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### **Preliminary study of the Human Rights Council Advisory Committee on discrimination in the context of the right to food\*\***

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\* The present document was submitted late owing to the holding of the fourth session of the Advisory Committee, from 25 to 29 January 2010.

\*\* The annex to the study is reproduced as received, in the language of submission only.

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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 humanitarian law and human rights, including in the ICESCR (art. 11), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (art. 12) and the Convention on the Rights of the Child (CRC) (arts. 24 and 27). 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 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. In article 14(2) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), States agreed to take measures “to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: [...] to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.”

8. 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).

9. 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. 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, para. 18).

10. 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 food and to the means of its procurement, including women and girl children and persons living in informal settlements and rural areas.

11. 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 anti-discriminatory policies and strategies, which are or could be pursued in order to address discrimination. The last part addresses good practices that are currently being implemented by States and other actors to address discrimination and inequalities.

## 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

12. 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.<sup>1</sup> 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.<sup>2</sup>

13. An infamous record was broken in 2009: more than 1 billion people were undernourished worldwide.<sup>3</sup> 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).<sup>4</sup> 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.<sup>5</sup>

14. 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.<sup>6</sup> 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.<sup>7</sup>

15. 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

16. 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.<sup>8</sup>

<sup>1</sup> World Bank, *Global Monitoring Report 2009: a development emergency*, p. 19.

<sup>2</sup> Department of Economic and Social Affairs, *The Millennium Development Goals Report 2009*, pp. 6-7.

<sup>3</sup> FAO, '1.02 billion people hungry', Rome, 19 June 2009.

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

<sup>5</sup> Department of Economic and Social Affairs, *op.cit.*, 2009.

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

<sup>7</sup> 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.

<sup>8</sup> FAO, "The State of Agricultural Commodity Markets 2009", p. 29.

17. 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.<sup>9</sup> 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.<sup>10</sup>

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

18. 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.”<sup>11</sup>

19. 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.<sup>12</sup> 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.<sup>13</sup>

20. 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).

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<sup>9</sup> FAO *ibid.*, IFAD, “Food prices: smallholder farmers can be part of the solution”, 9 July 2009.

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

<sup>11</sup> IAASTD, *Agriculture at a Crossroads, Synthesis Report*, 2009, p. 65

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

<sup>13</sup> IFAD, *op.cit.*

## **B. Discrimination against peasants**

21. 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.<sup>14</sup> 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.

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

22. 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).

23. 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.

24. 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.<sup>15</sup> This is for example the case in Bangladesh (E/CN.4/2004/10/Add.1) and Guatemala (E/CN.4/2006/44/Add.1).

### **2. Peasants and single-crop production**

25. 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. In

<sup>14</sup> United Nations Millennium Project Task Force on Hunger, "Halving hunger, it can be done", UNDP, 2005.

<sup>15</sup> IFAD, "Rural Poverty Report 2001: The challenge of ending rural poverty", Oxford University Press, 2001.

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. 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).

26. 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 and the Government of Madagascar, on a lease of 1.3 million hectares of land – or third of arable land of the country. The same phenomenon is witnessed in many other countries, with an estimated number of 180 land deals existing at varying stage of negotiation.<sup>16</sup>

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

27. 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.

28. 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. 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. 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

29. 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

<sup>16</sup> C. Smaller and H. Mann, *A Thirst for Distant Lands: Foreign investment in agricultural land and water*, 2009; L. Cotula, S. Vermeulen, R. Leonard and J. Keeley, Land grab or development opportunity? Agricultural investment and international land deals in Africa, 2009; 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?”

poverty.<sup>17</sup> Recent trends have shown that, for the poor living in urban areas, a dependence on cash-based incomes increases together with a decrease in reliance on surrounding natural resources.<sup>18</sup> 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.

30. 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.<sup>19</sup> 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**

31. 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.<sup>20</sup> 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**

32. 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.<sup>21</sup> Despite representing the majority of the agricultural workforce and production, women are estimated to have access to/control 5 per cent of land globally.<sup>22</sup> The World Food Program estimates that de facto female-headed households form an estimated 25 per cent of total rural households signalling the

<sup>17</sup> M. T. Ruel et al., "Urban challenges to nutrition security: a review of food security, health and care in the cities", Food Consumption and Nutrition discussion paper No. 51, IFPRI, 1998.

