



General Assembly

Distr.: General
15 January 2010

Original: English

Human Rights Council

Advisory Committee

Fourth session

25-29 January 2010

Item 2 (b) of the provisional agenda

Requests addressed to the Advisory Committee

stemming from Human Rights Council resolutions: right to food

Discrimination in the context of the right to food

Study prepared by the drafting group on the right to food^{**}

^{*} Late submission.

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I. Introduction

1. In its resolution 10/12, the Human Rights Council requested the Advisory Committee to undertake a study on discrimination in the context of the right to food, including identification of good practices of anti-discriminatory policies and strategies, and to report on it to the thirteenth session of the Council.

2. At its first session, the Advisory Committee established a drafting group on the right to food, consisting of José Bengoa Cabello, Chinsung Chung, Latif Hüseyinov, Jean Ziegler and Mona Zulficar. Two preliminary background papers entitled “The tragedy of Noma” (A/HRC/AC/3/CRP.3) and “Peasant farmers and the right to food: a history of discrimination and exploitation” (A/HRC/AC/3/CRP.5) were presented during the third session of the Committee. Taking into account the discussion during the Committee’s session, the drafting group decided upon a conceptual framework of the study, which was presented in the plenary. In its recommendation 3/4, the Advisory Committee assigned the preparation of the study to the drafting group and requested that a preliminary report be presented to the Committee at its fourth session. The present study on discrimination in the context of the right to food is the outcome of that process.

3. In this introduction, it is necessary to present the international legal framework concerning the right to food and non-discrimination.

4. The right to food is a human right that protects the right of all human beings to live in dignity, free from hunger. It is protected under international human rights and humanitarian law. As defined by the Committee on Economic, Social and Cultural Rights in its general comment No.12 (1999), the right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. Inspired by this definition, the right to food has been defined as:

the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear (A/HRC/7/5, par. 17).

5. The right to food is, above all, the right to be able to feed oneself in dignity. It includes the rights of vulnerable and discriminated groups to have access to land, small-scale irrigation and seeds, credit, technology and local and regional markets in rural areas, to traditional fishing areas, to a sufficient income and to social security and social assistance to enable a person to live in dignity.

6. Under international law, Governments are bound to respect, protect and fulfil the right to food. These three levels of obligations were defined by the Committee on Economic, Social and Cultural Rights in its general comment No.12, and endorsed by consensus by the States, when the Council of the Food and Agriculture Organization of the United Nations (FAO) adopted the Right to Food Guidelines in November 2004.

7. The obligation to respect means that the Government should not take actions that arbitrarily deprive people of their right to food. The obligation to protect means that the Government should enforce appropriate laws to prevent third parties, including powerful persons and corporations, from violating the right to food of others. Finally, the obligation to fulfil (facilitate and provide) means that the Government should take positive steps to identify vulnerable groups and implement appropriate measures to ensure their access to adequate food by facilitating their ability to feed themselves. As a last resort, the Government is required to provide adequate food to those who cannot feed themselves for reasons beyond their own control.

8. The principle of non-discrimination is a cardinal principle of international law. It has been enshrined in identical provisions in the International Covenant on Civil and

Political Rights and the International Covenant on Economic, Social and Cultural Rights. According to article 2, paragraph 2, of the latter covenant, each State party is obliged to guarantee that the rights enunciated in the present Covenant are exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

9. In its general comment No.20, on non-discrimination in economic, social and cultural rights, the Committee on Economic, Social and Cultural Rights defined discrimination as any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights (para. 7).

10. The Committee insisted on the obligation for State parties to eliminate all discrimination, both formally and substantively. For the Committee, eliminating formal discrimination requires ensuring that a State's constitution, laws and policy documents do not discriminate on prohibited grounds; for example, laws should not deny equal social security benefits to women on the basis of their marital status.

11. Merely addressing formal discrimination will not ensure substantive equality as envisaged and defined by article 2(2). The effective enjoyment of Covenant rights is often influenced by whether a person is a member of a group characterized by the prohibited grounds of discrimination. Eliminating discrimination in practice requires paying sufficient attention to groups of individuals who suffer historical or persistent prejudice instead of merely comparing the formal treatment of individuals in similar situations. States parties must therefore immediately take the necessary measures to prevent, diminish and eliminate the conditions and attitudes that cause or perpetuate substantive or de facto discrimination; for example, ensuring that all individuals have equal access to adequate housing, water and sanitation will help to overcome discrimination against women and girl children and persons living in informal settlements and rural areas.

12. The obligation of non-discrimination de jure essentially implies the adoption of legislative measures. In the context of the right to food, it obliges States to revise their legislation, in particular laws dealing with access to food, social assistance or productive resources, to ensure that they do not include any discriminatory provision (see general comment No.12, par. 18). States are also required to adopt specific laws to combat discrimination in the exercise of the right to food. The obligation of non-discrimination de facto implies that States must take positive measures to ensure that people and groups which have been historically or are socially discriminated enjoy the right to food on an equal footing with others.

13. The present study on discrimination in the context of the right to food has three main parts. The first part will present examples of discrimination in the context of the right to food, including discrimination in terms of legislation, inequalities between regions and discrimination against the most marginalized and vulnerable groups. The second part will focus on good practices which are currently being implemented by States and other actors to address discrimination and inequalities. The last part addresses anti-discriminatory policies and strategies, which are or could be pursued in order to address discrimination.

II. Discrimination in the context of the right to food

A. Discrimination in terms of region, markets, prices, subsidies, resources and infrastructure services

1. Regional inequalities and the increasing marginalization of the most vulnerable groups

14. There is little, if any, improvement in the situation of the poorest regions of the world in terms of poverty and hunger reduction. Overall, prior to the economic and food

crisis, the number of people in developing regions living in extreme poverty – on less than \$1.25 a day at 2005 prices – decreased from 1.8 billion in 1990 to 1.4 billion in 2005. Once the data have been disaggregated on regions, this encouraging development reveals less ground for optimism. The decline in the number of people living in extreme poverty is largely attributable to China.¹ More than half of the population of sub-Saharan Africa remains below the poverty line. Similarly, Southern Asia, while registering certain progress, still has 39 per cent of its population living in extreme poverty.²

15. An infamous record was broken in 2009: more than 1 billion people were undernourished worldwide.³ According to FAO, the Asia and Pacific region had the largest number of hungry people (642 million), followed by sub-Saharan Africa (264 million). The latter has the largest prevalence of undernourishment relative to its population size (32 per cent).⁴ As an effect of the escalating food prices, four regions of the world have seen percentage increases in undernourishment in relation to 2004-2006, namely sub-Saharan Africa, Oceania, Southern Asia (India excluded) and Eastern Asia.⁵

16. In addition to the food and financial crises, the environmental crisis should not be forgotten. Climate change is expected to affect the poorest regions with the highest level of chronic hunger worst.⁶ It is asserted that climate change and biofuels development will affect the four dimensions of food security: availability, accessibility, stability and utilization, in particular in sub-Saharan Africa and Southern Asia.⁷

17. Existing inequalities between the world's regions and the vulnerability of the poorest members of developing countries should therefore continue to deepen as a result of three concomitant crises: the food crisis, the economic crisis and the environmental crisis.

2. Markets, prices, resources and infrastructures services

18. According to the market economy model, higher food prices should represent an incentive for farmers, including those from the developed world, and trigger an increase in production. In reality, however, the developing world increased cereal production by less than 1 percent in 2008 and production actually decreased in most developing countries.⁸

19. As FAO and the International Fund for Agricultural Development (IFAD) point out in recent studies, reality challenges the market economy theory and its rule of supply and demand.⁹ Higher output prices are not sufficient to trigger an expansion in food supplies. Smallholders, the majority of farmers in developing countries, have limited market participation. Recent decades of structural adjustment policies and declining investment in agriculture have resulted in a lack of access to resources – modern agricultural inputs and credit, poor marketing and transport infrastructure, rudimentary technology, ineffective rural services and institutions, which pose serious limitations to market participation of small farms. In addition, while higher food prices do not trickle down to the farm gate where smallholders have often to sell their products, higher input costs do. Those that reap the benefits of higher food prices are large commercial farmers in developed and food-exporting countries.¹⁰

¹ World Bank, Global Monitoring Report 2009: a development emergency, p. 19.

² Department of Economic and Social Affairs, The Millennium Development Goals Report 2009, pp. 6-7.

³ FAO, '1.02 billion people hungry', Rome, 19 June 2009.

⁴ "More people than ever are victims of hunger", FAO Background Note, 2009.

⁵ Department of Economic and Social Affairs, op.cit, 2009.

⁶ FAO, "2050: Climate change will worsen the plight of the poor", 30 September 2009.

⁷ High-Level Expert Forum - How to Feed the World in 2050, Climate change and bioenergy challenges for food and agriculture, Rome, 12-13 October 2009.

⁸ FAO, "The State of Agricultural Commodity Markets 2009", p. 29.

⁹ FAO *ibid.*, IFAD, "Food prices: smallholder farmers can be part of the solution", 9 July 2009.

¹⁰ M.D. Anderson, A Question of Governance: To Protect Agribusiness Profits or the Right to Food?, 2009.

