contra dichas organizaciones y sus miembros[, y les proporcionarán apoyo para fortalecer su posición en la negociación de arreglos contractuales, a fin de asegurar que las condiciones y los precios sean justos y estables y que no vulneren sus derechos a la dignidad, a llevar una vida digna y a disponer de medios de vida sostenibles.]

ILO

2. States shall take appropriate measures to support ~~cooperatives and other~~ organizations of peasants and other people working in rural areas, **including unions, and cooperatives and other organizations of the social and solidarity economy**, particularly with a view to eliminating obstacles to their establishment, growth and pursuit of their 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.

IUF

2. States shall take appropriate measures to ~~support cooperatives and other organizations of peasants and other people working in rural areas~~ **stimulate (or actively encourage if the preference is to maintain the language of ILO C141) the establishment of organisations of peasants and other people working in rural areas**

including trade unions and cooperatives, particularly with a view to eliminating obstacles to their establishment, growth and pursuit of their 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. Right to participation

EU

Article 10. ~~Right to~~ Participation

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas have the right to active, free, effective, meaningful and informed participation, directly and/or through their representative organizations, in the formulation, implementation and assessment of policies, programmes and projects that may affect their lives, land and livelihoods.

Guatemala: reservation

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a la participación activa, libre[, efectiva, significativa e informada], directamente o por conducto de sus organizaciones representativas, en la formulación aplicación y evaluación de políticas, programas y proyectos que afecten a su vida, sus tierras y sus medios de subsistencia.

Paragraph 2

EU

2. Peasants and other ~~people~~ **persons** working in rural areas ~~have the right to~~ **should** participate, directly and/or through their representative organizations, in the formulation of and in monitoring compliance with food safety, labour and environmental standards, whether by private or public actors.

Guatemala: reservation

2. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a participar, directamente o por conducto de sus organizaciones representativas, en la formulación de **[normas]** sobre seguridad alimentaria, trabajo y medio ambiente [y en la vigilancia del cumplimiento de estas, ya sea por agentes privados o públicos.]

Paragraph 3

Egypt (report, para. 136)

3. States shall take adequate measures to ensure meaningful and effective 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, including by facilitating the establishment and growth of strong and independent organizations of peasants and other people working in rural areas, **in accordance with national law and legislation.**

EU

3. States shall take adequate measures to ensure meaningful and effective participation, directly and/or through their representative organizations, of peasants and other ~~people~~ **persons** working in rural areas in decision-making processes that affect their lives, land and livelihoods, including by facilitating the establishment and growth of strong and independent organizations of peasants and other ~~people~~ **persons** working in rural areas.

Guatemala: reservation

3. Los Estados adoptarán las medidas adecuadas para asegurar la participación [significativa y efectiva] de los campesinos y de otras personas que trabajan en las zonas rurales, directamente o a través de sus organizaciones representativas, en los procesos de

toma de decisiones que afecten a su vida[, su tierra y sus medios de subsistencia], entre otras cosas [facilitando] el establecimiento y desarrollo de organizaciones fuertes e independientes de campesinos y otras personas que trabajan en las zonas rurales.

LVC (report, para. 138)

3 States shall take adequate measures to ensure meaningful and effective 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, including by ~~facilitating~~ **respecting** the establishment and growth of strong and independent organizations of peasants and other people working in rural areas. Add that one of the central issues is the right to participate in shaping our public policies.

Article 11. Right to information with regard to production, marketing and distribution

EU

Article 11. ~~Right to~~ Information with regard to production, marketing and distribution

Chaudhry, expert

Article 11. Right to information with regard to production, marketing and distribution

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas have the right to seek, receive, develop and impart information, including information about factors that may affect the production, processing, marketing and distribution of their products.

Chaudhry, expert:

1. Peasants and other people working in rural areas have the right **to information and to** seek, receive, develop and impart information, including information about factors that may affect the production, processing, marketing and distribution of their products.

Paragraph 2

EU

2. States shall adopt appropriate measures to ensure that peasants and other ~~people~~ **persons** working in rural areas have access to transparent, timely and adequate information in a language and form and through means adequate to their cultural methods that ensure the effective participation in decision-making in matters that may affect their lives, lands and livelihoods.

Guatemala: reservation

2. Los Estados adoptarán medidas apropiadas para garantizar que los campesinos y otras personas que trabajan en las zonas rurales tengan acceso a información transparente, oportuna y suficiente, en un idioma y un formato y por unos medios que se ajusten a sus métodos culturales y aseguren la participación [efectiva] en las decisiones sobre cuestiones que afecten a su vida [, sus tierras y sus medios de subsistencia.]

Chaudhry, expert:

2. States shall adopt appropriate measures to ensure that peasants and other people working in rural areas have access 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, lands and livelihoods.

Paragraph 3

EU

3. Peasants and other ~~people~~ **persons** working in rural areas have the right to a fair and impartial system of evaluation and certification of the quality of their products, at the local,

nation and international levels, and have the right not to accept certification mechanisms established by transnational corporations.

Guatemala: reservation

3. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a un sistema justo e imparcial de evaluación y certificación de la calidad de sus productos, en los planos local, nacional e internacional [, y a rechazar los mecanismos de certificación establecidos por las empresas transnacionales.]

Peru

3. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a un sistema justo e imparcial de evaluación y certificación de la calidad de sus productos, en los planos local, nacional e internacional, y a **decidir a qué rechazar los** mecanismos de certificación establecidos por las empresas transnacionales **o los establecidos o adaptados por su Gobierno.**

Claeys, expert

3. Peasants and other people working in rural areas have the right to a fair and impartial system of evaluation and certification of the quality of their products, at the local, national and international levels, and ~~have the right not to accept certification mechanisms established by transnational corporations~~ **have the right to inspection, certification and guarantee systems that are appropriate for different scales, contexts and modes of production and marketing and to participate in their elaboration**

Article 12. Access to justice

Guatemala, comment: preference for the previous formulation of paragraph 2.

El Salvador, comment: the draft declaration should give an indication of what States need to do to strengthen national human rights institutions and that reference to the Paris Principles could be made.

Sindicato Andaluz de Trabajadores y Trabajadoras, comment

<Consideramos que “Los Estados adoptarán debe de adoptar este artículo con especial referencia al acceso a abogados y procuradores por sistemas eficaces de justicia gratuita, en todos los fueros y para todas las personas, independientemente de su situación jurídica.”>

Paragraph 1

EU:

1. ~~Peasants and other people working in rural areas have the right to have access to and prompt decision through just and fair procedures for the resolution of disputes, and to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to their customs, traditions, rules and legal systems in conformity with human rights standards.~~ **Peasants and other persons working in rural areas should have access to fair procedures for the resolution of disputes, and to effective remedies. They shall have the right to effective and non-discriminatory access to justice. States shall encourage and promote the use of alternative dispute resolution.**

Egypt (report, para. 143)

1. Peasants and other people working in rural areas have the right to have access to and prompt decision through just and fair procedures for the resolution of disputes, and to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to their customs, traditions, rules and legal systems in conformity with ~~human rights standards~~ **relevant obligations under international human rights law.**

Guatemala: reservation

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a acceder a procedimientos justos y equitativos de solución de controversias en los que se adopten decisiones con prontitud, así como a medidas de reparación efectivas siempre que

se vulneren sus derechos [individuales o colectivos. En esas decisiones se tomarán debidamente en consideración sus costumbres, tradiciones, normas y sistemas jurídicos, de conformidad con las normas de derechos humanos.]

Paragraph 2

Guatemala: reservation

2. [Los Estados permitirán el acceso sin discriminaciones, mediante organismos judiciales y administrativos imparciales y competentes, a medios de solución de controversias, en el idioma de las personas afectadas y que sean oportunos, asequibles y efectivos; asimismo, proporcionarán con prontitud recursos efectivos, que podrían incluir los derechos de apelación, restitución, indemnización, compensación y reparación.]

Chaudhry, expert

2. States shall ~~allow for~~ **provide** non-discriminatory access, through impartial and competent judicial and administrative bodies, to timely, affordable and effective means of resolving disputes in the language of the persons concerned, and shall provide effective and prompt remedies, which may include a right of appeal, restitution, indemnity, compensation and reparation.

Paragraph 3

EU

3. Peasants and other ~~people~~ **persons** working in rural areas have the right to legal assistance. States shall consider additional measures for peasants and other people working in rural areas who would otherwise not have access to administrative and judicial services.

LVC India

3. Peasants and other people working in rural areas have the right to legal assistance. States shall ~~consider additional measures~~ **take adequate measures for free legal aid to** ~~for~~ peasants and other people working in rural areas who would otherwise not have access to administrative and judicial services.

