

CALL FOR INPUTS - UN Working Group on UNDROP
Submission on the implementation of UN Declaration on peasants
La Via Campesina, CETIM, FIAN International
October 2024

Please provide information on the measures adopted in your country to disseminate the Declaration at the national or regional levels. Has the Declaration been translated in the official and minority languages (if any) spoken in your country or region? If so, in which languages?

In many countries, rights holders' and allied civil society organizations have been advocating and mobilizing to largely disseminate the UNDROP, by different means. The translation of the Declaration in official, local and minority languages is of course a key and concrete instrument of dissemination.

Peasants' organizations member of La Via Campesina (LVC) have translated the Declaration in 14 local and national languages. You can find the complete list and the translated versions here: <https://defendingpeasantsrights.org/en/download/>

LVC Southern and Eastern Africa Region also launched UNDROP Booklet in eight African languages: <https://viacampesina.org/en/lvc-southern-and-eastern-africa-region-launches-undrop-booklet-in-nine-african-languages/>

Have you or your organization developed any training or awareness-raising activity on the Declaration and the rights of peasants and other people working in rural areas for rights holders as defined in article 1 of the Declaration or for civil society as a whole?

Training is clearly a key component of the promotion and implementation process of the UNDROP. Since the adoption of the Declaration, LVC, CETIM and FIAN have been organizing training processes and have published training materials aiming at fostering a deep understanding and the popular ownership of the UNDROP. In other words, training is a precondition and a necessary step in ensuring a coherent and effective implementation process.

The objective of this training and learning process is to gather and consolidate practices in order to strengthen right holders' ownership of the UNDROP and establish strategies for its promotion and implementation. The trainings provide participants with the necessary tools to be able to understand the UNDROP, to monitor its promotion and implementation, and to embrace it within their national margins and in relevant international and regional processes. The other aim is to train peasant leaders in all countries and regions so that they can then train their own organizations and members, to create a multiplier effect.

To this end, CETIM and LVC have been organizing training courses for peasants' organizations and leaders since 2021. Until today, more than 200 peasant leaders have been trained through these trainings.

In 2024, LVC, FIAN International and CETIM organized online and in-person trainings for social movements (including fisher peoples movement) and rural organizations on UNDROP in the context of criminalization and two webinars specifically on the Working Group with the participation of members of the Working Group.

Always in 2024, together with the Geneva Academy for International Humanitarian Law and Human Rights and other partners, these organizations organized other important training events on the Working Group:

In the future, we foresee the need for training not only for the rights holders, the direct concerned people and communities, but also for other civil society organizations, for scholars, for lawyers, for UN officials and for civil servants (all key actors for the implementation of UNDROP at the national and international level).

In the Defendingpeasantsrights website, we have a specific category dedicated to training, where all the useful training materials/publications are gathered. See here:

<https://defendingpeasantsrights.org/en/category/training/>

Please provide information on the progress made and the difficulties encountered in your country in the implementation of the Declaration. What are the main achievements in protecting and promoting the rights of peasants or other people working in rural areas? What are the main obstacles?

Regarding the main achievements, we have seen over the years some legal advancements and judicial decisions (at national and international level) referring to UNDROP, thus contributing to a better protection and promotion of peasants' rights. Here are some examples:

In 2019 the Human Rights Committee became the first UN Treaty Body to refer to the UNDROP, in its decision in *Portillo Cáceres and Others v. Paraguay*. The Committee found violations of the rights of Cáceres family members to life, to privacy, family, and home, and to an effective remedy – all enshrined in the ICCPR. The Committee stated that Mr. Portillo Cáceres and his family relied on their land for crops, livestock, fishing, and water. It noted their special attachment to the land, using the words of and referring to Article 1 of the UNDROP. Therefore, these elements are considered part of their "home." Since pollution directly affected their livelihood, the family's rights to privacy, family, and home were violated.

<https://defendingpeasantsrights.org/en/portillo-caceres-and-others-v-paraguay/>

In Canada in 2020, at the height of the COVID-19 pandemic the Canadian Lawyers for International Human Rights used Article 23 of UNDROP in a provincial court in defense of a group of migrant workers facing dangerous, overcrowded living conditions. Canadian farms employ nearly half a million agricultural workers through a federal program. The Ontario Superior Court of Justice defended the right of migrant workers by citing article 23.1 of UNDROP, which states: "Peasants and other people working in rural areas have the right to the enjoyment of the highest attainable standard of physical and mental health." The way the court cited it is important: "... furthermore the UNDROP is part of the body of HR laws and norms to which Canadian adjudicators may look in interpreting statutory or common-law obligations and in reviewing administrative decisions." <https://defendingpeasantsrights.org/en/interview-of-jessie-macinnis/>

In 2020, the Inter-American Court of Human Rights recognized the rights of Indigenous peoples and of peasants, ordering land restitution for Indigenous communities while safeguarding non-Indigenous peasants' rights. For the first time, the Court autonomously analyzed rights to a healthy environment, adequate food, water, and cultural identity, ordering specific reparations.