3. The role of agricultural trade, subsidies and international companies in the context of the right to food

20. It is becoming increasingly clear that the current international trade regime favours developed countries and creates disadvantages for developing States, particularly in the agriculture sector. A report of the International Assessment of Agricultural Knowledge, Science and Technology for Development, for example, “asserts that small-scale farmers and rural livelihoods are negatively affected by agricultural trade and that the poorest developing countries are net losers under most trade liberalization scenarios.”¹¹

21. It is also generally accepted that subsidies granted to farmers in the industrialized world play an important role in this context. Support to producers in the Organization for Economic Co-operation and Development (OECD) countries in 2008 was estimated at EUR 182 billion, equivalent to 21 per cent of aggregate gross receipts of OECD farm producers.¹² Subsidized food and agriculture products arrive on the markets of developing states as cheap imports with which local products cannot compete. As a consequence of dumping practices, smallholders have less income and fewer resources to buy seeds and fertilizers, which in turn affects their agricultural production, and consequently their livelihood. Subsidies also produce long-term sectorial distortions in developing countries. Given the availability of cheap subsidized products obtainable through trade, there is a general disincentive to invest in agriculture. Undeniably, the past 30 years have witnessed serious under-investment in the agricultural sector of developing countries because of the growing perception of the unprofitability of agriculture.¹³

22. Linked to the serious human rights challenges posed by dumping practices is the market domination of a few large transnational corporations. Already in 2004, the Special Rapporteur on the right to food warned about the high concentration of control by few multinational firms in all sectors of the food chain: production, trade, processing, marketing, retail (E/CN.4/2004/10). Clearly, there is a trend towards the reproduction in the markets of developing countries of the oligopoly structure observable in the United States of America and the European Union.¹⁴ The conclusion of the 2009 IAASTD report should be understood in this context of increased market concentration: “primary producers often capture only a fraction of the international price of a trade commodity, so the poverty reduction and rural development effects of integration in trade global supply chains have been far less than optimal.”¹⁵

B. Discrimination against peasants

23. Hunger, like poverty, is still predominantly a rural problem, and among the rural population it is the peasant farmers, small landholders, landless workers, fisherfolk, hunters and gatherers who suffer disproportionately. The United Nations Millennium Development Project Task Force on Hunger has shown that 80 percent of the world’s hungry live in rural areas.¹⁶ Some 50 per cent of the world’s hungry are smallholder farmers who depend mainly or partly on agriculture for their livelihoods, but lack sufficient access to productive resources such as land, water and seeds. Another 20 per cent of those suffering from hunger are landless families who survive as tenant farmers or poorly paid agricultural labourers and often have to migrate from one insecure, informal job to another. Another 10 per cent of the world’s hungry live in rural communities from traditional fishing, hunting and herding activities.

¹¹ IAASTD, *Agriculture at a Crossroads, Synthesis Report*, 2009, p. 65

¹² OECD, “Agricultural policies in OECD countries. Monitoring and evaluation”, 2009, p. 5.

¹³ IFAD, *op.cit.*

¹⁴ J. Wilkinson, ‘The Globalization of Agribusiness and Developing World Food Systems’, *Monthly Review*, September 2009.

¹⁵ IAASTD, *op.cit.*, 2009, pp. 65-66.

¹⁶ United Nations Millennium Project Task Force on Hunger, “Halving hunger, it can be done”, UNDP, 2005.

1. Smallholder peasants, rural producers, toxins, fertilizers and genetically modified seeds

24. Around 50 per cent of the world's hungry live on small plots of land and produce crops for subsistence and/or sale on local markets. Many face problems because they live in remote areas or on marginal lands that are vulnerable to drought and natural disasters, while good, fertile land tends to be concentrated in the hands of wealthier landowners. For example, most of the fertile lands of central Guatemala are part of huge plantations, while the majority of smallholder farmers and indigenous people are left to cultivate the steep slopes of Guatemala's mountainous regions (see E/CN.4/2006/44/Add.1). The same is true in other countries, such as Bolivia (A/HRC/7/5/Add.2) and Ethiopia (E/CN.4/2005/47/Add.1).

25. Together with land, peasants need seeds in order to secure their food security. Until recently, they were free to use seeds for replanting, selling or exchange. But this freedom is now threatened by a few transnational corporations that control the seed market and their patents on improved or genetically modified seeds (A/64/170). A third of the entire global seed market is in the hands of just 10 corporations, including Aventis, Monsanto, Pioneer and Syngenta. Monsanto alone controls 90 per cent of the global market in genetically modified seeds.

26. Another 20 percent of the world's hungry are not small farmers, but landless people. Most of these people work as tenant farmers or agricultural labourers. Tenant farmers usually have to pay high rents and have little security of possession from season to season. Agricultural labourers usually work for extremely low wages that are insufficient to feed their families and often have to migrate from one insecure, informal job to another.¹⁷ This is for example the case in Bangladesh (E/CN.4/2004/10/Add.1) and Guatemala (E/CN.4/2006/44/Add.1). In countries where the vulnerability of landless people is coupled with discrimination practices, including against scheduled castes or indigenous people, many are still forced to work in feudal conditions of semi-slavery or debt bondage.

2. Peasants and single-crop production

27. Since colonization, political and economic elites have largely imposed single-crop production to local rural populations, a process that continued after independence, in the name of neo-liberal free-trade policies. Instead of benefiting small peasants, this process favours highly mechanized agriculture and the interests of transnational corporations. For many countries, this means increasing dependency on international markets, with detrimental effects on the livelihood of rural population when prices go down. This was for example the case in Ethiopia when coffee prices went down (E/CN.4/2005/47/Add.1).

28. In the past centuries, the imposition of single-crop production on local peasants has often been accompanied by expropriation of land, forced evictions and forced displacements of rural population. In Brazil, for example, the extreme concentration of land in the huge estates of rich landowners (*latifundios*) is largely explained by colonization and the fact that more recently, export-oriented agriculture has not allowed redistributive agrarian reforms.

29. In recent years, the phenomenon of the "global land grab" has added a new dimension to these concerns, with the potential to involve an unprecedented degree of land expropriation, forced evictions and displacements. With the expansion of biofuels production since 2003 and the global food crisis in 2008, the revival of the strategy of foreign investors, both Governments and companies, to buy or secure long-term leases of productive land in other countries can have detrimental effects on local farmers, if land used by small farmers is sold or leased to foreign investors. The most famous case is the deal between the company Daewoo of the Republic of Korea and the Government of

¹⁷ IFAD, "Rural Poverty Report 2001: The challenge of ending rural poverty", Oxford University Press, 2001.

Madagascar, on a lease of 1.3 million hectares of land – or third of arable land of the country. When information was released about the deal, massive demonstrations were organized in the country and the President was overthrown in March 2008. The same phenomenon is witnessed in many other countries, with an estimated number of 180 land deals existing at varying stage of negotiation.¹⁸ In five countries of sub-Saharan Africa alone, it is estimated that a total of 2.5 million hectares of land have been allocated since 2004.¹⁹ It is estimated, for example, that the Republic of South Korea signed deals for 690,000 hectares and the United Arab Emirates for 400,000 hectares in the Sudan, and that a group of Saudi investors are spending \$100 million in Ethiopia to grow wheat, barley and rice on land leased to them by the Government.²⁰ Such practices, which only existed at a comparable level during the colonial era, can only increase discrimination against local peasants and violations of their right to food.

3. People living from traditional fishing, hunting and herding activities

30. Around 10 per cent of the world's hungry subsist through fishing, hunting and herding activities. In many countries, the traditional way of life of these people and their means of livelihood are threatened by competition over productive resources, leading to increasing hunger and malnutrition.

31. For the fish-farming communities that traditionally survive through their access to local fishing grounds (both inland and coastal), an emerging issue of concern is the drive to industrialize, privatize and orient fish production towards exports. There are two types of fish production; fish captured in the wild from the sea or inland waters (capture fisheries); and fish farmed in the sea or inland waters (aquaculture). Both are now driven to industrialization, privatization and export-orientation, which end up depriving local people of their traditional rights of access to fishing resources.

32. People subsisting on hunting activities in forest and hill areas are also increasingly marginalized in many parts of the world. Many have lost their access to traditional forest livelihoods and food resources through the creation of forest reserves or because of development projects such as dams, power plants, coal mines and mineral industries; many remain without access to food or to government services. In India, for example, where it is estimated that dam projects alone have displaced up to 30 million people who have lost their lands and livelihoods, around 40 to 50 percent of the displaced are tribal people, most of them living from hunting activities, even though they make up only 8 per cent of the population (see E/CN.4/2006/44/Add.2).

33. Finally, conflicts over land and water are also increasing between pastoralists and crop farmers. The complementarities between pastoralists and farmers have been lost in many countries, as farmers tend their own small animals and are less eager to allow pastoralists to graze their herds in the fields after the harvest. This is for example the case in Ethiopia (see E/CN.4/2005/47/Add.1) and the Niger (see E/CN.4/2002/58/Add.1).

C. The right to food and the urban poor

34. With the size of urban population continuing to rise, the absolute number of urban poor and undernourished also continues to increase. Intra-urban differences reveal levels of inequalities and malnutrition rather than an average that provides one single estimate of poverty.²¹ Recent trends have shown that, for the poor living in urban areas, a dependence

¹⁸ C. Smaller and H. Mann, *A Thirst for Distant Lands: Foreign investment in agricultural land and water*, 2009.