Chaudhry, expert

3. Peasants and other people working in rural areas have the right **to remedy, including** legal assistance and **effective legal aid**. States shall consider additional measures for peasants and other people working in rural areas who would otherwise not have access to administrative and judicial services.

Paragraph 4

EU:

4. ~~States shall strengthen the mandates and the functioning of national human rights institutions, in particular in rural areas.~~ **Encourages Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of all human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action.**

Guatemala: reservation

4. [Los Estados reforzarán el mandato y el funcionamiento de las instituciones nacionales de derechos humanos en las zonas rurales.]

EU

4. 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 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, ~~forced assimilation or integration~~.

Guatemala: reservation

4. [Los Estados proporcionarán a los campesinos y otras personas que trabajan en las zonas rurales mecanismos eficaces para prevenir y resarcir todo acto que tenga por objeto o consecuencia despojarlos de sus tierras y recursos naturales o privarlos de sus medios de

subsistencia y de su integridad, y toda forma de sedentarización forzada o traslado, asimilación o integración forzada de población.]

Chaudhry, expert

4. States shall provide peasants and other people working in rural areas with effective mechanisms for the prevention of and redress for any action that has the aim or effect of 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, forced assimilation or integration, **as well as people living under foreign or other occupation, and in situations of armed conflict.**

Article 13. Right to work

EU

Article 13. Right to work, **which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts**

ILO

Article 13. Right to **decent** work

Paragraph 1

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.

South Center

1. Peasants and other people working in rural areas, **seasonal and migrant workers**, have the right to work, which includes the right to choose freely the way they earn their living

Paragraph 2

Egypt

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 working in rural areas and their families. ~~In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall take appropriate measures to establish and promote food systems that are sufficiently labour-intensive to contribute to the creation of employment.~~

2 (bis) **In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall take appropriate measures to establish and promote food systems that are sufficiently labour-intensive to contribute to the creation of employment.**

Guatemala: reservation

2. Los Estados crearán un entorno favorable con oportunidades de trabajo y en el que se ofrezca una remuneración que permita a los campesinos y otras personas que trabajan en las zonas rurales y a su familia mantener un nivel de vida adecuado. **[Los Estados que registren niveles elevados de pobreza rural y carezcan de oportunidades laborales en otros sectores adoptarán medidas adecuadas para crear y fomentar sistemas alimentarios con una densidad de mano de obra suficiente para contribuir a la creación de empleo.]**

ILO

2. States shall create an enabling environment with opportunities for **decent** work ~~and~~ that provides remuneration allowing for an adequate standard of living for peasants and other people working in rural areas and their families. In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall take appropriate measures to establish and promote ~~food systems~~ **agricultural markets** that are sufficiently labour-intensive to contribute to the creation of **decent** employment.

Paragraph 3EU

3. States, taking into account the specific characteristics of peasant agriculture and small-scale fisheries, shall monitor compliance with labour legislation by allocating appropriate resources to ensuring the effective operation of labour inspectorates, **as appropriate**, in rural areas.

Chaudhry, expert

3. States, taking into account the specific characteristics of peasant agriculture and small-scale fisheries, shall monitor compliance with labour legislation by allocating appropriate resources to ensuring the effective operation of labour inspectorates in rural areas. **States shall recognise the contribution of women's work and ensure equal pay for work of equal value.**

Paragraph 4ILO

4. No one shall be required to perform forced, bonded or compulsory labour, **be 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 working in rural areas and their representative organizations, take appropriate measures to protect them from **all forms of contemporary slavery**, ~~economic exploitation~~, including debt bondage of women, men and children, and forced labour of fishers and fish workers, including seasonal and migrant workers.

Chaudhry, expert

4. No one shall be required to perform forced, bonded or compulsory labour. States shall, in consultation and cooperation with peasants and other people working in rural areas and their representative organizations, take appropriate measures to protect them from economic exploitation, including debt bondage of women, men and children, **child labour**, and forced labour of fishers and fish workers, **forest workers** including seasonal and migrant workers. **States shall develop and implement laws to abolish all forms of forced/bonded labour.**

ILO: additional paragraph

4 (bis) **Child labour, defined in the relevant ILO fundamental Conventions as types of work that the child concerned is too young to perform and that interfere with his or her compulsory education, should be prohibited and eliminated. All children under the age of 18 years should be protected from hazardous work or other worst forms of child labour.**

Sindicato Andaluz de Trabajadores y Trabajadoras: Additional paragraph

4 (ter) **Los Estados deberían de tomar medidas a fin de que las regulaciones administrativas no anulen ni limiten arbitrariamente el derecho a trabajar para los temporeros migrantes, y procuren mecanismos de empleo público para aquellos temporeros que por situación de precariedad o marginalización no pudieran acceder a un empleo.**

Article 14. Right to safety and health at workPWESCR, comment

<Please add: Childcare facility in this article. Without child care rural women cannot participate in productive work.

States should provide safe affordable public transport in rural areas to ensure safety of rural women going to work.>

Paragraph 1EU

1. Peasants and other ~~people~~ **persons** working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers and of their legal status, **as defined by national legislation**, have the right 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 have access to adequate and appropriate protective clothing and equipment and health and safety training, to work free from harassment and violence 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.

ILO

1. Peasants and other people working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers and of their legal status, have the right 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 have access to adequate and appropriate protective clothing and equipment **at no cost and to adequate information and training on occupational safety and health and safety training, and measures to prevent, reduce and control hazards and risks; to participate and cooperate in exposure monitoring and health surveillance programmes; and, without suffering an adverse employment action for exercising such rights, to report unsafe and unhealthy working conditions, or non-compliance with safety and health regulations or codes of practice;** to work free from harassment and violence 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.

IUF

1. Peasants and other people working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers and of their legal status, have the right 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 have access to adequate and appropriate protective clothing and equipment and health and safety training, to work free from harassment, **including sexual harassment**, and violence 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. **They shall not be placed at any disadvantage as a result removing themselves from danger.**

CSCR-PWESCR

1. Peasants and other people working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers and of their legal status, have the right 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 have access to adequate and appropriate protective clothing and equipment and health and safety training, to work free from **all forms of harassment including sexual harassment** and violence 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.

Paragraph 2

EU

2. Peasants and other ~~people~~ **persons** working in rural areas have the right not to use or to be exposed to agro-chemicals or agricultural or industrial pollutants.

ILO

2. Peasants and other people working in rural areas have the right not to use or to be exposed to ~~agro-chemicals or agricultural or industrial pollutants~~ **hazardous substances or toxic chemicals.**

Chaudhry, expert

2. Peasants and other people working in rural areas have the right not to use or to be exposed to agro-chemicals, **pesticides**, or agricultural or industrial pollutants

Paragraph 3

India

3. States shall take appropriate measures to protect the above-mentioned rights, and shall in particular designate an ~~authority~~ **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, in accordance with relevant instruments of the International Labour Organization.

ILO

3. In accordance with relevant instruments of the International Labour Organization, States shall take appropriate measures to protect the above-mentioned rights, by establishing and maintaining a national system for occupational safety and health that covers all sectors, includes all workers in the rural economy, irrespective of their gender and employment status, and promotes a national preventive occupational safety and health culture. ~~and shall~~ In particular States shall designate an authority 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, ~~in accordance with relevant instruments of the International Labour Organization.~~

Paragraph 4

Subparagraph (a)

ILO:

(a) ante **The establishment and maintenance of a reporting system for recording and noting occupational accidents, diseases and dangerous injuries;**

(a) ante **The development and operation of an occupational safety and health education and training system addressing the needs of the rural economy;**

(a) An appropriate national system or any other system approved by the competent authority establishing specific criteria for the importation, classification, packaging, **distribution**, ~~and~~ labelling **and use** of chemicals used in agriculture, and for their banning or restriction;

Subparagraph (c)

ILO

(c) There is a suitable system for the **tracking**, ~~safe~~ collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to ~~avoid~~ **prevent** their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment;

Subparagraph (d)

ILO: additional sub-paragraphs

(d) (bis) **That systems are in place to: prohibit or restrict the use of certain hazardous processes or substances in agriculture; require advance notification and authorization before hazardous processes and substances are used; protect vulnerable workers by specifying whether and under what conditions such workers may be exposed to such processes or substances;**

(d) (ter) **That employers fulfil their duty to provide and maintain safe and healthy workplaces, plant, tools and other working equipment; organize work to prevent, as far as reasonably practicable occupational accidents and diseases; and apply relevant standards, codes and guidelines as prescribed, approved or recognized by the State.**

LVC : additional sub-paragraphs

(d) (quater) **promouvoir et assurer que les technologies, les produits chimiques et les pratiques agricoles ne vont pas mettre en danger la santé et la sécurité dans l'environnement du travail.**

Article 15. Right to food and food sovereignty

FIAN, comment

<FIAN propone que de no ser posible regresar a la versión anterior, se reordenen los párrafos en el Artículo 15 de la versión actual con miras a una clara delimitación de ambos derechos, propuesta que haremos llegar por escrito al grupo de trabajo.>

Switzerland, comment

<On pourrait examiner la possibilité de remplacer le concept de « souveraineté alimentaire » par du langage agréé de l'Objectif 12 de l'Agenda 2030 de développement durable visant à établir des modes de consommation et de production durable.>

EU

Article 15. Right to **adequate** food ~~and food sovereignty~~

Guatemala: reservation to the whole article and the parts indicated in brackets

Artículo 15. Derecho a la alimentación [y a la soberanía alimentaria]

Peru

Article 15. Right to food and food ~~sovereignty~~ **security**

Paragraph 1

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.

