

WORKING GROUP ON PEASANTS AND RURAL WORKERS

BRIEFING PAPER

ELEVENTH SESSION OF THE GOVERNING BODY OF ITPGRFA

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1. Peasants' rights are binding human rights

- Peasants, Indigenous Peoples, small-scale farmers and land and forest dependent communities are the guardians of diversity. The protection of their seed systems is not only a human rights imperative, but it is also a cornerstone of climate, biodiversity and food-security policy.
- Peasants' and Indigenous Peoples' seed systems are being eroded by market concentration, restrictive seed laws and IPR systems. This erosion is often driven by legal and policy frameworks, which were developed without the participation of peasants and Indigenous Peoples and which fail to recognize their seed systems.
- GB 11 is therefore recommended to adopt decisions that make Farmers' Rights operational in national law, in the MLS and in the SMTA, consistent with Article 9 of the Treaty and Articles 19, 20 and 27 of UNDROP.
- Farmers' Rights under Article 9 of the ITPGRFA and Article 19 of UNDROP are binding obligations, not optional or voluntary guidelines. There is clear implementation gap of Article 9, often dependent on external project funding. GB-11 is requested to call on Contracting Parties to carry out, during the next intersessional period, national legal and policy reviews of seed, PVP and IP legislation, with the full and effective participation of peasants' and Indigenous Peoples' organizations, and to submit summaries of these reviews in their national implementation reports.
- UNDROP affirms the right to seeds as a human right that takes precedence over trade and intellectual property norms. States must adapt seed laws, plant variety protection, and certification schemes to respect peasants' rights. GB-11 should invite Contracting Parties to revise these laws to explicitly guarantee peasants' and Indigenous Peoples' rights to save, use, exchange and sell farm-saved seed, including of crops covered by Annex I, outside onerous industrial certification schemes.

- GB-11 is invited to include in its Farmers' Rights decision an operative paragraph reaffirming that human rights obligations, including UNDROP, guide the interpretation and implementation of Article 9 of the Treaty and prevail over conflicting trade and IP commitments.

2. Recognize peasants' rights as collective rights

- Peasant and Indigenous seed systems are collective, community-based systems, not individual property regimes.
- GB-11 should explicitly recognize that peasants' rights are collective rights, central to which are their seed systems, which are in turn the backbone of in-situ conservation, agroecological resilience and food sovereignty. GB-11 is requested to state in its Farmers' Rights decision that these collective seed systems are a primary way in which Farmers' Rights are exercised, and to request the Standing Committee to develop guidance on their legal recognition and protection.
- Legal frameworks must protect peasants and Indigenous peoples from criminalization under restrictive seed laws and IP regimes. GB-11 should call on Contracting Parties to review, together with peasants' and Indigenous organizations, seed marketing and IP laws to remove criminal and administrative sanctions that target customary seed saving, exchange and local markets, and to report on these reviews to GB-12.

3. Move from recognition to implementation

- Twenty years after the Treaty's adoption, implementation of Article 9 remains a challenge.
- GB-11 is requested to adopt, as part of its Farmers' Rights decision, a call to Contracting Parties to conduct national legal and policy reviews of seed, biodiversity and IP frameworks, with the full and effective participation of peasants' and Indigenous Peoples' organizations, and to submit the results to the Standing Committee/Secretariat within two years.
- GB-11 should invite Contracting Parties to adopt or amend national laws to explicitly guarantee the rights of peasants and Indigenous Peoples to save, use, exchange and sell farm-saved seeds of all crops, free from restrictive industrial certification constraints, and to report such measures in their national implementation reports.
- GB-11 is urged to recognize community seed banks, seed fairs and peasants' seed networks as core in situ and on-farm conservation measures, and to request that they be included and adequately funded in national biodiversity and

food security strategies and action plans and in benefit-sharing programmes under the Treaty.