¹⁹ L. Cotula, S. Vermeulen, R. Leonard and J. Keeley, *Land grab or development opportunity? Agricultural investment and international land deals in Africa*, 2009.

²⁰ The Economist, 21 May 2009, "Outsourcing's third wave. Rich food importers are acquiring vast tracts of poor countries' farmland. Is this beneficial foreign investment or neocolonialism?"

²¹ M. T. Ruel et al., "Urban challenges to nutrition security: a review of food security, health and care

on cash-based incomes increases together with a decrease in reliance on surrounding natural resources.²² Access to food-producing resources and access to healthy ways of acquiring, developing and consuming staples are crucial for food to be secured by the disenfranchised themselves.

35. Countries continue to assume that food security is equivalent to food shortage. African states, for example, continue to spend a large share of resources on meeting the needs of the urban poor rather than investing in productive sectors, such as agriculture and the generation of off-farm and urban employment.²³ The pursuit of social goods should not be separated from the management of public expenditures. Moreover, while Government provision of food aid through social safety nets is usually administered equally to households that reach certain poverty lines, it does not address discrimination stemming from inequalities within the households. Lastly, the recent food crisis, which affected disproportionately the urban poor, showed that the need to avoid the negative impact on local production and consumer prices of imported food aid by reducing dependency on the latter, providing a mechanism to manage price volatility and encouraging the distribution of crops from surplus regions to deficit regions.

D. Discrimination against women

36. The intersection between women's rights and the right to food provides a rich overview of a number of interrelated dimensions of discrimination against women related to access to land, property and markets, which are inextricably linked to access to education, employment, health care and political participation. On a global scale, women cultivate more than 50 per cent of all food grown.²⁴ Women nonetheless account for 70 per cent of the world's hungry and are disproportionately affected by malnutrition, poverty and food insecurity. Governments are not living up to their international commitments to protect women from discrimination, as the gap between de jure equality and de facto discrimination continues to persist and resist change.

1. Rural women, access to land, production and markets

37. Women's access to control and ownership of land or property are crucial for the purpose of strengthening their security and livelihood. It is important to understand the multiple factors - laws, inheritance, marital status and agrarian reform policies - that impede women's equal access to land and the way these affect women by virtue of their gender at the level of individual, community and nation.²⁵ Despite representing the majority of the agricultural workforce and production, women are estimated to have access to/control 5 per cent of land globally.²⁶

38. Rural households continue to acquire land through inheritance laws that emanate from customary legal regimes currently premised on reaffirming women's unequal access to and control over land. Because land is mediated through husbands, fathers, brothers or sons, women's land rights are negotiated within unequal power relationships and are not assumed to be general entitlements. This underscores the importance of legal and cultural reform to restore the balance of power relationships within the family.

in the cities", Food Consumption and Nutrition discussion paper No. 51, IFPRI, 1998.

²² L. Haddad, "Are urban poverty and undernutrition growing? Some newly assembled evidence", 27 World Development 11 (1999).

²³ S. Fan et al., "Investing in African agriculture to halve poverty by 2015", ReSAKSS Working Paper No. 25.

²⁴ www.globalissues.org/article/166/womens-rights#LackofProgress.

²⁵ FAO, Gender issues in land tenure, "High level consultation on rural women and information", Rome, 4-6 October 1999.

²⁶ See www.uneca.org/adfvi/documents/ConceptnoteSecuringWomenAccess-to-land.pdf.

2. Women and access to education, employment and health care

39. Rural women have the world's lowest levels of schooling and the highest rates of illiteracy in all developing regions; twice as many women suffer from malnutrition as men, and girls are twice as likely to die from malnutrition as boys. Numerous studies underscore the social costs of rural women's lack of education and assets, linking them directly to high rates of malnutrition, infant mortality and, in some countries, HIV/AIDS infection. There are also high economic costs: wasted human capital and low labour productivity that stifle rural development and progress in agriculture, and ultimately threaten food security. Discrimination against women in the context of the right to adequate food is a culmination of all other aspects of discrimination that stifle women's rights to equality and empowerment.

E. Discrimination against children

40. In addition to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child establishes the international protection and care framework for children. Seen in line with food, health and care as three conditions to achieve nutritional security, the Convention includes provisions that protect the right to nutrition. Reality remains nonetheless bleak. In 2008, 8.8 million children born across the world died before their fifth birthday.²⁷ More than one third of child deaths worldwide are attributed to malnutrition.

41. Children's food security is negatively affected in situations where more powerful individuals and groups hold disproportionate shares of resources and property. This is exacerbated by ineffective systems for the monitoring and sanctioning of property rights and sustainable resources by Governments, the pressures and incentives of privatization and kinship-based customary institutions, which lack effective mechanisms to back up the interest of weaker groups and individuals, particularly children.

F. Discrimination against refugees

1. Malnutrition in refugee camps

42. The Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) (which is ensuring access to food in camps) are confronted with a dramatic problem: a lack of financial means to ensure adequate food for refugees and internally displaced persons. Important efforts are being made by Europe, the United States and other developed countries to provide assistance and food aid in emergencies. However, despite the unrelenting commitment of WFP, there are serious funding shortfalls for some of its emergency programmes, threatening the lives of millions of people in Africa.

43. The problem is by no means new (A/HRC/4/30 and A/HRC/7/5). In 2006, WFP had already been forced to cut food rations for 4.3 million people in sub-Saharan Africa. But it has become dramatically worse with the explosion of world market prices for staple foods: rice, maize and wheat in particular. In some camps managed by UNHCR, over 80 per cent of all children under 10 years of age suffer from anaemia and are incapable of following UNHCR school programmes.

2. Hunger Refugees

44. In recent decades, millions of people have crossed international borders and many have tried to reach developed countries to escape pervasive hunger, especially people living in sub-Saharan Africa (see A/HRC/7/5). Every year, the authorities of Spain detain thousands of people arriving in the Canary Islands after a dangerous journey across the

²⁷ See www.childinfo.org/mortality.html.

open sea in overcrowded open fishing boats. Many arrive in terrible state, too weak to walk or stand and chronically undernourished. The number of refugees from hunger has been growing in recent years, but this situation continues to be ignored. As Markku Niskala, Secretary-General of the International Federation of the Red Cross told the Tribune de Genève on 12 December 2006, “this crisis is being completely ignored: not only does no one come to the help of these desperate people, there is no organization that even compiles statistics to record this daily tragedy.”

45. Most people fleeing from hunger are refused entry and protection in other countries because they do not qualify as refugees in the traditional and legal sense. Most of them are detained and held in processing or detention centers, before being forcibly repatriated to their own countries. European Governments seem to believe that it is possible to address the drama of migration as a military and police problem. They have created an institution called Frontex, with patrol boats, aeroplanes and helicopters from Spain, Italy, Finland and Portugal operating along the borders of Mauritania, Senegal and Cape Verde to intercept boats and return them immediately to shore.

46. But refugees from hunger are not migrants. They do not move voluntarily, but out of a state of necessity (A/62/289). They are forced to flee. Especially when famine strikes a whole country or a whole region (for example the 2005 famine in the Sahel zone of sub-Saharan Africa), refugees from hunger have no other choice but to flee across international borders. Hunger is an immediate threat to their lives and those of their families. They should therefore be protected, not rejected.

47. In relation to hunger and famine, it is not difficult to establish objectively such a state of necessity. Both WFP and FAO issue regular reports that identify regions where there are chronic food emergencies and even identify the number of people suffering from acute and chronic levels of malnutrition. It would therefore be possible to establish who is fleeing from hunger and famine, rather than for other reasons, and to allow for the protection of refugees from hunger by recognizing that they have the right to seek asylum and the right to receive the protection of temporary refuge. This need to strengthen protection for people forced to leave their homes and land because of hunger was recognized by the General Assembly in its resolution 62/164 on the right to food.

G. Other vulnerable groups

1. Indigenous people

48. Indigenous people face exclusion and discrimination that have an impact on their right to food. Indigenous peoples encompass approximately 5,000 distinct peoples and around 350 million people, the vast majority of them living in developing countries. It has long been understood that, owing to long historical processes of colonization, exploitation and political and economic exclusion, indigenous peoples are among the most vulnerable to poverty, hunger and malnutrition. In Guatemala for instance, while half of all Guatemala children under the age of 5 are stunted, malnutrition is much higher among indigenous children, with 70 per cent stunted in their growth compared to 36 per cent of non-indigenous children (E/CN.4/2006/44/Add.1).

49. The right to food of indigenous people often depends closely on their access to and control over their lands and other natural resources in their territories. The fact that their right to food is so frequently denied and is so much related to their traditional way of living explain why a number of indigenous organizations have expressed their deep concerns over the obstacles and challenges that their communities face in fully enjoying this right. As stated in the Declaration of Atitlán, at the First Indigenous Peoples' Global Consultation on the Right to Food in April 2002, in Guatemala:

The denial of the right to food for indigenous peoples not only denies our physical survival, but also denies us our social organization, our cultures, traditions, languages, spirituality, sovereignty, and total identity; it is a denial of our collective indigenous existence.