Paragraph 2

EU: delete paragraph 2

2. {Peasants and other people working in rural areas have the right to food sovereignty. Food sovereignty is the right of peoples to healthy and culturally appropriate food produced by means of socially just and ecologically sensitive methods. It entails the right to participate in decision-making and to determine one's own food and agriculture systems.}

Guatemala: reservation

2. [Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a la soberanía alimentaria. La soberanía alimentaria es el derecho de los pueblos a una alimentación saludable y culturalmente apropiada, producida mediante métodos socialmente justos que tengan en cuenta consideraciones ecológicas. Entraña el derecho a participar en la toma de decisiones y a definir los propios sistemas de alimentación y agricultura.]

Peru

2. Peasants and other people working in rural areas have the right to food ~~sovereignty~~ **security**. Food ~~sovereignty~~ **security** is the right of peoples to healthy and culturally appropriate food produced by means of socially just and ecologically sensitive methods. It entails the right to participate in decision-making and to determine one's own food and agriculture systems.

Paragraph 3

Egypt

3. States shall formulate, in partnership with peasants and other people working in rural areas, public policies to advance and protect **food security [or] food sufficiency** at the local, national, regional and international levels, and mechanisms for ensuring coherence with other agricultural, economic, social, cultural and development policies.

EU

3. States shall formulate, in partnership with peasants and other ~~people~~ **persons** working in rural areas, public policies to advance and protect ~~food sovereignty~~ **adequate food** at the local, national, regional and international levels, and mechanisms for ensuring coherence with other agricultural, economic, social, cultural and development policies.

Guatemala: reservation

3. [Los Estados, en asociación con los campesinos y otras personas que trabajan en las zonas rurales, formularán políticas públicas para promover y proteger la soberanía alimentaria a nivel local, nacional, regional e internacional, así como mecanismos para garantizar la coherencia con otras políticas agrícolas, económicas, sociales, culturales y de desarrollo.]

India

3. States shall formulate, in partnership with peasants and other people working in rural areas, public policies to advance and protect ~~food sovereignty~~ **the right to food and to be free from hunger** at the local, national, regional and international levels, and mechanisms for ensuring coherence with other agricultural, economic, social, cultural and development policies.

Peru

3. States shall formulate, in partnership with peasants and other people working in rural areas, public policies to advance and protect food ~~sovereignty~~ **security** at the local, national, regional and international levels, and mechanisms for ensuring coherence with other agricultural, economic, social, cultural and development policies.

Paragraph 4

EU

4. States shall ensure that peasants and other ~~people~~ **persons** working in rural areas enjoy ~~the right to~~ physical and economic access at all times to sufficient ~~and~~ adequate ~~and culturally acceptable~~ food that is produced and consumed sustainably and equitably, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and collectively.

Guatemala: reservation

4. Los Estados velarán por que los campesinos y otras personas que trabajan en las zonas rurales gocen del derecho a acceder [material y económicamente], en todo momento, a una alimentación adecuada [y culturalmente aceptable] que se produzca y se consuma de manera sostenible y equitativa, preservando así el acceso a la alimentación para las generaciones futuras, y que les garantice una vida digna y satisfactoria tanto física como mentalmente[, de manera individual y colectiva.]

Switzerland

4. States shall ensure that peasants and other people working in rural areas enjoy the right to physical and economic access at all times to sufficient **and** adequate ~~and culturally acceptable~~ food that is produced and consumed sustainably and equitably, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and collectively.

Paragraph 5

Chaudhry, expert

5. States shall take appropriate measures to combat malnutrition in rural children **and women**, including within the framework of primary health care through, inter alia, the application of readily available technology and the provision of adequate nutritious food

and by ensuring that women have adequate nutrition during pregnancy and lactation. States shall also ensure that all segments of society, in particular parents and children, are informed, have access to nutritional education and are supported in the use of basic knowledge on child nutrition and the advantages of breastfeeding.

5 (bis) **States should take measures to prevent discrimination in access to food and means of food production.**

Article 16. Right to a decent income and livelihood and the means of production

EU

Article 16. Right to a decent income and livelihood and **access to** the means of production

Guatemala: **reservation to the whole article and the parts indicated in brackets**

Artículo 16 Derecho a unos ingresos y unos medios de vida dignos [y a los medios de producción]

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas have the right to a decent income and livelihood for themselves and their families, and **access** to the means of production necessary to achieve them, including production tools, technical assistance, credit, insurance and other financial services. They have also the right to use ~~individually and collectively~~ traditional ways of farming, fishing and livestock rearing, and to develop community-based commercialization systems.

Guatemala: **reservation**

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a unos ingresos y unos medios de vida dignos para sí mismos y para su familia[, y a disponer de los medios de producción necesarios para obtenerlos, entre ellos] las herramientas de producción, la asistencia técnica, los créditos, los seguros y otros servicios financieros. Tienen también derecho a emplear[, individual y colectivamente,] métodos tradicionales de agricultura, pesca y ganadería, y a desarrollar sistemas de comercialización comunitarios.

Suarez Franco, expert

1. Peasants and other people working in rural areas have the right to a decent income and livelihood for themselves and their families, and **access** to the means of production necessary to achieve them, including production tools, technical assistance, credit, insurance and other financial services. They have also the right to use ~~individually and collectively~~ **alone and in association with others/community** traditional ways of farming, fishing and livestock rearing, and to develop community-based commercialization systems

Chaudhry, expert

1. Peasants and other people working in rural areas have the right to a decent income and livelihood for themselves and their families, and to the means of production necessary to achieve them, including production tools, technical assistance, credit, insurance and other financial services. They have also the right to use individually and collectively traditional ways of farming, fishing and livestock rearing, **forestry**, and to develop community-based commercialization systems.

Paragraph 2

EU

2. 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.

Chaudhry, expert

2. Peasants and other people 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, and **fair wages for agricultural workers**.

Paragraph 3

EU

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. ~~Prices should be set through a fair and transparent process that involves peasants and other people working in rural areas and their organizations.~~

Guatemala: reservation

3. Los Estados adoptarán medidas adecuadas para reforzar y apoyar los mercados locales, nacionales y regionales, en formas que faciliten y garanticen que los campesinos y otras personas que trabajan en las zonas rurales tengan acceso pleno y equitativo a esos mercados y participen de igual manera en ellos para vender sus productos a unos precios que les permitan, a ellos y a su familia, alcanzar un nivel de vida adecuado. **[Los precios se fijarán mediante un proceso justo y transparente en el que participen los agricultores y otras personas que trabajan en las zonas rurales, así como sus organizaciones.]**

FIAN

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 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. Prices should be set through a fair and transparent process that involves peasants and other people working in rural areas and their organizations. **These prices are set through a fair and transparent process involving all the actors of the sector, including peasant, consumer and agricultural** [sic].

3.(bis) **States shall, together, modify the current rules of agricultural international trade, so that they can comply with the obligations stated in paragraph 2 through appropriate agricultural and trade policies, and implement food sovereignty**

LVC

3. States shall take appropriate measures to strengthen and support **territorial**, local, national and regional markets **as public utility services** in ways that facilitate, and ensure that peasants and other people 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. Prices should be set through a fair and transparent process that involves peasants and other people working in rural areas and their organizations.

Paragraph 4

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 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 should also promote decent non-farm employment opportunities in the rural economy.**

Chaudhry, expert

4. 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.

Paragraph 5

Guatemala: reservation

5. Los Estados adoptarán las medidas adecuadas para reforzar la resiliencia de los campesinos frente a los desastres naturales y otras graves perturbaciones [, como los fallos del mercado.]