<sup>18</sup> L. Haddad, "Are urban poverty and undernutrition growing? Some newly assembled evidence", 27 World Development 11 (1999).

<sup>19</sup> S. Fan et al., "Investing in African agriculture to halve poverty by 2015", ReSAKSS Working Paper No. 25.

<sup>20</sup> [www.globalissues.org/article/166/womens-rights#LackofProgress](http://www.globalissues.org/article/166/womens-rights#LackofProgress).

<sup>21</sup> FAO, Gender issues in land tenure, "High level consultation on rural women and information", Rome, 4-6 October 1999.

<sup>22</sup> See [www.uneca.org/adfvi/documents/ConceptnoteSecuringWomenAccess-to-land.pdf](http://www.uneca.org/adfvi/documents/ConceptnoteSecuringWomenAccess-to-land.pdf).

multiplicity of women, from single parents, widows, wives of migrant workers to women migrant workers.<sup>23</sup>

33. 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.

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

34. 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**

### **1. Malnutrition and health care**

35. In addition to the International Covenant on Economic, Social and Cultural Rights, the CRC 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.<sup>24</sup> More than one third of child deaths worldwide are attributed to malnutrition.

36. 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.

### **2. Child labour**

37. 158 million children, or one child in six, aged between 5 and 14 years, are involved in child labour. In sub-Saharan Africa this phenomenon concerns one child in three, compared to only one in 20 in the region of Central and Eastern Europe and the Commonwealth of Independent States. Children living in the poorest households and rural areas are the most likely to be involved in child labour. An overwhelming majority of those burdened with household chores are girls. Although between 2002 and 2006, globally, child labour fell by 11 per cent, a number of factors have made agricultural child labour

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<sup>23</sup> FAO, *Gender issues in land tenure*, "High level consultation on rural women and information", Rome, 4-6 October 1999

<sup>24</sup> See [www.childinfo.org/mortality.html](http://www.childinfo.org/mortality.html).

particularly difficult to tackle and reduce. These include the large numbers of girls and boys starting to work at an early age, the hazardous nature of the work, lack of regulation, the lack of visibility of their work, the denial of education and the effects of poverty, as well as ingrained attitudes and perceptions about the role of children in rural areas.<sup>25</sup> According to the International Labour Organization (ILO), any sustainable solution to child labour problems in agriculture will require national Governments, international organizations, donor agencies and civil society organizations to give priority to agriculture and rural development, so that farmers are able to obtain fair prices for their products. National governments, international organizations, donor agencies and civil society organizations should pay special attention to the elimination of hazardous child labour in their work related to agricultural policy. The elimination of child labour also requires dealing with issues affecting adult agricultural workers, since child labour is linked to adult poverty. Policy coherence on child labour must centre on the concept of promoting decent work. Poverty reduction strategies at the country level should support the elimination of child labour.

## **F. Discrimination against refugees**

### **1. Malnutrition in refugee camps**

38. 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.

39. The problem is by no means new (A/HRC/4/30 and A/HRC/7/5). 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**

40. 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).

41. 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 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.

<sup>25</sup> See “For agriculture without child labour: the harvest for the future”, International Partnership for Cooperation on Child Labour in Agriculture, at [http://www.ilo.org/ipecc/areas/Agriculture/International\\_Partnership\\_IPCLA/lang--en/index.htm](http://www.ilo.org/ipecc/areas/Agriculture/International_Partnership_IPCLA/lang--en/index.htm)

42. 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. The 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**

43. Indigenous people face exclusion and discrimination that have an impact on their right to food. 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).

44. 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**

45. 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.<sup>26</sup>

## **III. Anti-discriminatory policies and strategies**

### **A. The question of land and agrarian reform**

46. 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. 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,

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<sup>26</sup> S. Brunel, "La Faim dans le monde ; comprendre pour agir", 1999, p. 11.