2. Minorities

50. Hunger and malnutrition are largely explained by unequal power relations that systematically disadvantage minorities. As Sylvie Brunel has noted:

From the beginning of time, in the history of humankind, minorities (political, ethnic or religious) have always been the first to suffer from hunger, in the same way that all populations, victims of a status considered inferior, find themselves placed on the bottom rung of the social ladder.²⁸

51. In addition to the groups that were described above as the most vulnerable to hunger and malnutrition, other minorities include the tribal people in Latin America, Asia and Africa, the Dalits in India (see E/CN.4/2006/44/Add.2) and Nepal²⁹, and stateless people, refugees and displaced people on all continents.³⁰

III. Good practices

A. Peasant agriculture, identity, certificates of product origin and products with identity

52. The global fight against hunger has mobilized various relevant actors. The international movement of peasants, La Via Campesina, defends the rights of peasants and rural women by “promoting gender parity and social justice in fair economic relations; the preservation of land, water, seeds, and other resources; food sovereignty; and sustainable agricultural production based on small- and medium-sized producers.”³¹ Legal groups such as the Permanent People’s Tribunal on the Right to Food and the Rule of Law in Asia investigate the protection of food and water rights.³² The Asia Pacific Forum on Women, Law and Development mobilizes women to resist “the corporate control of food, agriculture, and the lives of women and their communities.”³³ In Burkina Faso, the Welthungerhilfe and the farmers’ organization Zood Noma teach farmers cultivation and farming techniques. It also works with bank cooperatives to ensure that farmers have access to microcredit, especially for income-generating activities and for food during the dry season.³⁴

B. Forms of cooperation, including cooperatives, associations, trade unions and cooperatives of women producers/consumers

53. In 2009, India Together published the remarkable story of two rural women in a remote area of India who “are practicing an agriculture that is ecologically sound, keeps the soil healthy, saves precious water, [and] is pest-free.” They developed organic farming methods that used not a single drop of irrigation or chemical fertilizers and pesticides, yet still delivered surplus produce. In addition to training women in over 70 villages to employ this type of farming, these women work with the Deccan Development Society to help women form women’s *sanghams* (associations) “that decide their own crops, set up community grain banks that collect surplus produce and sell it at lower than market rates to

²⁸ S. Brunel, “La Faim dans le monde ; comprendre pour agir”, 1999, p. 11.

²⁹ E/C.12/NPL/CO/2, par. 22.

³⁰ S. Brunel, “Nourrir le monde. Vaincre la faim”, 2009.

³¹ La Via Campesina, “The International Peasant’s Voice,” available at the website www.viacampesina.org.

³² See the website at www.foodjustice.net/about.

³³ See www.apwld.org/aboutus.htm and www.apwld.org/riw.htm.

³⁴ Global Hunger Index: The Challenge of Hunger 2008 (<http://ifpri.org/pubs/cp/ghi08.pdf>).

below-poverty-level members who have no lands, or have not managed to grown enough food.”³⁵

C. Promoting clean agriculture: the fight against toxic foods and genetically modified seeds

54. Parties to the Stockholm Convention on Persistent Organic Pollutants³⁶ agreed to limit the use of harmful chemicals to “environmentally sound” purposes³⁷ and prevent the production and use of pesticides or industrial chemicals with Persistent Organic Pollutants.³⁸ International networks such as the Pesticide Action Network³⁹ and the International Persistent Organic Pollutants Elimination Network⁴⁰ have had a tremendous impact on curtailing the use of chemicals that harm the world’s food supply.

55. Efforts are also being made to control the use of genetically modified seeds. Japan made health testing of genetically modified foods mandatory by April 2001⁴¹ and the implementation of genetically modified-free labels and Government regulations in countries such as Austria, Italy and Germany have already proved to be quite effective.⁴² In 2009, Ireland announced plans to ban the cultivation of genetically modified plants and introduce a voluntary genetically modified-free label for food⁴³ and France announced that it would create voluntary “GMO-free” labelling schemes to help conventional agricultural producers to distinguish their produce in the market.⁴⁴ Austria also submitted a proposal,⁴⁵

³⁵ A total of 5,000 women DDS are also part of their respective sanghams. See Keya Acharya, “Good food, Indian-Style,” India Together, March 2009 (www.indiatogether.org/2009/mar/agr-ddsfood.htm).

³⁶ The Convention entered into force in May 2004. As at February 2009, it had 162 parties and 152 signatories.

³⁷ Such as using DDT only for malaria control.

³⁸ The Persistent Organic Pollutants Global Monitoring Programme was launched to develop guidance on sampling and analysis of Persistent Organic Pollutants, QA/QC procedures, data treatment and communication, and data assessment. See the website www.pops.int/documents/convtext/convtext_en.pdf which includes an electronic discussion group on these pollutants’ monitoring issues where existing programmes and laboratories participate and share their experience. See also www.chem.unep.ch/gmn/default.htm.

³⁹ It has over 600 participating institutions and individuals in more than 90 countries working to replace the use of hazardous pesticides with ecologically sound and socially just alternatives. See www.pan-international.org.

⁴⁰ It has more than 700 public interest organizations working together for the elimination of Persistent Organic Pollutants on an expedited yet socially equitable basis. See www.ipen.org.

⁴¹ D. Whitman, “Genetically modified foods: harmful or helpful?”, *ProQuest*, April 2000 (www.csa.com/discoveryguides/gmfood/overview.php).

⁴² Since Germany introduced its genetically modified -free “Ohne Gentechnik” label in May 2008 for meat, fish, poultry, eggs and dairy produce, sales of genetically modified-free milk have dramatically increased. GM-Free Ireland, press release, Ireland adopts GM-Free Zone Policy”, October 2009, (www.gmfreeireland.org/press/GMFI45.pdf).

⁴³ This includes meal, poultry, eggs, fish, crustaceans and dairy produce made without the use of genetically modified animal feed.

⁴⁴ The new High Council for Biotechnology of France submitted an opinion to the Government arguing for labelling standards that go beyond the EU framework and allow crop and livestock producers to cover the high costs of remaining GMO-free. The Government responded by pledging to draw up new laws on the basis of the High Council’s recommendations. Combat Monsanto, “France prepares voluntary ‘GMO-free’ labels,” November 2009 (www.combat-monsanto.co.uk/spip.php?article442).

⁴⁵ The text of the proposal states: “Given the unsatisfactory situation and the negative attitude towards GMOs in large parts of the population in many member states, the time has come to find a new approach to deal with the authorization and use of GMOs in agriculture (...) The soundest legal solution we can envisage is a set of minor amendments of relevant EU legislation, which should introduce the right of an individual member state to restrict or prohibit indefinitely the cultivation of authorised GMOs in its territory.” Council of the European Union, “Genetically Modified Organisms: A Way Forward – Information from the Austrian Delegation”, 23 June 2009

co-signed by Bulgaria, Cyprus, Greece, Hungary, Ireland, Latvia, Lithuania, Malta, Slovenia and the Netherlands, for the Council of the European Union to allow national bans on genetically modified crops.⁴⁶ Hundreds of leading food brands (including the largest dairy coop, Friesland Campina) and dozens of leading retailers (including the largest, Carrefour) in Europe now offer premium meat, fish, eggs, poultry eggs and dairy produce made without the use of GM feedstuffs. Leading food manufacturers, retailers, processors, distributors, farmers, seed breeders and consumers in the United States have set up a joint venture called the Non-GMO Project.⁴⁷

D. Education systems and food security, including school meals and other systems of combating malnutrition and the promotion of healthy food

56. As part of its commitment to the Convention on the Rights of the Child, in 2007 Bolivia launched the Zero Malnutrition National Programme to combat malnutrition, monitor the nutrition and health of the children and distribute food supplements. As part of the initiative, Plan International, based in the United Kingdom, trained roughly 1,500 women as *madres vigilantes* (“mindful mothers”), who then returned to their respective communities to monitor child nutrition and educate other women about better eating and cooking habits.⁴⁸ Such programmes can certainly address malnutrition and related diseases, such as noma (see A/HRC/AC/3/CRP.3). The Government of Bolivia, with the support of WFP, also runs children’s centres that provide children with breakfast, lunch, and two snacks.⁴⁹

57. The Food and Nutrition Service of the United States Department of Agriculture administers the National School Lunch Program, which provides daily “nutritionally balanced, low-cost or free lunches” to more than 30.5 million children in over 101,000 schools.⁵⁰ It also provides the School Breakfast Program⁵¹ and the Fresh Fruit and Vegetable Program.⁵² Some Governments, including those of Italy, France and South Africa have made efforts to ensure that their schools offer organic food to their students.⁵³

58. School meal programmes in developing countries provide healthy food and improve access to education for children, improve rural economies and help local farmers. In 2009, the Partnership for Child Development at Imperial College London launched a project

(<http://register.consilium.europa.eu/pdf/en/09/st11/st11226-re01.en09.pdf>).

⁴⁶ Other countries, including France, Poland, Portugal and Germany have subsequently backed the proposal; the majority of the Member States now support the proposal. GM-Free Ireland, press release “Ireland adopts GM-free zone policy,” October 2009, (www.gmfreeireland.org/press/GMFI45.pdf).

⁴⁷ It already provides genetically modified-free labels for over 1,000 food products by individual manufacturers in addition to thousands of genetically modified-free private retail brands. GM-Free Ireland, press release “Ireland adopts GM-free zone policy,” October 2009 (www.gmfreeireland.org/press/GMFI45.pdf). See also www.nongmoproject.org.