LVC

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

ILO: additional paragraph

5 (bis) **States shall take appropriate measures to ensure payment of decent wages for all workers in agriculture, including migrant and seasonal workers, who regardless of their contractual arrangements or legal status are in an employment relationship on plantations and farms, in aquaculture and in agro-industrial enterprises. The payment should be made directly to the worker, in cash, and on a regular basis and in accordance with national laws and regulations and in line with the relevant international labour standards.**

IUE: additional paragraph

5 (ter) **States shall take appropriate measures to ensure payment of decent wages for all employed in agriculture. The payment should be made on a regular basis and in accordance with national laws and regulations and in line with the international labour standards.**

Article 17. Right to land and other natural resources

Geneva Academy, comment

<In defining the right to land and other natural resources in the UN Declaration, negotiators should include the following core elements of this right, possibly using agreed language found in other international instruments, including the CEDAW Convention, the UN Declaration on the rights of indigenous peoples, the Tenure Guidelines, and the Small-Scale Fisheries Guidelines>

EU

Article 17. ~~Right~~ **Access** to land and other natural resources

Peru

Artículo 17: Derecho a la tierra y **al aprovechamiento de los** otros recursos naturales

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** living in rural areas **should** have **access**, ~~individually and collectively~~, to the lands, water bodies, coastal seas, fisheries, pastures and forests that they need to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.

Guatemala: **reservation to the whole article and the parts indicated in brackets.**

1. Los campesinos y otras personas que viven en zonas rurales tienen derecho[, individual y colectivamente,] a las tierras, las masas de agua, las aguas costeras, las pesquerías, los pastos y los bosques que necesitan para alcanzar un nivel de vida adecuado, tener un lugar para vivir en seguridad, paz y dignidad y desarrollar su cultura.

Peru

1. Los campesinos y otras personas que viven en zonas rurales tienen derecho, individual y colectivamente, a las tierras **de su posesión o propiedad y al aprovechamiento de los recursos naturales en dichas tierras en el marco de las**

consideraciones previstas en sus legislaciones nacionales a fin de procurarse ~~las masas de agua, las aguas costeras, las pesquerías, los pastos y los bosques que necesitan para alcanzar~~ un nivel de vida adecuado, tener un lugar para vivir en seguridad, paz y dignidad y desarrollar su cultura.

Paragraph 4

EU

4. Peasants and other ~~people~~ **persons** working in rural areas have the right to 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 forced eviction, 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.

Chaudhry, expert: additional paragraphs

4 (bis) **Adequate and human rights-based impact assessments must be conducted before any project requiring the acquisition of land is sanctioned.**

4 (ter) **‘Public purpose’ must be defined as that which results in the improved welfare and wellbeing of all, including the communities from whom land is being acquired.**

4 (quarter) **Land of equal or commensurate quality and value must be provided to each affected family, irrespective of the tenure status they possess.**

4 (quinquies) **The full free and prior informed consent of affected communities must be taken before acquiring land for any public purpose project.**

4 (sexies) **All land acquisition laws must adhere to international human rights standards and norms and must ensure the protection of human rights of peasants and other people working in rural areas, in compliance with this declaration.**

Paragraph 5

EU

5. Peasants and other ~~people~~ **persons** working in rural areas have the right, ~~individually or collectively,~~ 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.

Guatemala: reservation

5. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho[, individual o colectivamente,] a regresar a la tierra y a que se les devuelva el acceso a los recursos naturales utilizados en sus actividades y necesarios para el disfrute de condiciones de vida adecuadas, y de los que hayan sido privados arbitraria o ilegalmente, o a recibir una indemnización justa y equitativa cuando no sea posible su regreso. Los Estados adoptarán medidas para restablecer el acceso a la tierra y a otros recursos naturales a los campesinos y otras personas que trabajan en las zonas rurales que hayan sido desplazados a causa de desastres naturales o conflictos armados.

LVC

5. Les paysans et les autres personnes travaillant dans les zones rurales ont le droit, individuellement ou collectivement, de revenir sur les terres et d'accéder de nouveau aux ressources naturelles qu'ils utilisent dans leurs activités et nécessaires pour jouir de conditions de vie adéquates, dont ils ont été arbitrairement ou illégalement privés, ou de recevoir une indemnisation juste et équitable si leur retour n'est pas possible. Les États prendront des mesures pour permettre aux paysans et aux autres personnes travaillant dans les zones rurales qui ont été déplacés suite **à un besoin de réalisation de projet d'intérêt**

public ou privé, à une catastrophe naturelle et/ou à un conflit armé d'avoir accès à nouveau à leurs terres et autres ressources naturelles, ou à des terres et ressources naturelles de valeur agronomique équivalente que ce qu'ils ont perdu, ainsi qu'une indemnisation juste et équitable pour les travaux indispensables à la reprise des activités agricoles ou de recevoir une indemnisation juste et équitable si leur retour n'est pas possible, ou de recevoir une indemnisation juste et équitable si leur retour n'est pas possible.

Chaudhry, expert

5. Peasants and other people working in rural areas have the right, individually or collectively, 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, **based on international guidelines and standards**, 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 as well as **development/infrastructure/public purpose projects**.

Paragraph 6

EU

6. States ~~shall carry out~~ **can decide to implement, when appropriate**, redistributive agrarian reforms in order to facilitate broad and equitable access to land and other natural resources used in their activities and necessary for the enjoyment of adequate living conditions, particularly to young people and landless persons, and to promote inclusive rural development. 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, small-scale fishers and other rural workers should be given priority in the allocation of public lands, fisheries and forests.

Guatemala: reservation

6. [Los Estados llevarán a cabo reformas agrarias redistributivas para facilitar el acceso amplio y equitativo a la tierra y otros recursos naturales utilizados en sus actividades y necesarios para disfrutar de condiciones de vida adecuadas, en particular de los jóvenes y las personas sin tierra, y para promover un desarrollo rural inclusivo. Las reformas redistributivas deben garantizar a hombres y mujeres el acceso a la tierra, las pesquerías y los bosques en condiciones de igualdad, y limitar la concentración y el control excesivos de la tierra, teniendo en cuenta su función social. Debe darse prioridad a los campesinos y otros trabajadores rurales sin tierras y a los pequeños pescadores en la asignación de tierras, pesquerías y bosques de titularidad pública.]

ROK

6. States ~~shall introduce domestic legislation shall carry out redistributive agrarian reforms~~ in order to facilitate broad and equitable access to land and other natural resources used in their activities and necessary for the enjoyment of adequate living conditions, particularly to young people and landless persons, and to promote inclusive rural development. **State should** ~~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, small-scale fishers and other rural workers should be given priority **to access to** ~~in the allocation of~~ public lands, fisheries and forests.

Chaudhry, expert

6. States shall carry out **human rights-based** redistributive agrarian reforms in order to facilitate broad and equitable access to land and other natural resources used in their activities and necessary for the enjoyment of adequate living conditions, particularly to **women**, young people and landless persons, and to promote inclusive rural development. 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. **Historically discriminated groups and communities**, Landless peasants, small-scale fishers and other rural workers **and women** should be given priority in the allocation of public lands, fisheries and forests.

Article 18. Right to a safe, clean and healthy environment

EU

Article 18. ~~Right~~ **Access** to a safe, clean and healthy environment

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas ~~have the right~~ **should have access** to a safe, clean and healthy environment.

Switzerland

1. ~~Les paysans et les autres personnes travaillant dans les zones rurales ont droit à un environnement sûr, propre et sain.~~ Les États adopteront un cadre normatif efficace pour assurer la jouissance d'un environnement sûr, propre, sain et durable, y compris pour ce qui est de la biodiversité et des écosystèmes.

Paragraph 2

EU

2. Peasants and other ~~people~~ **persons** working in rural areas have the right to **contribute to** the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall protect that right and take appropriate measures to ensure its full realization for peasants and other people working in rural areas, without discrimination.

Guatemala: reservation

2. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a la conservación y protección del medio ambiente y de la capacidad productiva de sus tierras [o territorios y recursos]. Los Estados protegerán ese derecho y adoptarán las medidas apropiadas para garantizar su plena efectividad a los campesinos y otras personas que trabajan en las zonas rurales, sin discriminación.

Golay, expert

2. Peasants and other people working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources **that they use, manage and control**. States shall protect that right and take appropriate measures to ensure its full realization for peasants and other people working in rural areas, without discrimination.

Paragraph 3

EU

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.

Paragraph 4

EU

4. States shall ~~take effective measures~~ **comply with their international obligations** to ensure that no hazardous ~~materials~~ **wastes** or substances are stored or disposed of on the land or territories of peasants and other ~~people~~ **persons** working in rural areas ~~without their free, prior and informed consent~~, and shall cooperate to address the threats to the enjoyment of their rights that result from transboundary environmental harm.

