

UNITED NATIONS DECLARATION
ON THE RIGHTS OF PEASANTS
AND OTHER PEOPLE WORKING IN RURAL AREAS

Economic, social and cultural rights

(art. 5, 13, 14, 21, 23, 24, 25 and 26)

Training sheet No. 10



*“There is not one developed world and one underdeveloped world
just one maldeveloped world”*

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas incorporates a number of rights already recognized in other international instruments, such as the International Covenant on Economic, Social and Cultural Rights.

Economic, social and cultural rights (ESCR) are the rights that guarantee dignified living conditions. They are particularly important, bearing in mind that all forms of poverty, including poverty in rural areas, are violations of those rights. Note that violations of ESCR are the leading cause of rural flight, when peasants take to the road and then swell the populations of cities or, more often, slums.

These rights exist because poverty and indecent or lethal living conditions do not come about by accident. States cannot pass poverty off as an insurmountable fact of life or the result of individual lack of responsibility. They have an obligation to act and are required to respect, protect and implement these rights, as part of their human rights obligations. They must also hold to account the economic actors who cause and profit from poverty. In addition, they should act to prevent violations of ESCR by third parties such as economic agents or other States and, where appropriate, ensure access to justice and reparation for victims.

The reaffirmation of ESCR in the Declaration should facilitate the appropriation and implementation of these rights on behalf of peasants and rural workers. Here we present eight of these rights; the others are discussed in special training sheets.

RIGHT TO NATURAL RESOURCES (ART. 5)

Article 5 gives peasants and rural workers “the right to have access to and to use in a sustainable manner the natural resources that are required to enjoy adequate living conditions”, and to “participate in the management of these resources” (art. 5.1).

States are responsible for ensuring “that any exploitation affecting the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted based on, but not limited to:

- (a) a duly conducted social and environmental impact assessment;
 - (b) consultations in good faith ;
 - (c) modalities for the fair and equitable sharing of the benefits of such exploitation that have been established on mutually agreed terms between those exploiting the natural resources and the peasants and other people working in rural areas.”
- (art. 5.2)



RIGHT TO WATER SUPPLY SYSTEMS AND SANITATION FACILITIES (ART. 21)

The right to water is a human right “essential for the full enjoyment of life and all human rights and human dignity”. Such are the terms in which article 21 sets out this right, which includes the right to affordable and physically accessible drinking water under culturally acceptable conditions (art. 21.1).

Paragraph 2 lists the uses for which peasants are entitled to access water: not only for personal use, but also for farming, fishing and livestock keeping. Access must be equitable and must include access to water-management systems.



The right to have water for production is a step forward for peasants, for lack of access to water often prevents them from producing enough. However, global heating is making access to water more and more difficult. Thus preference should be given to crops adapted to local environmental conditions, that are resilient and consume little water, and that do not depend on intensive irrigation.

To guarantee peasants’ right to water, States must provide access at affordable prices. They must also provide access to sanitation systems – access that a large proportion of the world’s population does not have – targeting in particular the most disadvantaged groups, and notably women (art. 21.3).

States must also recognize and protect customary and community-based water management systems, always providing they are not discriminatory.

States have an obligation to protect water-related ecosystems from contamination, particularly from industrial effluent and chemical spills (art. 21.4). Note also that they are required to restore such ecosystems in the event of pollution; naturally they can pass that responsibility on to the polluters, but they must ensure that it is actually done.

Lastly, States must protect this right from violation by third parties, and always make human needs for water the first priority (art. 21.5). The target here is those industries that pump water at peasants’ expense, more often than not polluting rivers into the bargain!

CULTURAL RIGHTS AND RIGHT TO TRADITIONAL KNOWLEDGE (ART. 26)

The Declaration contains a number of cultural rights that should be highlighted, some classic and others more innovative.

Peasants and rural workers have the right to enjoy and develop their own culture. They also have the right to maintain, express, control and protect it (art. 26.1).



It is worth mentioning one aspect in particular of the traditional and local knowledge to be protected, namely methods of production and technology.

Peasants' knowledge of their work is part of their culture and their heritage and should be protected as such, not only from destruction but also from appropriation by third parties. It is well known that many industries take peasants' knowledge and incorporate it into industrial processes, while seed companies are always on the lookout for varieties to develop. The trend towards the patenting of genetic codes (see training sheet No. 3 on the right to seeds) makes it all the more important to protect peasants' knowledge.