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.<sup>27</sup> 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.<sup>28</sup>

47. 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**

48. To address the ever increasing inequalities caused by the current world trading system, civil society organizations are promoting new forms of cooperation and association, vertical and horizontal networks between producers and consumers. The most important movement in this field is the movement for food sovereignty.

49. 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.

<sup>27</sup> FAO, Report of the World Food Summit, 13-17 November 1996, WFS 96/REP.

<sup>28</sup> FAO, C/2006/REP, appendix G.

### C. The rights of peasants

50. 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.

51. These people are victims of many violations of the right to food.<sup>29</sup> 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.

52. 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.<sup>30</sup> 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.<sup>31</sup>

53. In June 2008, after more than seven years of consultation with its members organizations, La Via Campesina adopted the Declaration of the Rights of Peasants – Men and Women (see annex, below)<sup>32</sup> and presented it as a response to the world food crisis before the Human Rights Council and the General Assembly in 2009.<sup>33</sup> The declaration of La Via Campesina is 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.

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<sup>29</sup> 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.

<sup>30</sup> See C. Golay, *The Rights of Peasants*, CETIM, 2009 (available in English, French and Spanish at [www.cetim.ch/fr/publications\\_cahiers.php](http://www.cetim.ch/fr/publications_cahiers.php)).

<sup>31</sup> General comment No. 20 on non-discrimination in economic, social and cultural rights, para. 8.

<sup>32</sup> Available in Spanish, English and French on the website [www.viacampesina.org](http://www.viacampesina.org).

<sup>33</sup> See La Via Campesina’s statement to the General Assembly of 6 April 2009 at [www.viacampesina.org](http://www.viacampesina.org).

54. 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**

55. Because the sustainability of food supplies and income-generation are limited by lack of credit services and market access, rural areas particularly carry the burden of high levels of physical activity to ensure food availability.<sup>34</sup> Women improve the food security of their household through (a) their access to income-generating activity and (b) through ensuring food availability. Technologies designed to meet women's needs have proven particularly useful in increasing productivity and shortening physically demanding labour to help relieve women in their heavy burdens.<sup>35</sup> Alternative sources of cooking fuels have proven to shorten preparation and storage of foods and decrease the need for daily firewood collection, for example. Equitable rights to land for women in both developed and developing countries point to the success of rural (and urban) small businesses run by women (compared to male counterparts) so much that banks and service industries actively support women's entrepreneurial initiatives.

56. The right to control, access, and manage land is tied to a woman's right to exercise financial independence, earn a livelihood, and subsequently provide a livelihood for herself and her household. Agrarian reform policies which are 'gender-blind' continue to exclude women from entitlements to land.<sup>36</sup> States undergoing agrarian reform or land redistribution schemes must uphold the equal right of women to land, regardless of marital status. Women usually do not have their names on land-use certificates (whether jointly with their husbands or individually), which decreases their ability to apply for mortgage or credit. Many rural women, as documented systematically in Sub-Saharan Africa, envisage the legal difficulty that they cannot hold title to land, although they are given the right to till the land and erect a home on a piece of land allocated to the household head.<sup>37</sup> Countries that have adopted CEDAW have strengthened the legal framework of equality with respect of the human rights of women by repealing laws deemed discriminatory to women. However, elimination of discrimination against women requires not only changes in institutions, laws and regulations, but more importantly cultural practices that are part of the process that creates and perpetuates such discrimination. Governments must show political will to

<sup>34</sup> FAO, "Women, Land Tenure, and Food Security" in *Women: The Key to Food Security*, Rome, 1995.

<sup>35</sup> T. Paris et al., "Assessing the impact of participatory research in rice breeding on women farmers: a case study in eastern Uttar Pradesh, India". 44 *Experimental Agriculture* 1 2008; T. Paris T and T.T. Chi "The impact of row seeder technology on women labor: a case study in the Mekong Delta, Vietnam", 9 *Gender, Technology and Development* 2) 2005

<sup>36</sup> FAO. *Gender Food Security: Synthesis Report of Regional Documents*, Rome, 2004.