⁴⁸ J. Velasco Parisaca and W. Medina, “Bolivia: mothers teaching mothers to combat malnutrition”, *IPS News*, January 2009 (<http://ipsnews.net/news.asp?idnews=45348>). Similar programmes are being implemented in other countries. See for example Thierry Delvigne-Jean, “‘Model mothers’ work to combat malnutrition in mozambique”, August 2008, (www.unicef.org/infobycountry/mozambique_45308.html).

⁴⁹ The Potosi departmental government, for example, runs 360 centres in 35 municipalities, serving 7,600 children.

⁵⁰ USDA, *The National School Lunch Program*, October 2009 (www.fns.usda.gov/cnd/lunch/) ; and *Factsheet: The National School Lunch Program*, August 2009 (www.fns.usda.gov/cnd/lunch/AboutLunch/NSLPFactsheet.pdf).

⁵¹ USDA, *The School Breakfast Program*, October 2009, <http://www.fns.usda.gov/CND/Breakfast/>.

⁵² The Fresh Fruit and Vegetable Program was reported to have “had positive impacts on students’ attitudes, preferences, and eating behaviours”. USDA, *Interim Report on the Fresh Fruit and Vegetable Program: Fiscal Year 2007, 2008* (www.fns.usda.gov/cnd/ffvp/FFVP_07Report.pdf).

⁵³ J. Meldrum, “Organic Canteen Food for Better Kids”, *Australian Organic Journal*, Winter 2006 (www.bfa.com.au/_files/x06aoj_008-9.pdf).

aimed at helping Governments “to run school meal programmes using locally-sourced food, providing regular orders and a reliable income for local farmers” in Mali, Nigeria, Ghana, Malawi and Kenya.⁵⁴

E. Microfinance for poor women

59. The African Women Food Farmer Initiative of the Hunger Project was the first microfinance programme in Africa developed to target women food producers, and the first to result in officially recognized rural banks owned and operated by rural women. Since its inception in 1999, the Hunger Project has disbursed loans to about 75,000 partners in Benin, Burkina Faso, Ethiopia, Ghana, Malawi, Mozambique, Senegal and Uganda. A total of 18 Rural Banks now operate as independent, community-owned and women-led rural financial institutions. The Project has disbursed nearly \$7.9 million to various communities, 42 per cent of which has been distributed by the Rural Banks.⁵⁵

60. The Kenya Women Finance Trust Ltd. (www.kwft.org), established in 1981 as the largest and only microfinance institution exclusively for women, ensures that women entrepreneurs have access to credit and promotes savings mobilization among its 100,000 members from seven of Kenya’s eight provinces. By December 2008, it was responsible for 247,538 active loans.

61. Kiva (www.kiva.org) is a person-to-person microlending website that links individual lenders to rural entrepreneurs around the world, especially in Africa. Lenders browse through profiles of entrepreneurs and women farmers that are uploaded to the Kiva website, and lend them funds using their credit cards. Kiva then provides the funds to the beneficiaries.

62. The Food and Cash Transfer project of Concern Worldwide distributes packages to recipients, half in cash and half in food, the food package being provided in the event that supply shortages in local markets have made food inaccessible to cash transfer recipients. To prevent theft and corruption, Concern’s 2006-2007 Dowa Emergency Cash Transfers project provides fingerprint-activated “smart cards” to beneficiary households. Using a specially designed four-wheel drive vehicle as a mobile bank, the five-month project had 88 paydays during which \$504,000 was disbursed.⁵⁶

F. Good practices relating to the urban poor

63. Belo Horizonte is the fourth largest city in Brazil, estimates from the early 1990s concluded that 38 per cent of families⁵⁷ and 44 percent⁵⁸ of children live under the poverty line. The city government created the Municipal Secretariat of Supplies to tailor an integrated policy addressing malnutrition and hunger. Programmes cover (a) policies that assist poor families and individuals at risk by supplementing their food intake; (b) partnering with private food suppliers to bring food to areas previously neglected by commercial establishments; and (c) increase food production and supply through technical and financial incentives given to small-scale producers to link rural producers and urban

⁵⁴ Imperial College London, *Local Farmers in Africa to Benefit from School Meal Programmes*, October 2009 (www3.imperial.ac.uk/newsandeventspggrp/imperialcollege/newssummary/news_15-10-2009-12-20-4).

⁵⁵ The Hunger Project, *Microfinance Program in Africa*, November 2009 (www.thp.org/what_we_do/key_initiatives/microfinance/overview).

⁵⁶ In 2006-2007, the programme disbursed cash once a month for five months to a beneficiary population of over 10,000; See “When Small Loans Make a Big Difference”, June 2008 (www.forbes.com/2008/06/03/kiva-microfinance-uganda-ent-fin-cx_0603whartonkiva.html).

⁵⁷ J. R. B. Lopes and S. M. S. Telles, “Caracterização das populações pobres no Brasil e de seu acesso à programas sociais”, in Galeazzi, M.A.M., ed., *Segurança Alimentar e Cidadania*, São Paulo, Mercado das Letras, 1996.

⁵⁸ CMCA, *Diagnóstico: Criança e Adolescente em Belo Horizonte*, Belo Horizonte, PHB, 1994.

consumers.⁵⁹ A 20-member council with representatives from the government sector, labour unions, food producers/consumers, and non-governmental organizations advised the Secretariat on project directions.

64. Much of the Secretariat's success is also due to the decentralization of social programmes that were previously managed at a federal level (school meals were provided in this manner, for example). Decentralization allows for savings (for example, transportation costs) and opens up space for production by local suppliers. Finally, ensuring local participation and commitment conveys a sense of ownership to the communities of Belo Horizonte.

IV. Anti-discriminatory policies and strategies

A. The question of land and agrarian reform

65. To realize fully the right to food, more attention needs to be paid to agrarian reform that benefits landless peasants and small-scale land holders and promotes security of tenure and access to land. Agrarian reform programmes, when they have contributed to genuinely transformative change, have been very successful in reducing poverty, hunger and inequality, and it is now demonstrated that granting access to land for small-scale farming is more productive, more ecologically viable and more socially sustainable than the current economic model being imposed.

66. While the "death" of agrarian reform was proclaimed in the 1970s, and few efforts were made to conduct land reform programmes in the 1980s and early 1990s, land reform returned to the international agenda in 1996 (see A/57/356). In the Rome Declaration on World Food Security and World Food Summit Plan of Action, land reform constituted a key part of stated commitments.⁶⁰ In the declaration of the International Conference on Agrarian Reform and Rural Development organized by FAO and the Government of Brazil in March 2006, 95 States recognized that one important way to ensure the fulfilment of the right to food was to establish appropriate land reform to secure access to land for marginalized and vulnerable groups, and to adopt adequate legal frameworks and policies to promote traditional and family agriculture.⁶¹

67. Land reforms in Japan, the Republic of Korea, Taiwan Province of China, China and Cuba have had a significant impact on reducing poverty and hunger and increasing economic growth (see A/HRC/7/5/Add.3). In India, the states with the steepest declines in poverty from 1958 to 1992 were those that implemented land reform (see E/CN.4/2006/44/Add.2). In general, based on the evidence of agrarian reforms instituted in more than 60 countries since the end of the Second World War, land reform has worked when reforms have been genuinely transformative and redistributive, when quality land has really been distributed to the landless and poor peasants and when rural power structures have been broken. More recently, the move towards transformative and redistributive agrarian reform has been successfully chosen by the Government of Bolivia (see A/HRC/7/5/Add.2).

B. Promotion of different forms of cooperation and association; vertical and horizontal networks between producers and consumers

68. To address the ever increasing inequalities caused by the current world trading system, civil society organizations are promoting new forms of cooperation and

⁵⁹ See also C. Rocha, "An integrated program for urban food security: The Case of Belo Horizonte, Brazil", 2000.

⁶⁰ FAO, Report of the World Food Summit, 13-17 November 1996, WFS 96/REP.

⁶¹ FAO, C/2006/REP, appendix G.

association, vertical and horizontal networks between producers and consumers. The most important movement in this field is the movement for food sovereignty.

69. The concept of food sovereignty has been created by La Via Campesina in 1996, in response to the trade liberalization of agriculture. Since 1996, the concept has gained support in both rural and urban communities, in the south and in the north. During the World Forum on Food Sovereignty, held in March 2007 in Nyéléni, Mali, more than 500 representatives of organizations of peasants/family farmers, artisanal fisher folk, indigenous peoples, landless peoples, rural workers, migrants, pastoralists, forest communities, women, youth, consumers, environmental and urban movements from more than 80 countries adopted the Declaration of Nyéléni, in which they defined food sovereignty as:

The right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems. It puts those who produce, distribute and consume food at the heart of food systems and policies rather than the demands of markets and corporations. (...) Food sovereignty prioritises local and national economies and markets and empowers peasant and family farmer-driven agriculture, artisanal - fishing, pastoralist-led grazing, and food production, distribution and consumption based on environmental, social and economic sustainability. Food sovereignty promotes transparent trade that guarantees just income to all peoples and the rights of consumers to control their food and nutrition.

C. The rights of peasants

70. The background paper on peasant farmers and the right to food: a history of discrimination and exploitation (A/HRC/AC/3/CRP.5), presented at the third session of the Advisory Committee, concluded that smallholder farmers, landless people, tenant farmers, agricultural labourers and people living from traditional fishing, hunting and herding activities were among the most discriminated people and the first victims of violations of the right to food in many parts of the world.