<https://defendingpeasantsrights.org/en/inter-american-court-of-human-rights-first-case-law-on-the-links-between-the-declarations-on-the-rights-of-peasants-and-indigenous-peoples/>

In 2021, the Supreme Court of Honduras unanimously declared the Plant Variety Protection Law (Decree N° 21-2012) unconstitutional, on the grounds that it violated the Constitution, various international treaties ratified by Honduras, international standards related to the protection of the right to adequate food and nutrition as well as peasants' and Indigenous Peoples' right to seeds and biological diversity as described in the UNDROP (Art. 19 and 20). This judgment is one of the first to explicitly refer to UNDROP. (<https://defendingpeasantsrights.org/en/honduras-supreme-court-uses-undrop-article-19-on-the-right-to-seeds-to-declare-unconstitutional-the-monsanto-law/>)

On October 3rd, 2022, the Kenyan Government lifted the ban on importation and cultivation of genetically modified organisms (GMO) that had been in place for ten years. The Kenyan Peasants League (KPL) reacted immediately and filed a lawsuit against that decision. They also asked the High Court for conservatory measures, which were granted on November 29th, the Court decided the ban will remain until the matter is judged in court. Those conservatory measures are a first victory for the peasants.

<https://defendingpeasantsrights.org/en/the-legal-fight-of-the-kenyan-peasants-league-against-the-lifting-of-the-ban-on-gmo-in-kenya/>

Also in Kenya, in 2022, 15 Kenyan peasants filed a lawsuit challenging the Seeds and Plant Varieties Act, which criminalizes the sale and exchange of peasant seeds. Kenyan peasants claim this law violates Kenya's Constitution, including Article 11, which protects indigenous seeds and seed sovereignty. Furthermore, they also use UNDROP Article 19, which guarantees the right to save, use, exchange, and sell farm-saved seeds. The case is still on-going.

<https://defendingpeasantsrights.org/en/kenyan-farmers-challenge-the-constitutionality-of-seed-law/>

With regard to the main obstacles, we would identify the followings:

- The implementation of UNDROP confronts numerous challenges, particularly in generating awareness among governments and public policymakers. Many governments still lack the political will and understanding required to incorporate UNDROP concepts into their national policy.
- Internally in our coalition, translating UNDROP content into local languages is also still a big challenge – with diverse languages used in Africa and Asia, as does developing formation agenda that may generate and sustain national-level involvement. Without widespread awareness and readily available tools (in local languages), grassroots movements may struggle to effectively campaign for their rights.
- The current worldwide crises, conflicts and wars, highlight the importance of UNDROP in defending vulnerable communities. However, promoting the primacy of human rights, particularly through UNDROP, is difficult. Despite the vital link between these concerns and rural populations, governments frequently avoid mentioning human rights frameworks in significant international forums such as the COP for climate and biodiversity, or even in FAO-based organizations.
- Youth involvement is another issue that needs attention. To engage younger generations in UNDROP implementation, fresh communication strategies and inventive direct action approaches will be required.

Are there any legislative, administrative, policy or other measures that you regard as good practices or lessons learned on the implementation of the Declaration?

Colombia, with the current Government, has made substantial normative and political progress in terms of UNDROP. In the legislative act 01 of the 5th of July 2023, peasantry has been recognized as a subject of special constitutional protection, recognizing the historical discrimination that the peasantry has suffered in Colombia and highlighting the need to advance in a jurisdiction and

agrarian reform, indispensable pillars to advance in structural reforms to overcome the armed conflict that Colombia has lived for decades.

During this process, the National Peasant Convention was held, which created a peasant political agenda. Currently, the National Peasant Commission was formed to forge the basis for the recognition of peasants in the decision-making process in the policies and agrarian reform that the Government is advancing.

We also note that Ecuador's Legislative Assembly ratified the UNDROP on April 18, 2023. This major step forward is the result of both a struggle and dialogue led by peasant organizations. For more information : <https://defendingpeasantsrights.org/en/ecuadorian-peasants-win-ratification-of-undrop-by-their-legislative-assembly/>

The Nepalese Parliament has been discussing the elaboration of a Peasants' Rights Bill, mainly inspired by the content of the UNDROP. The legislative process is still ongoing, but we hope that it will progress swiftly and soon become part of the national legal framework.