<sup>37</sup> T. Tekle, *Women's Access to Land and Property Rights in Eritrea. Towards Good Practice: Women's Land and Property Rights in Situations of Conflict and Reconstruction*; Sebina-Zziwa, et al. *Patterns and Trends of Women's Participation in Land Markets in Uganda*, Makerere Institute of Social Research,; Rose, L. L. "Women's Strategies for Customary Land Access in Swaziland and Malawi: A Comparative Study" 49 *Africa Today* 2, 2002, pp. 123-149.

enforce the rule of law and bridge the gap between de jure equality and de facto discrimination, including by affirmative action.

57. A rights-based approach to trade liberalization, focusing on protecting vulnerable individuals and groups is important to lead Governments to engage in public consultations with stakeholders including women subsistence farmers and those most affected by food insecurity. Governments, in their mandates to respect, protect and fulfil must ensure that women without purchasing power are enabled to face episodes of high prices or market disruptions without continuing chronic hunger or asset shedding that would erode their future productivity and jeopardize their livelihoods (and the livelihoods of those who depend on them).

58. According to the World Health Organization, the health of women and girls is of particular concern because, in many societies, they are disadvantaged by discrimination rooted in socio-cultural factors. For example, women and girls face increased vulnerability to HIV/AIDS. Since women play an essential role in food security, it is widely known that the health of women is important for the health of their societies. Underweight and malnourished mothers are more likely to give birth to underweight babies who end up having mental or physical disorders. To enhance women's right to food and right to health in order to break the vicious circle, all barriers depriving women from proper health care, housing, potable water, sanitation and healthy food must be removed. Studies also show that income earned and managed by women is positively correlated to economic and nutritional well-being for the entire household.<sup>38</sup> Women are more likely to spend their incomes on food and children's needs. Research has shown that a child's chances of survival increase by 20 per cent when the mother controls the household budget.<sup>39</sup>

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

59. 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.

60. More than one third of child deaths worldwide are attributed to malnutrition. A key indicator of chronic malnutrition is stunting - when children are too short for their age group compared to the WHO child growth standards. About 178 million children globally are stunted, resulting from not enough food, a vitamin- and mineral-poor diet, and disease. As growth slows down, brain development lags and stunted children learn poorly. Although fewer children are undernourished today than in the 1990s, one out of four children (143 million) under the age of five in the developing world is still underweight and only 38 per cent of children under six months are exclusively breastfed.<sup>40</sup> School meals programmes in developing countries constitute a recommended strategy that provides better nutrition and improves access to education for children (see below section. IV.D) The United Nations Millennium Project Hunger Task Force (HTF) has recently recommended continued breast-feeding until age of two as one of the three pillars expected to reduce malnutrition in children under the age of five. In an attempt to reduce the vulnerabilities of those affected by malnutrition, HTF makes clear that household composition and size,

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<sup>38</sup> IFPRI, *Women: The Key to Food Security*, 1995, p. 9.

<sup>39</sup> Walsh, M., 1998, *Women in Food Aid Interventions: Impacts and Issues, Time for Change: Food Aid and Development*, WFP, Rome, 23–24 October

<sup>40</sup> WHO Fact File: <http://www.who.int/features/factfiles/nutrition/facts/en/index.html>

maternal education, household assets and the agro-ecosystem play important roles in determining the nutritional status of children, particularly in developing countries.

61. 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. 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.

## **IV. Good practices**

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

62. 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.”<sup>41</sup> 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.<sup>42</sup> 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.”<sup>43</sup> 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.<sup>44</sup>

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

63. 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

<sup>41</sup> La Via Campesina, “The International Peasant’s Voice,” at [www.viacampesina.org](http://www.viacampesina.org).

<sup>42</sup> See [www.foodjustice.net/about](http://www.foodjustice.net/about).

<sup>43</sup> See [www.apwld.org/aboutus.htm](http://www.apwld.org/aboutus.htm) and [www.apwld.org/riw.htm](http://www.apwld.org/riw.htm).

<sup>44</sup> Global Hunger Index: The Challenge of Hunger 2008 (<http://ifpri.org/pubs/cp/ghi08.pdf>).