71. These people are victims of many violations of the right to food.⁶² Every year, thousands of them are victims of land expropriation, forced evictions and displacements, many as a consequence of mining activities, logging, building dams and highways, or expanding industrial agriculture, a situation which could reach an unprecedented level with the new “global land grab” phenomenon. While being forcibly evicted or displaced, these people also lose their right to live in rural societies with cultural and local agricultural values, such as solidarity. They are also often excluded from their local markets, owing to market deregulation in their countries and cheap imports coming from the global north as a result of dumping practices, and lose access to seeds, confiscated by transnational corporations. When they organize themselves against these violations, they are often criminalized, arbitrarily arrested and detained or physically attacked by private or State police forces, which constitute other violations of their fundamental rights.

72. La Via Campesina has spent more than 10 years denouncing the violations of the rights of peasants to the United Nations. In collaboration with FIAN International, it presented annual reports on the violations of the rights of peasants in 2004, 2005 and 2006. In parallel, it was engaged in a long process of defining the rights of peasants. In June 2008, after many years of consultation with its member organizations, it adopted The Declaration of the Rights of Peasants – Men and Women (see annex).⁶³ In 2009, when La Via Campesina was invited to the sessions of the Human Rights Council and the General

⁶² See C. Golay, “Towards a convention on the rights of peasants”, in S. Murphy and A. Paasch, *The Global Food Challenge. Towards a Human Rights Approach to Trade and Investment Policies*, 2009.

⁶³ Available in Spanish, English and French on the website www.viacampesina.org.

Assembly to present its view on the world food crisis and the means to overcome it, one of the solutions it offered was the Declaration.⁶⁴

73. Peasants, like all human beings, benefit from the protection of the rights enshrined in the universal instruments for the protection of human rights, in particular the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Many of these rights offer significant protection to the rights of peasants.⁶⁵ But these instruments remain clearly insufficient to protect fully the rights of peasants and address de facto discrimination against peasants, who have been historically and socially discriminated in many countries, in accordance with the definition of discrimination put forward by the Committee on Economic, Social and Cultural Rights.⁶⁶

74. The declaration of La Via Campesina is therefore an important example of anti-discriminatory strategy that could improve the protection of the right to food. It follows the structure of the United Nations Declaration on the Rights of indigenous Peoples. Its first article gives a definition of a peasant, which includes small-scale farmers, landless peasants and non-agricultural households in rural areas, whose members are engaged in fishing, making crafts for the local market or providing services, and other rural households of pastoralists, nomads, peasants practising shifting cultivation, hunters and gatherers, and people with similar livelihoods.

75. The declaration adopted by La Via Campesina reaffirms the rights to life and to an adequate standard of living (art. 3); the right to freedoms of association, opinion and expression (art. 12) and the right to have access to justice (art. 13). In addition, it recognizes new rights that could reinforce the protection of peasants against discrimination. These include the right to land and territory (art. 4); the right to seeds and traditional agricultural knowledge and practice (art. 5); the right to the means of agricultural production (art. 6); the right to information and agricultural technology (art. 7); the freedom to determine prices and markets for agricultural production (art. 8); the right to the protection of local agricultural values (art. 9); the right to biological diversity (art. 10); and the right to preserve the environment (art. 11).

D. Legal and social protection of rural women

76. Progress has been made in recent decades to combat discrimination against rural women, including in relation to the right to food, by developing new legal instruments. An important clause protecting the right to food of women can be found in article 3 of the International Covenant on Economic, Social and Cultural Rights, which guarantees the equal enjoyment of these rights for women. Women's rights are also protected in the Convention on the Elimination of All Forms of Discrimination against Women; for example, article 14(g) demands equal treatment in land and agrarian reform; article 16(h) ensures equal rights in terms of the ownership of property. Provisions on equality and non-discrimination in international legal instruments, including the conventions of the International Labour Organization, offer de jure protection of women's rights.⁶⁷

77. At the regional level, the most important protection of the right to food of rural women lies in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. These legal developments at the international and regional

⁶⁴ See La Via Campesina's statement to the General Assembly of 6 April 2009 at www.viacampesina.org.

⁶⁵ See C. Golay, *The Rights of Peasants*, CETIM, 2009 (available in English, French and Spanish at www.cetim.ch/fr/publications_cahiers.php).

⁶⁶ General comment No. 20 on non-discrimination in economic, social and cultural rights, para. 8.

⁶⁷ For example the Convention concerning Discrimination in Respect of Employment and Occupation (Convention No. 111), 1958, and the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (Convention No.100), 1951.

levels have been followed by an increasing legal protection at the national level. Numerous constitutions and laws prohibit discrimination against women and provide for equality of women in their access to food, social assistance or productive resources. Useful resources on women's right to food under different legal systems around the world include the documents published by FAO entitled "Gender and Law — Women's Rights in Agriculture" (2002) and "Women and the Right to Food. International Law and State Practice" (2008). The Declaration on the Rights of Peasants – Women and Men adopted by La Via Campesina proposes important new developments for the protection of the rights of rural women.

E. Legal and social protection of other vulnerable groups exposed to the risk of hunger and its other human rights implications

78. Among the most vulnerable groups to hunger and malnutrition are children and indigenous people (see above). It is not surprising that their extreme vulnerability has led States to increase their legal protection at the international, regional and national levels.

79. The Convention on the Rights of the Child is the main international human rights treaty specifically aimed to protect and promote children's rights, including children's right to food. Article 27 recognizes the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Article 24 provides that States parties should take appropriate measures to combat disease and malnutrition, through, *inter alia*, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water.

80. At the regional level, the main human rights instrument protecting children's right to food is the African Charter on the Rights and Welfare of the Child, in which African States committed themselves to "ensure the provision of adequate food and safe drinking water" (art. 14). They also committed themselves to take, in accordance with the means at their disposal, all appropriate measures to assist parents and other persons responsible for the child and in case of need provide material assistance and support programmes, in particular with regard to nutrition (art. 20).

81. The recognition of the right to food of children at the international and regional levels had led to its increasing legal protection in domestic laws. Many constitutions in the world now recognize children's right to food, including those of Brazil, Colombia, Guatemala, Paraguay and South Africa, and their right to food has been included in several national laws. In Brazil, for example, the Statute of the Child and the Adolescent clearly recognizes the right to nutrition of all children and adolescents.

82. Until recently, the international framework for the protection of the rights of indigenous peoples was relatively weak, the only international instrument offering specific protection being ILO Convention No. 169. This convention is important for the protection of indigenous peoples' right to food; its articles 13 to 17 provide special protection of indigenous peoples' rights to land and territories, and their right to participate in the use, management and conservation of these resources, requiring their participation and consultation before any exploitation of resources located on indigenous lands and prohibiting the displacement of indigenous communities.

83. Addressing the continued vulnerability of indigenous people, despite the existing legal framework, the Human Rights Council adopted the United Nations Declaration on the Rights of Indigenous Peoples at its first session (resolution 2006/2, annex); the declaration was then adopted by the General Assembly in September 2007. The declaration is particularly relevant to the right to food. It recognizes that indigenous peoples have the right to self-determination and rights over land and resources, acknowledging the historical injustices of colonization but also addressing the contemporary threats posed by economic globalization, offering protection of traditional knowledge, biodiversity and genetic resources, and setting limits to the activities of third parties on the territories of indigenous communities without their consent. This new instrument, even if it is not a treaty,

represents an important new tool that indigenous peoples can use to claim their rights, including their right to food, and seek appropriate remedies in case of violations. Since its adoption in 2007, it has inspired new constitutions in Bolivia and Ecuador; the whole declaration, or part of it, has been incorporated in national laws.

V. Conclusion

84. Existing inequalities between the world's regions and the vulnerability of the poorest members of developing countries are deepening as a result of three concomitant crises: the food crisis, the economic crisis and the environmental crisis. For the first time in history, more than 1 billion people are undernourished worldwide. The people most vulnerable to hunger and malnutrition include poor rural families, the urban poor, women, children, refugees, indigenous people and other minorities. Most of these people are hungry because they suffer from many forms of discrimination.

85. In the present study, a number of good practices were identified, as were anti-discriminatory policies and strategies in the context of the right to food. To improve the realization of the right to food and combat discrimination, more attention needs to be paid to agrarian reform that benefits small-scale land holders and promotes security of tenure and access to land, including for women. It is also urgent to ensure that Government policies are sufficiently well formulated in order to address the needs of the most vulnerable people living in both rural and urban areas, including children. These policies and reforms should be designed with the most vulnerable people and civil society organizations. The concept of food sovereignty offers an important new form of cooperation and association between producers and consumers.

86. One of the most important new developments in the protection against discrimination in the context of the right to food was the adoption of the Declaration on the Rights of Peasants – Women and Men by La Via Campesina, in June 2008. The analysis made by the authors of the declaration has gained pertinence since the world food crisis. The Advisory Committee believes that it is time to undertake a preliminary study on the significance and importance of a possible new instrument on the rights of peasants and other people living in rural areas, including from traditional fishing, hunting and herding activities. It therefore asks the Human Rights Council to request the Advisory Committee to undertake such a preliminary study.