Guatemala: reservation

4. Los Estados adoptarán medidas eficaces para garantizar que no se almacenen sustancias o materiales peligrosos ni se viertan en las tierras o territorios de los campesinos y de otras personas que trabajan en las zonas rurales sin su [consentimiento libre, previo e informado] y cooperarán para hacer frente a las amenazas al disfrute de sus derechos resultantes de los daños ambientales transfronterizos.

LVC

4. States shall take effective measures to ensure that no hazardous materials or substances, **weapons and ammunitions that could affect biodiversity and the safe or productive use of land**, are stored or disposed of on the land or territories of peasants and other people working in rural areas without their free, prior and informed consent, and shall cooperate to address the threats to the enjoyment of their rights that result from transboundary environmental harm **and to enforce the responsibility of polluter to restore.**

Paragraph 5EU

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.

Article 19. Right to seedsPeru, comment

<Debe especificarse que deben excluirse del ámbito de regulación de este artículo las especias alimenticias y forrajes incluidos en el anexo I del Tratado Internacional sobre los Recursos Filogenéticos para la Alimentación y la Agricultura.>

RIDH, comment

<Este artículo se refiere al derecho a las semillas; es necesario ampliar el concepto e incluir el derecho a la riqueza zoogenética.>

EU

Article 19. ~~Right~~ **Access** to seeds

BESH

Article 19: Right to seeds **and to breeds**

RIDH

Artículo 19: Derecho a ~~las semillas~~ **la riqueza genética**

Guatemala: reservation to the whole article

Switzerland: Replace the whole article with article 9 of ITPRGFA

1. **States shall recognize the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world.**

2. **States shall agree that the responsibility for realizing Farmers' Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments. In accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers' Rights, including:**

- a) **protection of traditional knowledge relevant to plant genetic resources for food and agriculture;**
- b) **the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture; and**
- c) **the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.**

3. **Nothing in this Article shall be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material, subject to national law and as appropriate.**

Paragraph 1

EU

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

Chile

1. Peasants and other people working in rural areas have ~~the right~~ **access** to seeds **subject to national legislation**, including:

Subparagraph (a)

EU: delete 1 (a)

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

Subparagraph (d)

ROK

(d) The right to save, use, exchange and sell farm-saved seed or propagating material, **in accordance with domestic and international regulations and obligations.**

Peru

(d) El derecho a conservar, utilizar, intercambiar y vender semillas o material de multiplicación **cuando sean actividades realizadas entre ellos mismos y para su propio consumo en el territorio de su país de origen y estén basadas en las prácticas tradicionales y usos del lugar** ~~conservados en las explotaciones agrícolas.~~

LVC

(d) Le droit de conserver, d'utiliser, d'échanger et de vendre ~~leurs des~~ **leurs** semences de ferme ou ~~leur du~~ **leur** matériel de multiplication.

Paragraph 2

EU

2. Peasants and other ~~people~~ **persons** working in rural areas ~~have the right~~ **should be able** to maintain, control, protect and develop their seeds and traditional knowledge.

Paragraph 3

EU: delete paragraph 3

3. {States shall respect, protect and fulfil the right to seeds, and recognize it in their national legislation.}

Paragraph 7

EU

7. States shall ensure that agricultural research and development ~~is oriented towards~~ **duly takes into account** the needs of peasants and other ~~people~~ **persons** working in rural areas; they shall 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.

Paragraph 8

EU

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, ~~in particular the right to seeds~~, and take into account their needs and realities.

CETIM: additional paragraphs

8 (bis) **Les États doivent appuyer/soutenir les banques de semences paysannes, les conservations *in situ* et le développement des semences paysannes.**

8 (ter) **Les États doivent prendre des mesures pour réglementer les activités des acteurs non-étatiques tels que les sociétés transnationales agroalimentaires.**

Article 20. Right to biological diversity

EU

Article 20. ~~Right to~~ Biological diversity

Switzerland, comment

<De l'avis de ma délégation, quelques éléments des articles 20 et 26 sont répétitifs. Par ailleurs on constate que les concepts des « savoirs traditionnels associés » et de « savoir traditionnel » sont parfois utilisé de manière inconsistante dans le texte relatif à d'autres instruments négociés dans d'autres fora des Nations Unies.

La Suisse propose de prendre comme base de discussion l'article 9.2.a du Traité international sur les ressources phytogénétiques pour l'alimentation et l'agriculture qui décrit « le droit de participer équitablement au partage des avantages découlant de l'utilisation des ressources phytogénétiques pour l'alimentation et l'agriculture ».>

Geneva Academy, comment

< - Peasants' rights to save, exchange, donate, sell, use and reuse farm-saved seeds of peasants' varieties, and to maintain, control, protect and develop these seeds and property over these seeds (and states obligations to protect these rights in their national laws)

- States' obligations to respect, protect and promote peasant seed systems

- States' obligation to support research and development that contribute to the full realization of peasants' right to seeds, including by ensuring the active participation of peasants in research and development, and by investing more into research on and development of orphan crops and seeds that respond to the needs of peasants in developing countries

- Peasants' rights to save, use, exchange and sell at local level (but not commercialize) farm-saved seeds of varieties protected by intellectual property rights.>

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** working in rural areas have the right, ~~individually or collectively~~, to conserve, maintain and sustainably use and develop biological diversity and associated knowledge, including in agriculture, fishing and livestock. They also have the right to maintain their traditional agrarian, pastoral and agroecological systems upon which their subsistence and the renewal of agricultural biodiversity depend.

Guatemala: reservation

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho[, a título individual o colectivo,] a conservar, mantener y desarrollar y utilizar de manera sostenible la diversidad biológica y los conocimientos conexos, en particular en la agricultura, 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 biodiversidad agrícola.

Switzerland

1. Les paysans et les autres personnes travaillant dans les zones rurales ont le droit, individuellement ou collectivement, de préserver, de maintenir et d'utiliser et de développer durablement la diversité biologique et les savoirs connexes, touchant notamment à l'agriculture, **à la foresterie**, à la pêche et à l'élevage. Ils ont aussi le droit de perpétuer leurs systèmes agraires, pastoraux et agroécologiques traditionnels, dont dépendent leur subsistance et le renouvellement de la biodiversité agricole.

Peru

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho, a título individual o colectivo, a conservar, mantener y desarrollar y utilizar de manera sostenible la diversidad biológica y los conocimientos conexos, en particular en la agricultura, 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 biodiversidad agrícola, **y a la conservación de los ecosistemas en que estos procesos se desarrollan.**

WFFP

1. Peasants and other people working in rural areas have the right, individually or collectively, to conserve, maintain and sustainably use and develop biological diversity and associated knowledge, including in agriculture, fishing and livestock. They also have the right to maintain their traditional agrarian, pastoral and agroecological systems upon which their subsistence and the renewal of ~~agricultural~~ biodiversity depend.

Chaudhry, expert

1. Peasants and other people working in rural areas have the right, individually or collectively, to conserve, maintain and sustainably use and develop biological diversity and associated knowledge, including in agriculture, fishing, **forestry**, and livestock. They also have the right to maintain their traditional agrarian, pastoral and agroecological systems upon which their subsistence and the renewal of agricultural biodiversity depend.

Paragraph 2EU

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

Paragraph 3EU: delete paragraph 3

3. {States shall take appropriate measures, in compliance with their obligations under relevant international agreements, to prevent the depletion and ensure the conservation and sustainable use of biodiversity and genetic resources, and for the protection and promotion of relevant traditional knowledge of peasants and other people working in rural areas, and their equitable participation in benefit-sharing arising from the use of these resources.}

LVC

3. Les États prendront les mesures requises, dans le respect des obligations leur incombant en vertu des accords internationaux pertinents **concernant les droits humains**, pour prévenir l'épuisement et assurer la préservation et l'utilisation durable de la diversité biologique et des ressources génétiques et pour assurer la protection et la promotion des savoirs traditionnels pertinents des paysans et des autres personnes travaillant dans les zones rurales ainsi que la participation équitable de ceux-ci à la répartition des avantages découlant de l'usage de ces ressources.

Paragraph 4EU

4. States shall regulate, prevent and reduce 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.

LVC

4. Les États réglementeront, préviendront et ~~réduiront~~ **éviterons** les risques de violation des droits des paysans et des autres personnes travaillant dans les zones rurales inhérents au développement, à la manipulation, au transport, à l'utilisation, au transfert ou à l'introduction de tout organisme vivant modifié.

Chaudhry, expert: additional paragraph

4 (bis) States should help prevent ‘biopiracy’ and take measures to protect traditional knowledge and plant genetic resources/biodiversity from being appropriated and misused for profit by companies, especially through the process of obtaining patents on indigenous and local knowledge of peasants and other people working in rural areas.