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 below-poverty-level members who have no lands, or have not managed to grown enough food.”<sup>45</sup>

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

64. Parties to the Stockholm Convention on Persistent Organic Pollutants<sup>46</sup> agreed to limit the use of harmful chemicals to “environmentally sound” purposes<sup>47</sup> and prevent the production and use of pesticides or industrial chemicals with Persistent Organic Pollutants.<sup>48</sup> International networks such as the Pesticide Action Network<sup>49</sup> and the International Persistent Organic Pollutants Elimination Network<sup>50</sup> have had a tremendous impact on curtailing the use of chemicals that harm the world’s food supply.

65. Efforts are also being made to control the use of genetically modified seeds. Japan made health testing of genetically modified foods mandatory by April 2001<sup>51</sup> 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.<sup>52</sup> In 2009, Ireland announced plans to ban the cultivation of genetically modified plants and introduce a voluntary genetically modified-free label for food<sup>53</sup> and France announced that it would create voluntary “GMO-free” labelling schemes to help conventional agricultural producers to distinguish their produce in the market.<sup>54</sup> Austria also submitted a proposal,<sup>55</sup>

<sup>45</sup> A total of 5,000 women DDS are also part of their respective sanghams. See Keya Acharya, “Good food, Indian-Style,” India Together, 2009 ([www.indiatogether.org/2009/mar/agr-ddsfood.htm](http://www.indiatogether.org/2009/mar/agr-ddsfood.htm)).

<sup>46</sup> The Convention entered into force in May 2004. As at February 2009, it had 162 parties and 152 signatories.

<sup>47</sup> Such as using DDT only for malaria control.

<sup>48</sup> 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 [www.pops.int/documents/convtext/convtext\\_en.pdf](http://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](http://www.chem.unep.ch/gmn/default.htm).

<sup>49</sup> 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](http://www.pan-international.org).

<sup>50</sup> 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](http://www.ipen.org).

<sup>51</sup> D. Whitman, “Genetically modified foods: harmful or helpful?”, *ProQuest*, 1 2000 ([www.csa.com/discoveryguides/gmfood/overview.php](http://www.csa.com/discoveryguides/gmfood/overview.php)).

<sup>52</sup> 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”, r 2009, ([www.gmfreeireland.org/press/GMFI45.pdf](http://www.gmfreeireland.org/press/GMFI45.pdf)).

<sup>53</sup> This includes meal, poultry, eggs, fish, crustaceans and dairy produce made without the use of genetically modified animal feed.

<sup>54</sup> 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

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.<sup>56</sup> 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.<sup>57</sup>

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

66. 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.<sup>58</sup> 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.<sup>59</sup>

67. 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

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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](http://www.combat-monsanto.co.uk/spip.php?article442)).

<sup>55</sup> 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”, 2009 (<http://register.consilium.europa.eu/pdf/en/09/st11/st11226-re01.en09.pdf>).

<sup>56</sup> 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](http://www.gmfreeireland.org/press/GMFI45.pdf)).

<sup>57</sup> 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](http://www.gmfreeireland.org/press/GMFI45.pdf)). See also [www.nongmoproject.org](http://www.nongmoproject.org).

<sup>58</sup> J. Velasco Parisaca and W. Medina, “Bolivia: mothers teaching mothers to combat malnutrition”, *IPS News*, 2009 (<http://ipsnews.net/news.asp?idnews=45348>). Similar programmes are being implemented in other countries. See Thierry Delvigne-Jean, “‘Model mothers’ work to combat malnutrition in Mozambique”, 2008, ([www.unicef.org/infobycountry/mozambique\\_45308.html](http://www.unicef.org/infobycountry/mozambique_45308.html)).