Annex

Declaration of Rights of Peasants - Women and Men

Document adopted by the Via Campesina International Coordinating Committee in Seoul, March 2009

Peasants of the World need an International Convention on the Rights of Peasants,

I. Introduction

Almost half of the people in the world are peasants. Even in the high-tech world, people eat food produced by peasants. Small-scale agriculture is not just an economic activity; it means life for many people. The security of the population depends on the well-being of peasants and sustainable agriculture. To protect human life it is important to respect, protect and fulfil the rights of the peasants. In reality, the ongoing violations of peasants' rights threaten human life.

II. Violations of Peasants' Rights

Millions of peasants have been forced to leave their farmland because of land grabs facilitated by national policies and/or the military. Land is taken away from peasants for the development of large industrial or infrastructure projects, extracting industries like mining, tourist resorts, special economic zones, supermarkets and plantations for cash crops. As a result, land is increasingly concentrated in a few hands.

States neglect the farm sector and peasants receive inadequate income from their agriculture production.

Monocultures for the production of agrofuels and other industrial uses are promoted in favor of agribusiness and transnational capital; this has devastating impacts on forests, water, the environment and the economic and social life of peasants.

There is an increasing militarization and a number of armed conflicts in rural areas with severe impacts on the full realization of civil rights of peasants.

As they lose their land, communities also lose their forms of self-government, sovereignty and cultural identity.

Food is increasingly used for speculation purposes.

The peasants' struggle is criminalised.

Slave labor, forced labor and child labor are still found in rural areas.

Women's and children's rights are the most affected. Women are victims of psychological, physical and economic violence. They are discriminated in their access to land and productive resources, and marginalized in decision making.

Peasants have lost many local seeds. Biodiversity is destroyed by the use of chemical fertilizers, hybrid seeds and genetically modified organisms developed by the transnational corporations.

Access to health services and to education is decreasing in rural areas and peasants' political role in society is undermined.

As a result of these violations of peasants' rights, today millions of peasants live in hunger and suffer malnutrition. This is not because there is not enough food in the world, but because food resources are dominated by transnational corporations. Peasants are forced to produce for export instead of producing food for their communities.

III. The policies of neo-liberalism worsen the violations of Peasants' Rights

The violations of peasants' rights are on the rise because of the implementation of neoliberal policies promoted by the World Trade Organisation, Free Trade Agreements (FTAs), other institutions and many governments in the North as well as in the South. The WTO and FTAs force the opening of markets and prevent countries from protecting and supporting their domestic agriculture. They push for the deregulation in the agriculture sector.

Governments of developed countries and transnational corporations are responsible for trade dumping practices. Cheap subsidised food floods local markets thus forcing peasants out of business.

The WTO and other institutions force the introduction of food such as GMOs and the unsafe use of growth hormones in meat production. Meanwhile, they prohibit the marketing of healthy products produced by peasants through sanitary barriers.

The International Monetary Fund (IMF) has implemented structural adjustment programs (SAPs) leading to massive cuts in subsidies for agriculture and social services. Countries have been forced to privatize state companies and to dismantle support mechanisms in the agricultural sector.

National and international policies directly or indirectly give priority to transnational corporations or food production and trade. TNCs also practice biopiracy and destroy genetic resources and biodiversity cultivated by peasants. The capitalist logic of accumulation has dismantled peasant agriculture.

IV. The struggle of the Peasants to uphold and protect their Rights

Facing these realities, peasants all over the world are struggling to live. All over the world, thousands of peasant leaders are being arrested because they are fighting to protect their rights and livelihood. They are being brought to court by unfair justice systems, incidents of massacre, extrajudicial killings, arbitrary arrests and detention, and political persecution and harassment are common.

The global food crisis in 2008 precipitated and exacerbated by policies and transnational corporations (which unilaterally act according to their own self-interest) clearly shows the failure in promoting, respecting, protecting and fulfilling the rights of peasants. This affects all people in the world, in developed and developing countries. While peasants work hard to ensure the sustainability of seeds and food, the violation of the rights of peasants damages the world's capability to feed itself.

The struggle of the Peasants is fully applicable to the framework of international human rights which includes instruments, and thematic mechanisms of the Human Rights Council, that address the right to food, housing rights, access to water, right to health, human rights defenders, indigenous peoples, racism and racial discrimination, women's rights. These international instruments of the UN do not completely cover nor prevent human rights violations, especially the rights of the peasants. We see some limitations in the International Covenant on Economic, Social and Cultural Rights (ICESCR) as an instrument to protect peasants' right. Also, the Charter of the Peasant- produced by the UN in 1978, was not able to protect peasants from international liberalization policies. The other international conventions, which also deal with peasants' rights, can not be implemented either. These conventions include: ILO Convention 169, Clause 8-J Convention on Biodiversity, Point 14.60 Agenda 21, and Cartagena Protocol.

V. The Peasants need an International Convention on the Rights of Peasants

Because of the limitations of those conventions and resolutions, it is important to create an international instrument to respect, protect, fulfil, and uphold peasants' rights -- the International Convention on the Rights of Peasants (ICRP). There are already conventions to protect vulnerable groups of people, such as indigenous peoples, women, children and migrant workers. The ICRP will articulate the values of the rights of peasants, which will have to be respected, protected and fulfilled by governments and international institutions. The ICRP will be supplemented by optional protocols to ensure its implementation.

During the Regional Conference on Peasants' Rights in April 2002, Via Campesina formulated the Declaration of the Rights of Peasants through the process of a series of activities, including the Workshop on Peasants' Rights in Medan North Sumatra on 2000, the Conference of Agrarian Reform in Jakarta April 2001, the Regional Conference on Peasants' Rights held in Jakarta in April 2002 and the International Conference of Via Campesina also held in Jakarta, in June 2008. The text of the declaration is attached to this document. It should form the basis of the ICRP, to be elaborated by the United Nations, with the full participation of Via Campesina and other representatives of civil society.

We are looking forward to the support of the people who are concerned with the peasants' struggle and the promotion and protection of the rights of peasants.

Declaration of Rights of Peasants, Women and Men

Peasants of the World need an International Declaration on the Rights of Peasants

The Declaration,

Affirming that peasants, men and women, are equal to all other people and, in the exercise of their rights, should be free from any form of discrimination, including discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, property, wealth, birth or other status,

Acknowledging that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as the Vienna Declaration and Program of Action, affirm the universality, indivisibility and interdependence of all human rights, civil, cultural, economic, political and social,

Emphasizing that in the International Covenant on Economic, Social and Cultural Rights, States have undertaken to ensure the realization of the right to an adequate standard of living for ourselves and our family, including the right to food, and our right to be free from hunger through the genuine agrarian reform,

Emphasizing that according to the United Nations Declaration on the Rights of Indigenous Peoples, all Indigenous peoples, including peasants, have the right to self-determination and that by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development, having 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,

Recalling that many peasants all over the world have fought throughout history for the recognition of the rights of peasants and for just and free societies,

Considering that the current agricultural conditions threaten the lives of peasants, worsening the environment, decreasing peasants' productivity and decreasing the livelihood of the peasants,

Considering that peasants' conditions are worsening because of governments' exclusion of peasants from policy decision making, because of the use of military, and/or paramilitary groups to displace peasants and allowing transnational corporations to exploit natural resources,

Considering that capitalist globalization imposed through some international agreements has had a strong negative impact on the peasant sector,

Considering that peasants struggle with their own resources and with other groups who support the peasants' demands for life, environmental protection and increasing productivity,

Considering the increasing concentration of the food systems in the world in the hands of few transnational corporations,

Considering that peasants constitute a specific social group which is vulnerable so that the realization of the rights of peasants require special measures to truly respect, protect and fulfil the human rights of peasants enshrined in international human rights law,

Acknowledging that small-scale peasant agriculture, fishing, livestock rearing can contribute to mitigate the climate crisis and to secure a sustainable food production for all,

Reminding States to comply with and effectively implement all their obligations as they apply to peasants under international instruments, in particular those related to human rights, in consultation and cooperation with the peasants,

Believing that this Declaration is an essential step forward the recognition, promotion and protection of the rights and freedoms of peasants, including the elaboration and adoption of an International Convention on the Rights of Peasants,

Recognizing and reaffirming that peasants are entitled without discrimination to all human rights recognized in international law,

Solemnly adopts the following Declaration on the Rights of Peasants:

Article I

Definition of peasants: rights holders

A peasant is a man or woman of the land, who has a direct and special relationship with the land and nature through the production of food and/or other agricultural products. Peasants work the land themselves, rely above all on family labour and other small-scale forms of organizing labour. Peasants are traditionally embedded in their local communities and they take care of local landscapes and of agro-ecological systems.

The term peasant can apply to any person engaged in agriculture, cattle-raising, pastoralism, handicrafts-related to agriculture or a related occupation in a rural area. This includes Indigenous people working on the land.

The term peasant also applies to landless. According to the UN Food and Agriculture Organization (FAO 1984) definition[1], the following categories of people are considered to be landless and are likely to face difficulties in ensuring their livelihood: 1. Agricultural labour households with little or no land; 2. Non-agricultural households in rural areas, with little or no land, whose members are engaged in various activities such as fishing, making crafts for the local market, or providing services; 3. Other rural households of pastoralists, nomads, peasants practising shifting cultivation, hunters and gatherers, and people with similar livelihoods.