Article 21. Rights to water and to sanitation

Switzerland

Article 21 : ~~Droit~~ **Droits** à l’eau **potable** et à l’assainissement

Guatemala: reservation to the whole article and the parts indicated in brackets

Paragraph 1

EU

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. They also have the right to 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.

South Africa

1. Peasants and other people 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 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.

Paragraph 2

EU

2. Peasants and other ~~people~~ **persons** working in rural areas have the right to water for farming, fishing and livestock ~~people~~ **persons** and to securing other water-related livelihoods. 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.

Peru

2. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho al **aprovechamiento del** agua para la agricultura, la pesca y la ganadería y a asegurar otros medios de subsistencia relacionados con el agua. Tienen derecho a un acceso equitativo al agua y a los sistemas de gestión de los recursos hídricos, y a no sufrir cortes arbitrarios o contaminación del suministro.

ILO and IUF

2. Peasants and other people working in rural areas have the right to water for farming, fishing and livestock keeping and to securing other water-related livelihoods. 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. **Rural workers have the right to free, potable water at their place of work.**

Chaudhry, expert

2. Peasants and other people working in rural areas have the right to water for farming, fishing and livestock keeping and to securing other water-related livelihoods. They have the right to equitable access to water and water management systems, and to be free from arbitrary disconnections, **privatization of their water resources**, or the contamination of water supplies.

Paragraph 3

EU

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 **endeavour to** guarantee affordable water for personal, domestic and productive uses, and improved sanitation, in particular for **persons belonging to** disadvantaged or marginalized groups, such as nomadic pastoralists, workers on plantations, migrants, regardless of their legal status **and as defined by national legislation**, and persons living in irregular or informal settlements.

Switzerland

3. Les États respecteront, protégeront et garantiront l'accès à l'eau, y compris dans les systèmes coutumiers et communautaires de gestion de l'eau, sur une base non discriminatoire, et ils prendront des mesures pour garantir l'accès à un coût abordable à l'eau à des fins personnelles, domestiques et productives, et à des installations d'assainissement améliorées, notamment pour les groupes défavorisés ou marginalisés, comme les éleveurs nomades, les travailleurs des plantations, les migrants sans considération de leur statut juridique, et les personnes vivant dans des zones d'habitation informelles ou illégales. **Les États promouvoir des technologies appropriées et à un coût abordable, notamment des technologies d'irrigation, de réutilisation des eaux usées traitées, et de collecte et de stockage de l'eau.**

Chaudhry, expert

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 disadvantaged or marginalized groups, such as nomadic pastoralists, workers on **farms, forests, fisheries, and** plantations, **landless persons**, migrants, regardless of their legal status, and persons living in irregular or informal settlements. **Special measures should be taken to respect, protect, and fulfil the rights to adequate water and sanitation for rural women and girls, including at places of work and education**

Paragraph 4

Switzerland

4. States shall **protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes** ~~protect and ensure the regeneration of natural water resources, watersheds, aquifers and surface water sources, including wetlands, ponds, lakes, rivers and streams,~~ from overuse and contamination by harmful substances, in particular by industrial effluent and concentrated minerals and chemicals that result in slow and fast poisoning.

Paragraph 5

EU

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.

Guatemala: reservation

5. [Los Estados impedirán a terceros que menoscaben el disfrute del derecho al agua de los campesinos y otras personas que viven en las zonas rurales. Darán prioridad al uso del agua para atender a las necesidades humanas, para la producción de alimentos en pequeña escala, para las necesidades de los ecosistemas y para usos culturales.]

Chaudhry, expert

5. States shall prevent third parties from impairing the enjoyment of the right to water of peasants and other people living in rural areas, **including by diversion of water resources/bodies and their commercial exploitation**. States shall prioritize water use for human needs, small-scale food production, ecosystem needs and cultural use before other uses **and respect customary rights to water resources, including coastal areas and rivers.**

5 (bis) States shall take measures to protect the rights of rural communities to disaster risk reduction and preparedness, including with regard to desertification and drought, which impact their rights to water and sanitation.

Article 22. Right to social security

Paragraph 1

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

Paragraph 2

EU

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

Panama: delete paragraph 2

2. {Migrant workers in rural areas shall, regardless of their legal status, enjoy equality of treatment with regard to social security.}

ILO

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

Paragraph 3

EU

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

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** 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.

Chaudhry, expert

3. States shall recognize the rights of peasants and other people, **including of women**, 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.

Paragraph 4

ILO

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.

Article 23. Right to health

EU

Article 23. Right of everyone to the enjoyment of the highest attainable standard of physical and mental ~~to~~ health

LVC

Article 23. Right to **adequate** health

Paragraph 1

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.

Chaudhry, expert

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

Paragraph 2

EU

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.

Paragraph 3

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.

Chaudhry, expert

3. States shall guarantee access to health facilities, goods and services in rural areas on a non-discriminatory basis, especially for **women, children**, groups in vulnerable situations, access to essential medicines, immunization against major infectious **and chronic** 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 training for health personnel, including education on health, **gender**, and human rights.

Article 24. Right to adequate housing

Guatemala: reservation to the whole article

Paragraph 1

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.

South Africa

1. Peasants and other people 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.**

Chaudhry, expert

1. Peasants and other people working in rural areas have the right to adequate housing, which is ~~They have~~ the right to sustain **a safe and** secure home and community in which to live in peace and dignity. **Adequate housing includes the elements of legal security of tenure, affordability, accessibility, appropriate location, habitability, availability of services, materials, facilities and infrastructure, and cultural adequacy. Adequate housing should also incorporate building standards to provide disaster-resistance.**

1 (bis) **States shall take measures to ensure that peasants and other people working in rural areas are provided with legal security of tenure over their homes and lands. Secure tenure titles should be provided in the names of women.**

Paragraph 2EU

289. 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.

Chaudhry, expert

2. Peasants and other people working in rural areas have the right to be protected against the destruction/demolition of their homes as well as from forced eviction from their home, harassment, **dispossession, violence, and** other threats. **States shall not, either temporarily or permanently, remove peasants or other people 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.**

2 (bis) **States should focus on in situ upgrading of rural housing, with the active participation and full and free prior informed consent of peasants and other people living and working in rural areas to ensure the progressive realization of their human right to adequate housing.**

2 (ter) **When possible, the right of return of peasants and other people working in rural areas, will be protected and guaranteed by the state. This includes facilitating the return of displaced individuals and communities to their original habitats with security and dignity.**

Paragraph 3EU

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.

Chaudhry, expert

3. States shall not, either temporarily or permanently, remove peasants or other people 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, **in exceptional circumstances, for the well-being, welfare, or health of the individual or community, the State must follow due process as established by international guidelines and** provide or ensure fair and just compensation for ~~any~~ **both material and non-material** or other losses.

Paragraph 4EU

4. In cases of eviction, States shall guarantee the right to resettlement of peasants and other ~~people~~ **persons** working in rural areas, which 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 water.

LVC: new paragraphs

4 (bis) **Los Estados garantizarán alojamientos suficientes, adecuados y asequibles para los trabajadores temporeros que se desplacen en las diferentes campañas agrícolas. Estos alojamientos se localizarán fuera de los centros de trabajo, con servicios y transporte adecuados, sin ningún tipo de ingerencia o de control por parte de los empleadores, de manera a garantizar su intimidad, su libertad de desplazamiento y su libertad sindical.**

4 (ter) **In case of natural or environmental disasters, the seasonal, migrant and other rural workers and members of their families, should be provided support and access to emergency housing, regardless their migrant status or their place of residence.**

Chaudhry, expert

4. In cases of eviction, States shall guarantee the right to resettlement **and rehabilitation** of peasants and other people working in rural areas, **in accordance with existing international human rights standards.** ~~which.~~ 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 basic services** and essential rights such as those to health, **work/livelihood**, education, water, **and sanitation.**

Article 25. Right to education and training

Paragraph 1

EU

1. Peasants and other people **persons** working in rural areas have the right to education and training. ~~Education and training programmes for peasants and other people working in rural areas shall take into account their economic environment, social and cultural conditions and practical needs, and incorporate their histories, knowledge and value systems. They shall be developed and implemented in cooperation with peasants and other people working in rural areas.~~

Guatemala: reservation

1. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho a la educación y la formación. Los programas de educación y formación para los campesinos y otras personas que trabajan en las zonas rurales tendrán en cuenta el entorno económico, las condiciones sociales y culturales y las necesidades prácticas de esas personas[, e incorporarán su historia, sus conocimientos y su sistema de valores]. Se elaborarán y se aplicarán en cooperación con los campesinos y otras personas que trabajan en las zonas rurales.