4. Establish a standing committee on farmers' rights

- The Working Group supports the proposal to transform the Ad Hoc Technical Expert Group into a Standing Committee on Farmers' Rights, and it expresses its readiness to contribute to the work of such a committee, mandated to monitor implementation of Article 9, and to provide guidance on legislation aligned with UNDROP. The mandate of the Standing Committee should explicitly include: (a) monitoring implementation of Article 9; (b) developing guidance on national legislation aligned with UNDROP Article 19 and other relevant articles; and (c) advising the Governing Body on integrating Farmers' Rights in decisions on the MLS, DSI and benefit-sharing.
- As meaningful participation of peasants in seed policy is still limited, GB-11 should ensure direct participation of peasants' organizations and Indigenous Peoples, with gender balance and regional representation. Peasants' and Indigenous representatives should be included as full members of the Standing Committee, and resources must be allocated to enable their effective participation throughout the intersessional period.

5. Address digital biopiracy

- Digital Sequence Information (DSI) is a major loophole enabling biopiracy. Current loopholes allow companies to sequence MLS seeds, upload genetic data, and exploit it commercially without benefit-sharing. This undermines Farmers' Rights and the objectives of the MLS.
- GB-11 should explicitly include DSI in the SMTA and reject any expansion of Annex I, until binding provisions ensure DSI is subject to the same obligations as physical material.
- GB-11 should invite Contracting Parties to introduce national legal prohibitions on patents over DSI and genetic traits derived from MLS material and to share examples of such measures through the Treaty's information system.

6. Reframe benefit-sharing: from corporate incentives to state commitment

- Current debates wrongly focus on making the Treaty "attractive" to the private sector. Such framing risks sidelining states' existing human rights obligations and the central role of peasants and Indigenous Peoples as custodians of agrobiodiversity.

- GB-11 should require mandatory contributions from Contracting Parties and prioritize direct support to community-led conservation and seed sovereignty initiatives.
- Benefit-sharing must strengthen peasants' and Indigenous Peoples' seed systems, not subsidize corporate breeding. GB-11 should adopt allocation criteria that prioritize support to peasants' and Indigenous Peoples' seed systems and agroecological practices, rather than funding corporate breeding or IP-intensive approaches.
- New confidentiality clauses in the SMTA raise grave concerns, including the risk of entrenching secrecy, which would undermine accountability and trust.

Conclusion and recommendations

- Peasants' rights and their right to seeds are human rights. Despite this, current legal and market trends (PVP, patents, DSI loopholes, rigid seed marketing regulation) threaten peasants' ability to save, use, exchange and sell seeds.
- GB-11 should encourage Contracting Parties to implement Article 9 in full conformity with UNDROP. This requires aligning all Treaty-related measures, including those on DSI, the MLS and benefit-sharing, with human rights obligations.

The Working Group makes the following recommendations to GB-11:

1. Decide to establish a Standing Committee on Farmers' Rights with a mandate to monitor Article 9 implementation and develop legislative guidance aligned with UNDROP.
2. Adopt binding measures on DSI and transparent benefit-sharing in the SMTA and to postpone any expansion of Annex I until these are in place.
3. Request Contracting Parties to integrate the protection of collective peasants' and Indigenous seed systems in all Treaty-related and national legal and policy frameworks.
4. Allocate predictable funds to peasants and community-led seed systems and participatory breeding.
5. Amend national seed laws and SMTA clauses to prevent IPR claims that restrict and criminalize farmers' and Indigenous Peoples' practices. Invite Contracting Parties to share examples of such legal safeguards through the Treaty's information system.

Background

The [United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas](#) (UNDROP), adopted by the UN General Assembly in 2018, is a landmark human rights instrument that explicitly recognizes small-scale food providers, Indigenous Peoples, rural workers, as well as their families and communities, as right holders. Central to UNDROP is the right to seeds, enshrined in Article 19, which guarantees peasants the ability to save, use, exchange, and sell farm-saved seeds, maintain and develop their own seed systems, and participate in decision-making on seed policies. UNDROP complements Article 9 by clarifying that States have binding human rights obligations in relation to peasants' rights to seeds, which should guide implementation of the Treaty. This means that seed laws, intellectual property regimes, and certification schemes must be interpreted and applied in a manner consistent with human rights, ensuring that peasants' and Indigenous Peoples' seed systems are protected against criminalization and biopiracy.

[The Working Group on the Rights of Peasants and Other People Working in Rural Areas](#) was created by the Human Rights Council in 2023, as a new UN human rights mechanism. Its core mandate is to promote and disseminate the implementation of UNDROP and to advance peasants' rights in practice. The Working Group crowns a long struggle led by peasants and grassroots movements, which succeeded in having their rights recognized in UNDROP.