Article II

Rights of peasants

1. Women peasants and men peasants have equal rights.
2. Peasants (women and men) have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
3. Peasants (women and men) are free and equal to all other people and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular to be free from discriminations based on their economic, social and cultural status.
4. Peasants (women and men) have the right to actively participate in policy design, decision making, implementation, and monitoring of any project, program or policy affecting their territories.

Article III

Right to life and to an adequate standard of living

1. Peasants (women and men) have the right to physical integrity, to not be harassed, evicted, persecuted, arbitrarily arrested, and killed for defending their rights.

2. Women peasants have the right to be protected from domestic violence(physical, sexual, verbal an psychological)
3. Women have the right to control their own bodies and to reject the use of their bodies for commercial purposes. All forms of human (women and girls) trafficking are inhuman and have to be condemned.
4. Peasants (women and men) have the right to live in dignity.
5. Peasants (women and men) have the right to adequate, healthy, nutritious, and affordable food, and to maintain their traditional food cultures.
6. Peasants (women and men) have the right to the highest attainable standard of physical and mental health. Therefore, they have the right to have access to health services and medicine, even when they live in remote areas. They also have the right to use and develop traditional medicine.
7. Peasants (women and men) have the right to live a healthy life, and not be affected by the contamination of agrochemicals (such as chemical pesticides and fertilisers that are creating fertility problems and contaminating breast milk).
8. Peasant (women and men) have the right to decide about the number of children they want to have, and about the contraceptive methods they want to use.
9. Peasants (women and men) have the right to the full realization of their sexual and reproductive rights.
10. Peasants (women and men) have the right to safe water, transportation, electricity, communication and leisure.
11. Peasants (women and men) have the right to education and training.
12. Peasants (women and men) have the right to an adequate income to fulfil their basic needs and those of their families.
13. Peasants (women and men) have the right to adequate housing and clothing.
14. Peasants (women and men) have the right to consume their own agricultural production and to use this to satisfy their families' basic needs, and the right to distribute their agriculture production to other people.
15. The right of peasants (women and men) to life and the fulfilment of their basic needs should be protected by the law and by the state, with the assistance and cooperation of others, without discrimination of any kind.

Article IV

Right to land and territory

1. Peasants (women and men) have the right to own land, collectively or individually, for their housing and farming.
2. Peasants (women and men) and their families have the right to toil on their own land, and to produce agricultural products, to rear livestock, to hunt and gather, and to fish in their territories
3. Peasants (women and men) have the right to toil and own the non-productive state land on which they depend for their livelihood.
4. Peasants (women and men) have the right to safe water and adequate sanitation.
5. Peasants (women and men) have the right to water for irrigation and agricultural production in sustainable production systems controlled by local communities.
6. Peasants (women and men) have the right to manage the water resources in their region.

7. Peasants (women and men) have the right to support, by way of facilities, technology and funds, from the state to manage the water resources.
8. Peasants (women and men) have the right to manage, conserve, and benefit from the forests.
9. Peasants (women and men) have the right to reject all kinds of land acquisition and conversion for economic purpose.
10. Peasants (women and men) have the right to security of tenure and not to be forcibly evicted from their lands and territories.
11. Peasants (women and men) have the right to agricultural land that can be irrigated to ensure food sovereignty for growing population.
12. Peasants (women and men) have the right to benefit from land reform. Latifundia must not be allowed. Land has to fulfil its social function. Land ceilings to land ownership should be introduced whenever necessary in order to ensure an equitable access to land.
13. Peasants (women and men) have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article V

Right to seeds and traditional agricultural knowledge and practice

1. Peasants (women and men) have the right to determine the varieties of the seeds they want to plant.
2. Peasants (women and men) have the right to reject varieties of the plant which they consider to be dangerous economically, ecologically, and culturally.
3. Peasants (women and men) have the right to reject the industrial model of agriculture.
4. Peasants (women and men) have the right to conserve and develop their local knowledge in agriculture, fishing, livestock rearing.
5. Peasants (women and men) have the right to use the agriculture, fishing, livestock rearing facilities.
6. Peasants (women and men) have the right to choose their own products, varieties, amount, quality and the ways of farming, fishing, livestock rearing, individually or collectively.
7. Peasants (women and men) have the right to use their own technology or the technology they choose guided by the principle of protecting human health and environmental conservation.
8. Peasants (women and men) have the right to grow and develop their peasants varieties and to exchange, to give or to sell their seeds
9. Peasants (women and men) have the right to food sovereignty.

Article VI

Right to means of agricultural production

1. Peasants (women and men) have the right to obtain funds from the State to develop agriculture.
2. Peasants (women and men) should have access to credit for their agricultural activity.

3. Peasants (women and men) have the right to obtain the materials and tools for agriculture.
4. Peasants (women and men) have the right to water for irrigation and agricultural production in sustainable production systems controlled by local communities.
5. Peasants (women and men) have the right to transportation, drying, and storage facilities in marketing their products.
6. Peasants (women and men) have the right to be actively involved in planning, formulating, and deciding on the budget for national and local agriculture.

Article VII

Right to information and agriculture technology

1. Peasants (women and men) have the right to obtain impartial and balanced information about capital, market, policies, prices, technology, etc, related to peasants' needs.
2. Peasants (women and men) have the right to obtain information about national and international policies.
3. Peasants (women and men) have the right to obtain technical assistance, production tools and other appropriate technology to increase their productivity, in ways that respect their social, cultural and ethical values.
4. Peasants (women and men) have the right to full and impartial information about goods and services, and to decide what and how they want to produce and consume.
5. Peasants (women and men) have the right to obtain adequate information at the national and international levels on the preservation of genetic resources.

Article VIII

Freedom to determine price and market for agricultural production

1. Peasants (women and men) have the right to prioritize their agricultural production for their families and societies' needs.
2. Peasants (women and men) have the right to store their production to ensure the satisfaction of their basic needs and those of their families.
3. Peasants (women and men) have the right to foster traditional local markets.
4. Peasants (women and men) have the right to get beneficial price for their production.
5. Peasants (women and men) have the right to determine the price, individually or collectively.
6. Peasants (women and men) have the right to get a fair payment for their work, to fulfil their basic needs and those of their families.
7. Peasants (women and men) have the right to get a fair price for their production.
8. Peasants (women and men) have the right to a fair system of evaluation of the quality of their product, nationally and/or internationally.
9. Peasants (women and men) have the right to develop community-based commercialization systems in order to guarantee food sovereignty.

Article IX**Right to the protection of agriculture values**

1. Peasants (women and men) have the right to the recognition and protection of their culture and local agriculture values.
2. Peasants (women and men) have the right to develop and preserve local knowledge in agriculture.
3. Peasants (women and men) have the right to reject interventions that can destroy local agricultural values.
4. Peasants (women and men) have the right to be respected for their spirituality as individuals and as peoples.

Article X**Right to biological diversity**

1. Peasants (women and men) have the right to the protection and preservation of biological diversity.
2. Peasants (women and men) have the right to plant, develop and conserve biological diversity, individually or collectively.
3. Peasants (women and men) have the right to reject patents threatening biological diversity, including on plants, food and medicine.
4. Peasants (women and men) have the right to reject intellectual property rights of goods, services, resources and knowledge that are owned, maintained, discovered, developed or produced by the local community. They can not be forced to implement those intellectual property rights.
5. Peasants (women and men), individually or collectively, have the right to maintain, exchange, and preserve genetic and biological diversity as the richness of resources from the local community and the indigenous community.
6. Peasants (women and men) have the right to reject certification mechanisms established by transnational corporations. Local guarantee schemes run by peasants' organizations with government support should be promoted and protected.

Article XI**Right to preserve the environment**

1. Peasants (women and men) have the right to a clean and healthy environment.
2. Peasants (women and men) have the right to preserve the environment according to their knowledge.
3. Peasants (women and men) have the right to reject all forms of exploitation which cause environmental damage.
4. Peasants (women and men) have the right to sue and claim compensation for environmental damage.
5. Peasants (women and men) have the right to reparation for ecological debt and the historic and current dispossession of their territories.

Article XII

Freedoms of association, opinion and expression

1. Peasants (women and men) have the right to freedom of association with others, and to express their opinion, in accordance with traditions and culture, including through claims, petitions, and mobilizations, at the local, regional, national and international levels.
2. Peasants (women and men) have the right to form and join independent peasants' organizations, trade unions, cooperatives, or any other organizations or associations, for the protection of their interests.
3. Peasants (women and men), individually or collectively, have the right to expression in their local customs, languages, local culture, religions, cultural literature and local art.
4. Peasants (women and men) have the right not to be criminalized for their claims and struggles.
5. Peasants (women and men) have to right to resist oppression and to resort to peaceful direct action in order to protect their rights

Article XIII

Right to have access to justice

1. Peasants (women and men) have the right to effective remedies in case of violations of their rights. They have the right to a fair justice system, to have effective and non-discriminatory access to courts and to have legal aid.
2. Peasants (women and men) have the right not to be criminalized for their claims and struggles.
3. Peasants (women and men) have the right to be informed and to legal assistance.

To have a proper Convention, there is a need to include chapters/parts on “state obligation” and “monitoring mechanism or mechanisms related to measures”, and other provisions similar to other international conventions.