<sup>59</sup> The Potosi departmental government, for example, runs 360 centres in 35 municipalities, serving 7,600 children.

schools.<sup>60</sup> It also provides the School Breakfast Program<sup>61</sup> and the Fresh Fruit and Vegetable Program.<sup>62</sup> Some Governments, including those of Italy, France and South Africa have made efforts to ensure that their schools offer organic food to their students.<sup>63</sup>

68. School meal programmes in developing countries provide healthy food and improve access to education for children, improve rural economies and help local farmers.<sup>64</sup> In 2009, the Partnership for Child Development at Imperial College London launched a project 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.<sup>65</sup>

## E. Microfinance for poor women

69. 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.<sup>66</sup>

70. The Kenya Women Finance Trust Ltd. ([www.kwft.org](http://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. Al Tadamun Microfinance Foundation in Egypt provides group guaranteed microfinance exclusively for women. By December 2009, it had 91,000 active borrowers and a portfolio of LE60 million or US\$ 10.9 million.

71. Kiva ([www.kiva.org](http://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.

<sup>60</sup> USDA, *The National School Lunch Program*, 2009 ([www.fns.usda.gov/cnd/lunch/](http://www.fns.usda.gov/cnd/lunch/)); and *Factsheet: The National School Lunch Program*, 2009 ([www.fns.usda.gov/cnd/lunch/AboutLunch/NSLPFactsheet.pdf](http://www.fns.usda.gov/cnd/lunch/AboutLunch/NSLPFactsheet.pdf)).

<sup>61</sup> USDA, *The School Breakfast Program*, October 2009, <http://www.fns.usda.gov/CND/Breakfast/>.

<sup>62</sup> 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](http://www.fns.usda.gov/cnd/ffvp/FFVP_07Report.pdf)).

<sup>63</sup> J. Meldrum, “Organic Canteen Food for Better Kids”, *Australian Organic Journal*, 2006 ([www.bfa.com.au/\\_files/x06aoj\\_008-9.pdf](http://www.bfa.com.au/_files/x06aoj_008-9.pdf)).

<sup>64</sup> Along similar lines is M. Bedjaoui’s proposal regarding “‘le bol de céréales’ patrimoine commun de l’humanité”. See M. Bedjaoui, *L’humanité en quête de paix et de développement*, Recueil des Cours (II), Vol. 325, The Hague, 2006, pp. 198-201.

<sup>65</sup> Imperial College London, *Local Farmers in Africa to Benefit from School Meal Programmes*, 2009 ([www3.imperial.ac.uk/newsandeventspggrp/imperialcollege/newssummary/news\\_15-10-2009-12-20-4](http://www3.imperial.ac.uk/newsandeventspggrp/imperialcollege/newssummary/news_15-10-2009-12-20-4)).

<sup>66</sup> The Hunger Project, *Microfinance Program in Africa*, 2009 ([www.thp.org/what\\_we\\_do/key\\_initiatives/microfinance/overview](http://www.thp.org/what_we_do/key_initiatives/microfinance/overview)).

72. 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.<sup>67</sup>

## F. Good practices relating to the urban poor

73. Belo Horizonte is the fourth largest city in Brazil, estimates from the early 1990s concluded that 38 per cent of families<sup>68</sup> and 44 percent<sup>69</sup> 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 consumers.<sup>70</sup> 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.

74. 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.

## V. Conclusion

**75. 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.**

**76. 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. It is urgent to**

<sup>67</sup> 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", 2008 ([www.forbes.com/2008/06/03/kiva-microfinance-uganda-ent-fin-cx\\_0603whartonkiva.html](http://www.forbes.com/2008/06/03/kiva-microfinance-uganda-ent-fin-cx_0603whartonkiva.html)).

<sup>68</sup> 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.

<sup>69</sup> CMCA, *Diagnóstico: Criança e Adolescente em Belo Horizonte*, Belo Horizonte, PHB, 1994.

<sup>70</sup> See also C. Rocha, "An integrated program for urban food security: The Case of Belo Horizonte, Brazil", 2000.

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. These policies and reforms should be designed, implemented and monitored with the participation of all stakeholders, including the most vulnerable people and civil society organizations. Concrete strategies to eliminate discrimination against women require not only changes in institutions and laws, but more importantly in cultural practices that create and perpetuate such discrimination. School meals programmes and combating child labour should be essential components of strategies to eliminate chronic malnutrition among children.

77. 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, particularly for women. The concept of food sovereignty offers an important new form of cooperation and association between producers and consumers.

78. 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.

## 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.

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