

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

Civil and political rights

(art. 3, 6, 7, 8, 9, 11 and 12)

Training sheet No. 11



*"There is not one developed world and one underdeveloped world
just one maldeveloped world"*

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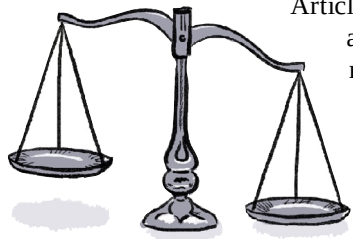
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CIVIL AND POLITICAL RIGHTS

Civil and political rights protect, among other things, the means of political expression and organization that are necessary to a democratic regime. The political marginalization of peasants and rural workers goes hand in hand with gross violations of their civil and political rights. Claiming these rights will enable them to organize and make their voices heard.

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 (see below), restating them and adapting them to the particular situation of peasants and rural workers.

RIGHT TO EQUALITY AND NON-DISCRIMINATION (ART. 3)



Article 3 of the Declaration starts by reaffirming that peasants and rural workers enjoy all universally recognized human rights, like every other person. These rights are contained in what is known as the International Bill of Human Rights, which comprises the Universal Declaration of Human Rights^[1] and the two International Covenants, one on Civil and Political Rights^[2] and the other on Economic, Social and Cultural Rights.^[3]

These rights can be effective only if they are guaranteed to all without discrimination. If this principle is not applied, human rights become a privilege and lose all relevance. Discrimination “consists of different treatment for two persons, or groups of persons, when both are in a comparable situation. Conversely, treating equally two persons or groups of persons when both are in different situations can also constitute discrimination.”^[4]

The Declaration on the Rights of Peasants incorporates this principle of non-discrimination and lists the grounds on which different treatment is prohibited: “*origin, nationality, race, colour, descent, sex, language, culture, marital status, property, disability, age, political or other opinion, religion, birth or economic, social or other status*” (art. 3.1).

Article 3, paragraph 2, ensures effective participation by peasants in the elaboration of strategies to exercise their right to development, a right addressed by a special United Nations Declaration.^[5] Lastly, paragraph 3 requires States to put an end to discrimination of all kinds, from any source.

¹ Adopted by the United Nations General Assembly on 10 December 1948, it is binding on all United Nations Member States.

² Adopted by the United Nations General Assembly on 16 December 1966; entered into force in 1976. It is legally binding on the 173 States that have ratified it to date.

³ Adopted by the United Nations General Assembly on 16 December 1966; entered into force in 1976. It is legally binding on the 171 States that have ratified it to date.

⁴ See *The right to non-discrimination*, CETIM, Melik Özden, Geneva, 2011, www.cetim.ch/product/the-right-to-non-discrimination/

⁵ On this subject, see *The right to development*, CETIM, Melik Özden, Geneva, 2007, www.cetim.ch/product/the-right-to-development/

RIGHT TO LIFE, LIBERTY AND SECURITY OF PERSON (ART. 6)

The rights contained in article 6 are indisputable and part of the very foundation of human rights. They are recognized in the International Bill of Human Rights mentioned earlier. It is still nevertheless essential for them to be also recognized in the Declaration on the Rights of Peasants.

The right to life, liberty and security of person means that none of these rights may be violated by any action of the State or of a non-State actor. States cannot deprive anyone of their life, liberty or security and must do all they can to prevent third parties from doing so.

Art. 6.1

“Peasants and other people working in rural areas have the right to life, physical and mental integrity, liberty and security of person.”

Peasants and rural workers are nevertheless a group that is particularly susceptible to violations of these rights. This is especially true of those who fight to prevent the expropriation of land and natural resources. Militants meet opposition of a particularly violent kind from both States and non-State actors (notably transnational agri-food companies).

Article 6 also recalls the ban on arbitrary arrest and detention, i.e., arrest not based on any legal offence or judicial decision, carried out solely at the discretion of some authority. Similarly, torture and all forms of inhuman and degrading treatment are strictly prohibited.



Lastly, this article reiterates the prohibition on slavery and servitude, which may seem obvious, but needs restating as such conditions can still be found.

FREEDOM OF THOUGHT, OPINION AND EXPRESSION (ART. 8)

Art. 8.1

“Peasants and other people working in rural areas have the right to freedom of thought, belief, conscience, religion, opinion, expression and peaceful assembly. They have the right to express their opinion, either orally, in writing or in print, in the form of art, or through any other media of their choice, at the local, regional, national and international levels.”

In order to assert their rights under the Declaration, peasants and rural workers must be able to express themselves freely. And in order to be able to express themselves, they need to be able to freely form and express their thoughts and opinions. The Declaration guarantees both.