Switzerland

1. Peasants and other people working in rural areas have the right to education and training. Education and training programmes for peasants and other people working in rural areas shall take into account their economic environment, social and cultural conditions and practical needs, and incorporate their histories, knowledge and value systems. They shall be developed and implemented in cooperation with peasants and other people working in rural areas **and may be conceived as a contribution to SDG 4.**

ILO

1. Peasants and other people working in rural areas have the right to education and training. Education and training programmes for peasants and other people working in rural areas shall take into account their economic environment, social and cultural conditions and practical needs, and incorporate their histories, knowledge and value systems. They shall **uphold and promote the universal nature of human rights and** be developed and implemented in cooperation with peasants and other people working in rural areas.

Chaudhry, expert

1. Peasants and other people working in rural areas, **including women**, have the right to education and training. Education and training programmes for peasants and other people working in rural areas shall take into account their economic environment, social and cultural conditions and practical needs, and incorporate their histories, knowledge and value systems. They shall be developed and implemented in cooperation with peasants and other people working in rural areas.

Paragraph 2EU

2. 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.

Chaudhry, expert

2. Peasants and other people working in rural areas have the right to adequate training suited to the specific agro-ecological, 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, **disasters**, and weather-related events.

Paragraph 3EU

3. 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.

ILO

3. **All** children of peasants and other people 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. All children have the right to complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes. They also should have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.**

Chaudhry, expert

3. Children of peasants and other people 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. **Special focus should be paid to girl children to ensure the guarantee of their equal right to education, including through the creation of safe and secure schools and study places.**

Paragraph 4EU

4. 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.

Article 26. Cultural rights and traditional knowledge

Guatemala: reservation to the whole article and the parts indicated in brackets

BESH, comment

<The question to us is not only to “avoid und eliminate discrimination upon traditional knowledge” as mentioned at the end of point 3, but to protect it.>

Paragraph 1

EU

1. Peasants and other ~~people~~ **persons** 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 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.

Claeys, expert

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.

Paragraph 2

EU

2. Peasants and other ~~people~~ **persons** working in rural areas, ~~individually or collectively~~, have the right to express their local customs, languages, culture, religions, literature and art, in conformity with international human rights standards.

Guatemala: reservation

2. Los campesinos y otras personas que trabajan en las zonas rurales tienen derecho [, a título individual y colectivo,] a expresar sus costumbres, idiomas, cultura, religiones, literatura y arte locales, de conformidad con las normas internacionales de derechos humanos.

Chaudhry, expert

2. Peasants and other people working in rural areas, individually or collectively, have the right to express their local customs, languages, culture, religions, literature and art, ~~in conformity with international human rights standards~~ **with respect to gender equality and non-discrimination**.

Paragraph 3

EU

3. States shall respect, and take measures to recognize and protect, the exercise of the above-mentioned rights, and eliminate discrimination against the traditional knowledge, practices and technologies of peasants and other ~~people~~ **persons** working in rural areas.

Article 27. Responsibility of the United Nations and of other international organizations

Paragraph 1

EU

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. ~~Ways and means of ensuring the participation of peasants and other people working in rural areas on issues affecting them shall be established.~~

Guatemala: reservation

1. Los organismos especializados, fondos y programas del sistema de las Naciones Unidas y otras organizaciones intergubernamentales, [incluidas las organizaciones financieras internacionales y regionales,] contribuirán a la plena observancia de las disposiciones de la presente Declaración mediante la movilización, entre otras cosas, de la asistencia y la cooperación para el desarrollo. [Se establecerán los medios de asegurar la participación de los campesinos y otras personas que trabajan en las zonas rurales en los asuntos que les conciernan.]

Paragraph 2

Guatemala: reservation

2. Las Naciones Unidas y sus organismos especializados, fondos y programas[, y otras organizaciones intergubernamentales, incluidas las organizaciones financieras internacionales y regionales,] promoverán el respeto y la plena aplicación de las disposiciones de la presente Declaración y velarán por su eficacia.

LVC: new paragraph

2 bis. **The United Nations through its specialized agencies, shall monitor and report the status of the rights entailed in this declaration to the Human Rights Council on annual basis, the report should also clarify what steps have been taken by the United Nations and its specialized agencies to promote these rights.**

IITC: Additional article

27 (bis) **Nada de lo contenido en a presente Declaración se interpretará en el sentido de que menoscaba o suprime los derechos que, los campesinos, campesinas y otras personas y pueblos indígenas que trabajan en zonas rurales tienen en la actualidad o puedan adquirir en el futuro.**

Golay, expert: additional article (based on articles 45 and 46. 2 and 3 of UNDRIP)

27 (ter)

1. **Nothing in this Declaration may be construed as diminishing or extinguishing the rights peasants and other people working in rural areas have now or may acquire in the future.**

2. **In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly 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.**

3. **The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, accountability and good faith.**

Annex IV

Additional explanations provided by experts

Overarching questions

Individually or in community:

The language of article 1(1), “alone or in association with others,” may be used to replace “individually and collectively”. Many civil, economic, social and cultural rights have collective dimensions. The language from CESCR general comment 21 whereby rights can be exercised “individually, in association with others and in a group” is another alternative that could be contemplated.

There are cases when these rights are realized collectively in a community, for example fishing and raising cattle. In general, farming is often collective. This recognition of collective rights is not new and features in the 2012 FAO Guidelines. Many constitutions in Latin America recognize collective rights. Legal mechanisms, such as class actions, have been established for their protection.

Addition of reference to “compliance with national legislation”

The United Nations Declaration on the Rights of Indigenous Peoples does not contain reference to compliance with national legislation. Rather, wording similar to that of article 46(3) of the Declaration could be added: “The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly 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.”

Removal of references to “right”

Rights referred to in the draft declaration are rights that States have drafted and adopted. They are stated not in the context of a development agency. The proposed declaration is on the rights of peasants and other people working in rural areas. If the word is deleted, the very nature of entitlements to be recognized under law will be eliminated.

Preamble

Most international agreements include a chapter of definitions. It may be useful, in order to have a clear common understanding, to insert a definition of “food sovereignty”.

Article 1

Definition of peasants:

The definition of “peasant” in the draft declaration is inspired by the work done by La Via Campesina and by States in the context of the 2012 CFS Voluntary Guidelines on the responsible governance of tenure of land, fisheries, forests in the context of national food security. The definition emphasizes the relationship with land and environment as means of production. It includes activities that produce certain results which are not necessarily profitable. It embraces the possibility for peasants to self-identify.

The draft declaration concerns a particular activity that in the past might have not required protection. A parallel may be drawn to the activities of human rights defenders which are now protected by a specific Declaration.

International human rights law provides protection for groups in vulnerable situations, such as children, women, indigenous peoples and persons with disabilities. Peasants are in a particularly vulnerable situation.

The formulation in the text referring to “or” and not “and” provides for different possibilities.

Migrant and seasonal workers

The intention of the draft declaration is that aspirations should prevail over local legislation. As regards “legal status”, those without legal status are particularly vulnerable. For example, people living in slums without legal status on the land or the dwelling should still have right to water and sanitation. Enjoyment of rights is not linked to legal status of ownership.

Article 2

Obligations of States

Article 2, in its entirety, is based on existing law. The draft declaration, therefore, does not necessarily represent voluntary commitments only. Rather, it provides guidelines on the implementation of existing obligations that States have for the specific case of peasants and other people working in rural areas. The typology of obligations features in many documents used by States. The progressive approach does not apply to obligations that are of immediate nature, such as the obligation not to evict.

Extra-territorial obligations

The recognition of human rights by the States in the UN Charter and the UDHR arose from the context of the Second World War where, as it is known, some States had impact outside their territories. Across the jurisprudence that is available nowadays, it is understood that extra-territorial obligations are applied within the scope States’ jurisdiction, which is where they exercise control. This includes situations of occupation or protectorate as well as decisions that they are making within their territory that have an impact outside the territory which is foreseeable. It is also the case where States have such strong influence beyond the territory that they might have the ability to garner respect and ensure protection and implementation of human rights. This understanding of extraterritorial obligations is strongly supported in existing jurisprudence, in the practice of UN bodies, and in documents adopted by the Human Rights Council, such as the Guiding Principles on extreme poverty and human rights and the set of core principles and measures to address the human rights challenge in large-scale land acquisitions and leases. Extraterritorial obligations should be applied in a way that does not affect the sovereignty of States.

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. Consultations should be held in line with its objectives and the rights of minorities. It is a key element of people’s right to participate in decisions that affect their lives, lands and livelihoods. Trends in international law and jurisprudence indicate that free, prior and informed consent applies to other groups beyond indigenous peoples as well. In the Rio Declaration of 1992, free, prior and informed consent applies to indigenous peoples and local communities.

Its practical application needs to be understood in a democratic framework. The “freedom” aspect of the principle is an important safeguard against coercion. As evidences show, consultation and cooperation in good faith offer protection against abuse of power and avert conflict.