Lastly, the Declaration's beneficiaries, the holders of this right, may "*express their local customs, languages, culture, religions, literature and art*" (art. 26.2) as long as this does not infringe the human rights of others in general.

In the area of cultural rights, States must first and foremost respect the culture of peasants and rural workers. It is well worth recalling this, for peasant culture is so often looked down on and stigmatized in comparison with urban culture.

It follows, therefore, that States must put an end to discrimination against that culture and to discrimination on grounds of belonging to that culture. For example, States must refrain from compelling nomads to settle.

Article 26 is the last of the articles setting forth rights under the Declaration, but it is not the least important, far from it, for in the end cultural rights are the very core of the Declaration as envisaged by peasants' and rural workers' organizations: what the Declaration is seeking to protect is after all peasants' culture and way of life. Being a peasant does not mean simply doing a job, it means being a part of an array of cultures that must be recognized, protected and allowed to flourish.



RIGHT TO HEALTH AND TO TRADITIONAL MEDICINES (ART. 23)

The right to health is an obvious right, yet it is very often violated or ignored. Article 23 of the Declaration takes up the elements of this right that are already recognized, i.e. the right to enjoy the highest attainable standard of physical and mental health, and the right to have access to social and health services (art. 23.1).

It then adds a right newly established for peasants and rural workers, namely the right to use and protect their traditional medicines and to access, produce and conserve the various components thereof (art. 23.2).

RIGHT TO WORK (ART. 13)

The right to work is a key component of ESCR. It consists in the right to choose what work to do, to access the work chosen, and to perform it safely. The Declaration recognizes this in these terms: *“the right to choose freely the way they earn a living”* (art. 13.1). For a peasant, this means being able to choose to remain a peasant and to practise agriculture (or any other activity such as fishing, livestock raising, gathering, etc.) using their own methods, and to derive an adequate income from it.

This work must be freely chosen and accepted. Accordingly, article 13 prohibits all forms of forced labour, slavery and trafficking in human beings.

It also protects the children of peasants and other people working in rural areas from doing work that prevents them from attending school or pursuing their studies, or that harms their development in general (art. 13.2). For the paragraph on children a compromise was reached between an interpretation of children’s rights that would imply a total ban on work of any kind and the fact that families often rely on children’s help.

For this right, the Declaration imposes obligations – classic for the most part – on States. Thus, States must provide a socio-economic environment that opens up employment opportunities, and also ensure that everyone receives remuneration for their work *“allowing for an adequate standard of living”* (art. 13.3). In addition, they must monitor compliance with labour legislation (art. 13.5).

In a newer kind of obligation, paragraph 4 states that, in order to combat rural poverty, States must establish *“sustainable*

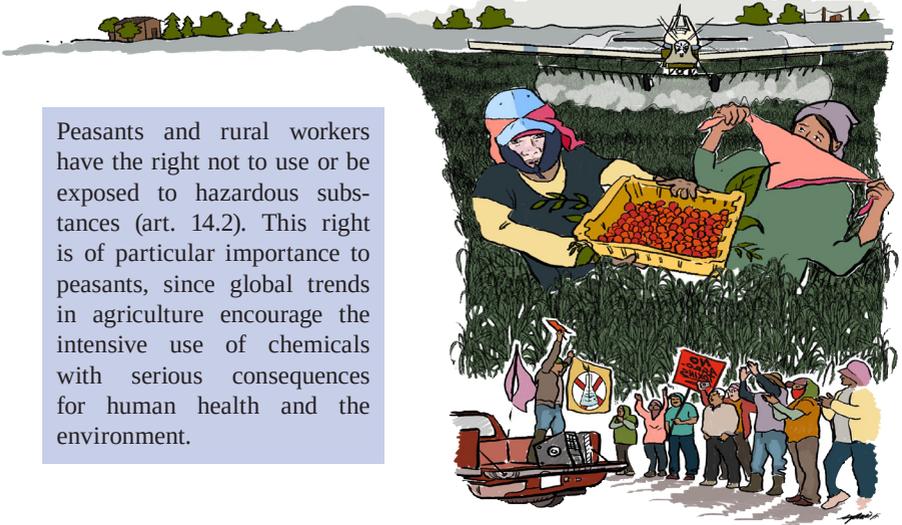
food systems that are sufficiently labour-intensive to contribute to the creation of decent employment.”

