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**BUILDING FORWARD TOGETHER WITH ECONOMIC,
SOCIAL AND CULTURAL RIGHTS**

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KEY MESSAGES

- United Nations (UN) human rights mechanisms should continue to provide guidance to states on the need to build back better, to build a new eco-social contract, and to promote and protect economic, social and cultural rights (ESCR) within the context of addressing inequalities in the recovery from the COVID-19 pandemic. In doing so, they should aim to push states and the UN system to build forward together.
- Among the numerous recommendations made by the Human Rights Council, special procedures and treaty bodies to protect ESCR during the COVID-19 crisis, and to respond to the current multiple crises, three cross-cutting instruments, measures and approaches are particularly important to protect the rights of some of the most vulnerable people in the world, who represent 80% of those who are hungry, and 70% of those who are living in extreme poverty: people living and working in rural areas.
- These instruments, measures and approaches are the UN Declaration on the rights of peasants and other people working in rural areas (UNDROP), adopted by the Human Rights Council and General Assembly in 2018; agroecology, promoted by the UN Special Rapporteur on the right to food; and social protection floors, defended by the UN Special Rapporteur on extreme poverty and human rights.
- The Human Rights Council, states, and all relevant special procedures and treaty bodies should include the rights of peasants, agroecology and social protection floors in their work, and ensure the full participation of peasants and other rural workers, as well as people living in poverty – who have too often been marginalised within international, regional and national laws and policies, and who have suffered various forms of discrimination and historical disadvantage for too long – in the joint efforts to build forward together.

INTRODUCTION

The global COVID-19 crisis has exposed and exacerbated existing human rights violations and inequalities with a devastating effect on vulnerable groups and societies. The challenges brought about by the pandemic, combined with armed conflicts, climate change, air pollution and biodiversity loss (the triple planetary crisis) have placed great strain on the realization of economic, social and cultural rights (ESCR). Despite these negative developments, ESCR still provide substantial guidance for short-term crises response and for long-term recovery strategies towards fair, resilient and sustainable societies that leave no one behind.

The Human Rights Council, special procedures and treaty bodies have made numerous recommendations to protect ESCR during the COVID-19 crisis, and within the context of addressing inequalities in the recovery from the COVID-19 pandemic.

In June 2021, a coalition of 48 states, supported by 28 organizations, launched the Sustainable Recovery Pledge, through which they committed to build a better future for all, with human rights at its heart. They committed to build back better from the pandemic, using the 2030 Agenda for Sustainable Development, grounded in states' human rights obligations, as well as the Paris Agreement, as the blueprint.

On 15 October 2021, the theme of the international day for the eradication of poverty was “Building Forward Together: Ending Persistent Poverty, Respecting all People and our Planet”. On this occasion, the UN organized a webinar with the participation of people living in poverty, who are among those who are suffering most from the effects of the Covid-19 pandemic, armed conflicts, climate change, air pollution and biodiversity loss.

In 2022, the 4th Intersessional Meeting for Dialogue and Cooperation on Human Rights and the 2030 Agenda focused on the need to build a renewed social contract anchored in human rights. Highlighting that the COVID-19 pandemic doubled the wealth of the 10 richest men in the world while sending upwards of 120 million people into extreme poverty, the UN Research Institute for Social Development (UNRISD) called for building a new eco-social contract with alternative economies, transformative social policies, reimagined multilateralism and strengthened solidarities.

In this publication, we will describe cross-cutting instruments, measures and approaches that have been proposed by the Human Rights Council, special procedures and treaty bodies in response to the current crises, in order to *build forward together with ESCR*. In so doing, we will focus on the need to protect the rights of peasants and other rural workers, to promote agroecology and to guarantee social protection floors for all. We emphasize the rights of those living and working in rural areas, who – although frequently excluded or overlooked – represent 80% of those who are hungry in the world, and 70% of those who are living in extreme poverty.