Article 3

Collective rights

There are three types of collective rights: the rights of peoples (right to development, food sovereignty), the rights of local communities (biodiversity, use of forests, community irrigation systems, knowledge associated to seed systems, traditional medicine), and individual rights that are exercised collectively (collective bargaining, right of association). Collective right is also recognized in article 29 of the Universal Declaration of Human Rights. Groups may be discriminated against their collective identity.

Article 7

Freedom of movement

Freedom of movement is important for peasants for example for fishers, pastoralists, or shepherds who need to move from one area to another with their livestock. The difference in the freedom of movement enjoyed by large-scale fishers and industrial fisheries is noted in contrast with the worrying restrictions placed on small-scale fishers, who can often be criminalised. Paragraph 6.10 of the 2005 Voluntary Guidelines for securing sustainable small-scale fisheries recognises the role played by migrant fishers and the importance of their freedom of movement and asks States to cooperate on appropriate legal frameworks. It also states that cooperation agreements must be conducted in consultation with the small-scale fishers. Guideline 22 of the 2012 Guidelines on responsible governance of land tenure also calls on States to contribute to better understanding transboundary tenure. There is therefore an agreed language on this issue.

Article 9

Impartiality

Support to peasants organizations should facilitate the exercise of rights. In case of conflicts as regards rights between the differing parties, States apply the constitutional principles of proportionality and rationality.

Article 10

Removal of reference to “right”

The right to participate is a clearly recognized right that is contained in documents drafted and adopted by States. The obligation to ensure meaningful, effective and informed participation is to help prevent States from manipulating consultative processes. The right to participation as a human right is fundamental to rule of law and to creating democratic governance. It is integrally linked to other rights such as freedom of assembly and of association as well as freedom of thought and expression.

Obligation to facilitate

The obligation to facilitate has been recognized in concluding observations of treaty bodies. It entails for instance putting in place institutional arrangements to provide legal assistance or to ensure that the specificities of rural areas or the languages spoken are accommodated.

Article 11

Certification mechanisms

The general aim of the proposed provision is to ensure that peasants can adapt to these certification standards. There are FAO studies indicating that agricultural agreements sometimes impose unattainable standards on peasants. There must be a right to ensure that

the certification systems do not stand in a way to access to market. Applying the same standards to different situations can lead to discrimination.

Language from a CFS recommendation on connecting small-holders to markets could be used in this regard: “promote rigorous protection of food safety through effective risk assessment leading to control systems that are appropriate for different scales, contexts and modes of production and marketing, while providing information and capacity building to meet these requirements”.

Article 12

Assimilation and integration

These terms are relatively new but these are also new phenomena. When large infrastructure projects are implemented, peasants are often forced to leave their livelihoods and are pressurized to start other activities. Fishers have been obliged to become infrastructure workers. The objective of the provision is to ensure that peasants are not instrumentalised for the purpose of profit.

Specific support to peasants

Providing specific support to peasants is necessary to remedy the situation of injustice. Prioritizing groups in a marginalized or disadvantaged group is expressed in CESCR’s general comment on non-discrimination and Guideline 13 of the 2012 FAO Voluntary Guidelines on the responsible governance of tenure which is specifically focused on vulnerable groups.

Article 13

Labour intensive production

The current trend is towards mechanization. The provision is necessary in the context of large number of people without decent work. ILO employment policy recommendation 122 calls on States to “promote more labour-intensive techniques, in circumstances where these will make for more efficient utilisation of available resources.” It also refers to “more labour-intensive methods of cultivation, expansion of animal husbandry and the diversification of agricultural production”.

Article 15

Food sovereignty

The concept of food sovereignty has emerged from the peasants movement and is different from food security. Food sovereignty embraces a degree of independence: one can decide what to produce. It does not challenge State sovereignty or control. The definition of the right to food sovereignty refers to socially just mechanisms, ecologically sensitive means of production, and the right to healthy food. The principle of cultural appropriateness is important as it relates to the right to decide what they can eat and how they produce their own food. The principle of ecologically sensitive agriculture is integral to realizing the targets of the Paris Agreement.

Right to culturally acceptable food

Cultural acceptability of food has been recognized in the definition of the right to food since the adoption of the general comment on the right to food by CESCR. The FAO Voluntary Guidelines on the right to food, adopted by States, also refers to the right to culturally acceptable food.

Article 16

Right to decent income and livelihood and means of production

It has been recognized as a right at least for women in article 14 of CEDAW. Article 14 on rural women recognizes as a right several elements that are found in the proposed article 16. Guideline 8 on access to resources and assets of the FAO Voluntary Guidelines on the right to food also takes up numerous elements from that article.

Prices

Various national constitutions have relevant norms on price-setting (e.g. article 119 of the Constitution of Guatemala, article 39(c) of the Constitution of India, article 187 of the Constitution of Brazil) which would allow the kind of measure under article 16(3) to be considered, when read consistently with the obligations of States in relation to human rights. In case where constitutions stipulate that free market system prevails, they usually include safeguards allowing for exceptional measures in the market economy in order to support peasant enterprises. Wording could be considered to make it clear that States can adopt certain safeguards in price regulation and setting to guarantee that there is adequate income for peasants and small-scale producers in rural areas.

Article 17

Right to land

In colonial systems, the relationship between people and land was restricted by civil code and other regulations which was limited to the right to ownership and omitted other frameworks in particular the different relationships people have with land: the way they accede to it, use it and manage it as well as the way in which they use the benefits of the land. The declaration is a remarkable opportunity to recognize different forms of relationship with land, without denying the right to ownership. Certain jurisprudence extends its understanding of land ownership to traditional forms of tenure. The declaration ought to recognize what are objective and subjective entitlements. Other UN organizations have recognized this need.

Access to land is just one aspect of the issue. A most important element is security of tenure. The declaration cannot just be limited to access to land and ignore the issue of tenure, a vital aspect of the proposed wording. Recognizing the right to land would not cause new conflicts. It would provide with a legal framework for settling pre-existing conflicts between different communities.

Article 18

Right to the environment

The right to the environment is recognized in five times more constitutions than the right to food, while the latter is not questioned. Article 12 of the International Covenant on Economic, Social and Cultural Rights on the right to health refers to the improvement of all aspects of environmental and industrial hygiene. It is not a question of access, rather a right to healthy and cleaning environment. This is also the sense of the Protocol of San Salvador and other regional instruments.

Paragraph 2 could be reformulated as follows “peasants and other persons working in rural areas have the right to the conservation and protection of the environment and the productive capacity of the land and other natural resources that they use, manage and control”.

Article 19

Right to seed

The proposed reference to “their seeds”, that is the seeds that have been developed and improved by peasants over thousands of years of farming, could resolve a potential conflict by differentiating the traditional seeds system from the commercial seeds system. There must be recognition and respect for both types of seeds: the formal system of protected seed varieties through agreements such as TRIPS; and the traditional seeds system of peasants characterized by biodiversity on which improvements by farmers are based.

Article 9 of ITPGRFA

Proposed article 19 is compatible with ITPGRFA and other international instruments and the language is necessary to clarify doubts. Replacing article 19 with article 9 of ITPGRFA would be restrictive as this article includes issues referred to in many other sections of the Treaty and is also based on the Convention on Biological Diversity and its Nagoya Protocol. Annex 1 of the Treaty, which on the multilateral system for access and benefit-sharing contained in articles 10 to 15 of the Treaty, has no relation with article 9 on the rights of farmers.

Proposed deletion of 1(a) of the draft declaration

There has never been a problem with the recognition of the right of farmers to their traditional knowledge throughout decades of negotiations at FAO. Traditional knowledge is basic and should be protected not only for producers but also for the humanity. It is contained in the Convention on Biological Diversity and UNESCO instruments.

Compatibility with intellectual property rights regime

A parallel could be made to the question of potential conflict between the recognition of the right to medicine as part of the right to health with intellectual property rights. The former Commission on Human Rights affirmed unconditionally the right to medicine as part of the right to health. Conciliation between these rights took place outside the human rights forum with the WTO Doha Declaration which allows for the production of generic medicines and their export.

Article 20

Right to biodiversity

There are many legislations at national and regional levels that recognize the right of communities to biological resources. There is no dichotomy between the recognition of these rights in the declaration and the international conventions to which States may be members. It is not an issue of access but the right to use the resources to which their knowledge is associated. It has important consequences in terms of conservation and preservation of resources.

Associated traditional knowledge

Beyond saving and protecting plants, the protection of the methods developed throughout centuries by communities for their use is absolutely vital. It is not a question of patenting it. It is about protecting local communities from the patents of people coming from outside that may prevent their local use.