States must actively intervene in the economy to build such systems, not simply rely on the beneficence of economic actors.



RIGHT TO A SAFE AND HEALTHY WORKING CONDITIONS (ART. 14)

Peasants and rural workers have the right not to use or be exposed to hazardous substances (art. 14.2). This right is of particular importance to peasants, since global trends in agriculture encourage the intensive use of chemicals with serious consequences for human health and the environment.



The right to work is complemented in the Declaration by article 14, on the right to a safe, healthy working environment. This is a very comprehensive article that gives peasants and rural workers the right (art. 14.1) to:

- safe and healthy working conditions;
- measures to prevent, reduce and control hazards and risks;
- participation in the preparation and application of measures guaranteeing this right;
- access to protective equipment;
- access to information on their working conditions;
- representation in decisions regarding their health and safety.



Article 14 also gives them the right to be free from all forms of violence in their workplace, including sexual violence.

Lastly, in order to give effect to all the rights listed here, article 14 affirms peasants' right to report such hazards and to remove themselves from danger without being subjected to retaliation (art. 14.1).

Under this article, States have an obligation to designate supervisory authorities and a labour inspectorate with the ability to monitor working conditions in agriculture, and to take measures to ensure the health and safety of workers (art. 14.3).



The last paragraph of article 14 covers the measures States must take with regard to chemicals used in agriculture: they should regulate and monitor them, and provide information on any alternatives available.

RIGHT TO HOUSING (ART. 24)

The right to housing is one of the most frequently violated fundamental rights, among all population groups the world over. Though we think most often of the slums in the world's major cities, this right is also violated in rural areas, especially in the case of seasonal agricultural workers, who move around and really have no fixed home.

The right to housing for peasants and rural workers means adequate housing within their communities, where they can live in peace and dignity (art. 24.1). It also gives protection from arbitrary eviction and from harassment leading to eviction (art. 24.2).

The primary obligation of States with regard to this right is to refrain from arbitrarily or illegally evicting groups of people from their homes or land. If eviction cannot be avoided, for example when it is in the public interest (see in this connection training sheet No. 11), there must be fair and equitable compensation (art. 24.3).

Moreover, though it is not explicitly mentioned in this article, States must devise policies to ensure that every individual is housed, an obligation that is already formally recognized at the international level.

RIGHT TO EDUCATION AND TRAINING (ART. 25)



The right to education and training is chiefly concerned with techniques and knowledge related to the practice of agriculture (art. 25.1). Peasants have the right to lifelong education in the subject, appropriate to their agro-ecological environment, but also to their socio-cultural and economic situation. The purpose of this article is thus to guarantee peasants access to knowledge that

will enable them to develop their business in accordance with their own needs and wishes, and allow them to earn a living from their work.

There is naturally a paragraph devoted to the right to education of the children of peasants and rural workers. Like every child in the world, they have the right to education (art. 25.2).

In terms of States' obligations, note that paragraph 3 is devoted to partnerships to be set up by the State between scientists and peasants. These partnerships must be fair and must address peasants' needs and problems. The partnership must work both ways – hence the name. That means that peasants' contribution to science must also be recognized.



Key points on the economic, social and cultural rights presented in this sheet

- Peasants have the right to access natural resources in order to attain a decent standard of living. They should use them in a sustainable fashion and participate in their management.
- Peasants have the right to water for personal use and for use in agricultural production, for livestock breeding and for fishing, and the right to access water-management systems.
- Peasants have the right to enjoy their own culture, to develop and maintain it, and to express, control and protect it.
- Peasants have the right to health and to the use and protection of their traditional medicines.
- Peasants have the right to work, to choose that work and perform it in safety, and to be protected from all forms of forced labour, slavery and trafficking in human beings.
- Peasants have the right to a safe, healthy working environment, and to participate in the development and implementation of measures guaranteeing that right.
- Peasants have the right to adequate housing in their community, where they can live in peace and dignity, and to be protected from arbitrary eviction.
- Peasants have the right to education and training, which should also cover techniques and knowledge related to the practice of agriculture.



For more information, go to
www.cetim.ch/factsheets-on-peasants-rights

See also the text of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas on the UN website,
<https://undocs.org/en/A/RES/73/165>



United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas: 12 training sheets

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