Note that one of the components of this freedom is the right to participate, individually and/or collectively, in “*peaceful activities*” (art. 8.2). This relates to gatherings both in private and in public. In other words, marches, demonstrations and rallies are protected by this article and by international law.

Any methods used to silence people whose messages are at odds with the discourse of power (political, economic or religious) or to block access to other opinions are violations of this right.

The Declaration contains rights that peasants must be able to make their own. The best way to do that is to publicize the text and invoke those rights using the freedom of expression.

Paragraph 3 lists the classic restrictions on these freedoms: they cannot be enjoyed if doing so would prevent others from enjoying their rights, harm their reputation or endanger the security of the State. These restrictions are valid only if they are enshrined in law, in a way that does not betray the spirit of the Declaration.

In addition to the traditional obligations to respect, protect and implement human rights, States must protect the defenders of Declaration rights from any form of reprisal (art. 8.4).



FREEDOM OF ASSOCIATION (ART. 9)

Freedom of association, like freedom of thought and expression, is a necessary condition for the political organization of peasants and rural workers. One person alone will always have less power than if they join with others. So the freedom of association is valuable and powerful.

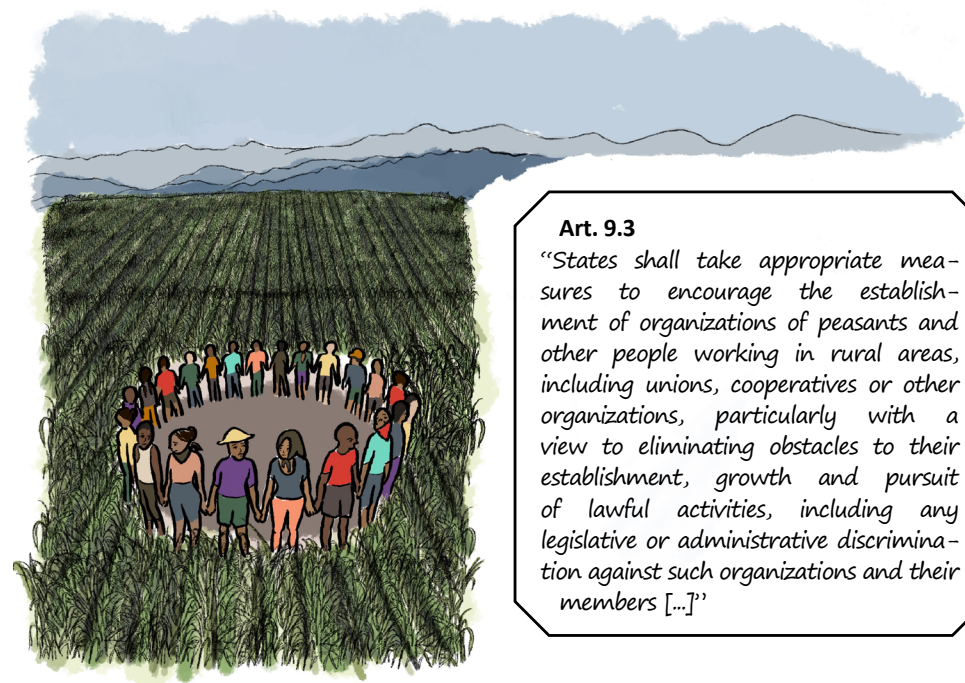
Article 9, paragraph 1, outlines the basic principle: an association may take any form, and may be used for the defence of peasants' and rural workers' interests and for collective bargaining.

Like the freedoms mentioned in article 8, freedom of association may be restricted in order to protect the security of the State and the rights of others. Of course, State security must not be invoked falsely, as we have seen happening for the past 10 or 20 years, with the proliferation of so-called anti-terrorist laws to stifle criticism.

This article also sets forth the obligations of States. They must encourage the creation of organizations by specific measures such as subsidies or training. They must remove obstacles preventing the creation of organizations, such as cumbersome authorization procedures. They must also remove more subtle obstacles such as unreasonable administrative delays or the requirement to pay a fee.

Art. 9.1

"Peasants and other people working in rural areas have the right to form and join organizations, trade unions, cooperatives or any other organization or association of their own choosing for the protection of their interests, and to bargain collectively. Such organizations shall be independent and voluntary in character, and remain free from all interference, coercion or repression."



Art. 9.3

"States shall take appropriate measures to encourage the establishment of organizations of peasants and other people working in rural areas, including unions, cooperatives or other organizations, particularly with a view to eliminating obstacles to their establishment, growth and pursuit of lawful activities, including any legislative or administrative discrimination against such organizations and their members [...]"

Paragraph 3 further states that, in the context of contractual negotiations, for example between a wholesaler and a cooperative, the State must support peasants' organizations to ensure that negotiations are fair and that the outcome safeguards their rights, in particular the right to dignity and decent living conditions.