Please find other relevant advancements:

- Peasant Towns Charter in Belgium: For the 2024 communal elections, Mouvement Action Paysanne (MAP), a member of LVC in Belgium, developed a Peasant Towns Charter based on UNDROP to guide public policies on peasants' rights. The charter suggests actions such as promoting local peasant farms and supplying communal catering with locally grown food. It emphasizes increased citizen involvement and collective management of public resources. MAP's work with the Charter can be adapted for use in different regions and political levels
<https://defendingpeasantsrights.org/en/map-belgiums-peasant-towns-charter-an-example-of-using-undrop-at-local-level/>
- ESAFF- member of LVC in Uganda actively promoted UNDROP at a special council in Mityana District in 2024, resulting in the council's collective decision to adopt the declaration and spread awareness of peasants' rights.
- The Food Sovereignty Areas (Kawasan Daulat Pangan), an initiative in Indonesia by Serikat Petani Indonesia (SPI) to campaign and implement UNDROP directly in their agricultural areas and territory, as a real practice for local policies. Moreover, a notable effort from SPI has been to gather data across Indonesia to better understand real cases of peasant rights violations (such as the criminalization of an SPI (Indonesian Peasant Union) member for defending his land). SPI has been using this data every year to release the National Annual Report on Peasants' Rights Violation to raise awareness of peasants' situation in national level and link it to UNDROP.

Do you or your organization engage with State authorities or human rights mechanisms (for instance human rights treaty bodies or special procedures of the Human Rights Council) to raise awareness on the Declaration and promote its integration in their activities? If so, please provide details.

We have been regularly engaging with the UN system to raise awareness on the Declaration and to promote its integration in all relevant bodies and mechanisms.

After its adoption, we have been organizing many side events during the sessions of the HRC, we have been presenting oral statements and we have been conducting many meetings and

consultations with Special Procedures and UN bodies. For instance, we have been engaging with the UPR processes of many States, treaty bodies (eg. CESCR) and we have been working with OHCHR on key issues related to land, the Right to Food and other relevant rights. to discuss how we can best work together to promote these rights and UNDROP.

With regard to State authorities, member organizations of La Via Campesina, supported by CETIM and FIAN International, have been engaging actively and constructively to advance towards the translation of UNDROP provisions and principles in national legal frameworks. These engagements at the national level are part of our core strategy to advance towards the implementation of the rights enshrined in the instrument.

How, and to what extent have the organisations of peasants and other people working in rural areas participated in the development and implementation of policies, legislations, legal and other measures to advance the protection of their rights?

Indeed, the degree of participation in the development and implementation of such measures differ from country to country. Peasants' organization advocate to be duly involved in direct participation, consultations, and providing expertise on relevant issues affecting their lives and in shaping policies and laws. In the processes that led to legislative, administrative, policy or other measures mentioned above peasants and rural movements played a key role.

What do you consider to be priority issues that need to be addressed in the implementation of the Declaration?

- 1) Promote best practices and lessons learned, foster collaboration between States, rights holders and civil society groups and organizations. Highlight and promote diverse public policies which recognize and protect the rights of peasants and of all people working in rural areas at the international, regional, and national level.
- 2) Provide technical capacity-building support to States, rights holders, civil societies, and relevant UN mechanisms and bodies. By doing so, the Working Group will elevate the global prominence of the UNDROP and address the underlying issues hindering the realization of the rights enshrined in the instrument.
- 3) Monitor, analyze and report on how agroecology and truly sustainable farming practices can ensure the right to adequate food for everyone, foster climate and environmental justice, enhance the right to health and generally protect human rights. The Working Group should also examine and recognize the past, present, and future contributions of all rights holders to the conservation and improvement of biodiversity, which constitutes the basis of global food and agricultural production and highlight how grassroots initiatives can contribute to safeguarding biodiversity and the environment.
- 4) Address and reverse the structural dispossession of peasants and rural communities from natural resources and means of production (such as seeds, land, water etc.); dismantle the transnational architecture of the dominant trade and investment regimes that promote monopolistic and predatory agribusiness and other harming corporate practices at the expense of peasants' rights; and explore how food sovereignty and social justice serve as alternative principles for better access to markets.
- 5) Last, but not least, the Working Group should ensure the participation of all rights holders in all decision-making processes affecting their lives, as enshrined in Article 2 and Article 10 of the

UNDROP, among others. Participation lies at the very heart of the concept of food sovereignty, serving as a fundamental precondition. This is key for enabling people and communities to have a significant role in major decisions to define their own policies, food and agriculture systems, in order to produce healthy and culturally appropriate food according to their needs and customs.