Note that article 9 should be read in conjunction with article 10, on the right to participation, which is addressed in a special training sheet (No. 7).

RIGHT TO INFORMATION (ART. 11)

Art. 11.1

"Peasants and other people working in rural areas have the right to seek, receive, develop and impart information, including information about factors that may affect the production, processing, marketing and distribution of their products."

The right to information includes the right to seek, produce, receive and disseminate information. All these activities are linked to the freedom of thought, opinion and expression as mentioned above. The right to information is both a component and a condition of that freedom.

Action relating to information is what underpins this right, and article 11 further elaborates and clarifies the situation of peasants and rural workers, in particular as regards the obligations of States. States have a general obligation to ensure that peasants and rural workers are informed, in order to ensure their political autonomy and "to ensure their effective participation in decision-making in matters that may affect their lives, land and livelihoods" (art. 11.2).

They also have an obligation to provide peasants and rural workers with information enabling them to access systems for the certification and labelling of their products – and to help in devising such systems.

Art. 11.3

“States shall take appropriate measures to promote the access of peasants and other people working in rural areas to a fair, impartial and appropriate system of evaluation and certification of the quality of their products at the local, national and international levels, and to promote their participation in its formulation.”



FREEDOM OF MOVEMENT (ART. 7)

Article 7, paragraph 1, first establishes the right of peasants and rural workers to recognition everywhere as persons before the law.^[6] Such recognition is a fundamental prerequisite if any individual is to have “formal” existence and dispose of certain rights and duties. It also makes it possible to exercise those rights, for example sign a contract or take a case to court. Legal personality is also necessary when crossing an international border.

Paragraph 2 obliges States to take measures to facilitate the movement of peasants and rural workers, both at the national and the international levels. Movement within a given State must not be arbitrarily impeded, and peasants and rural workers must always be able to return to the country or countries of which they are nationals.

Lastly, States have an obligation to cooperate to address transboundary tenure issues. They must protect the rights of peasants and rural workers operating in cross-border areas. Pastoralists practising transhumance on routes dating from before the border was drawn must be able to continue to do so freely.

And peasants and rural workers with close geographical and historical ties on both sides of a border must be able to maintain those ties.



RIGHT TO JUSTICE (ART. 12)

Access to justice is a right that underlies all others. It affects any aspect of a person’s life that may be the subject of legal action. The Declaration recognizes a very comprehensive right to justice, whose various aspects we present here.

Paragraph 1 states that peasants and rural workers must have access to any court in which they wish to bring a case. This entails, first, the absence of discrimination and, second, the effectiveness of that access.

According to paragraph 2, courts must be impartial, competent, timely, affordable and effective, and must work in the language of the persons concerned. States shall also provide “effective and prompt remedies, which may include a right of appeal, restitution, indemnity, compensation and reparation.”

Art. 12.1

“Peasants and other people working in rural areas have the right to effective and non-discriminatory access to justice, including access to fair procedures for the resolution of disputes and to effective remedies for all infringements of their human rights. Such decisions shall give due consideration to their customs, traditions, rules and legal systems in conformity with relevant obligations under international human rights law.”



One final consideration, to ensure that access is effective and non-discriminatory, is the support provided for in paragraph 3. This may be legal assistance or legal aid (help with the cost of the proceedings).

In paragraph 4, States are urged to strengthen their institutions for the protection of human rights, “including the rights described in the present Declaration”.

Paragraph 5 provides that States must establish effective mechanisms for prevention and redress so that peasants are protected from “any action that has the aim or effect of violating their human rights, arbitrarily dispossessing them of their land and natural resources or of depriving them of their means of subsistence and integrity, and for any form of forced sedentarization or population displacement.”

⁶ The right to a legal personality is already recognized in international law (the Universal Declaration of Human Rights, art. 6; and the International Covenant on Civil and Political Rights, art. 16).

SUMMARY

Key points on the civil and political rights presented in this sheet

- Peasants and rural workers have the right to enjoy all the human rights contained in the Declaration, without discrimination.
- States must respect and protect the right to life and liberty of peasants and rural workers.
- Peasants and rural workers have the right to freedom of thought, opinion and worship. All forms of expression, including demonstrations, are protected.
- Peasants and rural workers can freely form associations, unions, cooperatives or any other organization, as they wish. States must support them and protect them from interference.
- Peasants and rural workers have the right to seek, receive, produce and disseminate information.
- The legal personality of peasants and rural workers must be recognized everywhere.
- States must take measures to facilitate the movement of peasants and rural workers, including cross-border movements.
- Peasants and rural workers have the right to justice that is effective and non-discriminatory.



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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