PEASANTS' RIGHTS

Peasants and other people working in rural areas, including agricultural workers, fisherfolk, pastoralists and herders (other rural workers) feed between 70 and 80 per cent of the world population, but they make up 80 per cent of those suffering from hunger, food insecurity and malnutrition globally. It is in this context that the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) was adopted in 2018 – as a result of almost 20 years of mobilisation by La Via Campesina and its allies, and 6 years of negotiation at the Human Rights Council – and that it started to be implemented.

Since 2020, the COVID-19 pandemic, armed conflicts and extreme climatic events have compounded the challenges and detrimental impact on the rights of peasants and other rural workers. In responses to these overlapping crises, there are consistent calls for a human rights-based approach to food security that supports the rights of small-scale food producers. A renewed commitment by the Human Rights Council to incorporate UNDROP into its work would make a significant impact in its efforts to promote and protect ESCR within the context of addressing inequalities related to COVID-19 and recovery efforts.

“The current global crises make it more urgent than ever to enact the commitments in UNDROP.”

Twelve UN Special Procedures' mandate holders

UNDROP enshrines several rights that are key for building forward together. These include the rights to land and other natural resources (articles 5 and 17), to freedom of expression and peaceful assembly (article 8), to form and join peasant organizations and trade unions (article 9), to participation in all decision-making processes that may affect peasants' and other rural workers' lives, lands, and livelihoods (article 10), to information (article 11), to decent work (article 13), to food and food sovereignty (article 15), to an adequate standard of living (article 16), to a healthy environment (article 18), to seeds and biological diversity (articles 19 and 20), to water and sanitation (article 21), to social security (article 22), to health (article 23) and to adequate training (article 25).

In building back better, the right to food sovereignty enshrined in UNDROP's article 15 should have a central place. According to UNDROP, peasants and other rural workers have the right to determine their own food and agriculture systems, which includes the right to participate in decision-making processes around food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods, respecting their cultures. UNDROP also provides that states shall formulate, in partnership with peasants and other rural workers, public policies at the local, national, regional and international levels to advance and protect the right to adequate food, food security and food sovereignty and sustainable and equitable food systems that promote and protect the rights of peasants and other rural workers. States shall also establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies with the realization of the rights of peasants and other rural workers.

UNDROP also provides that states shall carry out agrarian reforms, support peasant seed systems and promote the use of peasant seeds and agrobiodiversity (article 19.6), and maintain social

protection floors comprising basic social security guarantees (article 22.3). When food distribution programmes are established, they shall give priority to food production that promotes peasant farming, artisanal fisheries and local food production.

Finally, UNDROP's article 2.6 provides that states shall engage in international cooperation in implementing UNDROP, including by ensuring that international cooperation is inclusive, accessible and pertinent to peasants and other rural workers; by facilitating and supporting capacity-building; by facilitating cooperation in research and in access to scientific and technical knowledge; by providing technical and economic assistance; and by facilitating timely access to market information, including on food reserves, in order to help to limit extreme food price volatility and the attractiveness of speculation.

Integrating UNDROP in the Work of the Human Rights Council and Special Procedures

The Human Rights Council and special procedures should include UNDROP in their work, including when they provide guidance to states in building forward together.

The UN Human Rights Council should include explicit references to UNDROP in all relevant resolutions, and in the mandates that it gives to subsidiary bodies and special procedures, as well as in the reports that it requests from the UN Secretary-General and OHCHR.

To fill an important accountability gap in the UN human rights system, the Human Rights Council should create a new special procedure – a UN special rapporteur or a UN working group – on the rights of peasants and other people working in rural areas, mandated to monitor UNDROP's implementation. This would catalyse important visibility and support for advancing the promotion and protection of the rights set out in UNDROP by clarifying the implications of the Declaration, sharing best practices and main challenges, and recommending concrete measures for states and others to adopt. Importantly, it would also create a critical site for ongoing engagement of rural social movements with the international human rights system, which is essential to ensure that rights-holders are positioned as agents of change and solutions-holders, and not only as victims.

Following the examples of Bolivia, South Africa, Portugal and Switzerland, states should use the Human Rights Council's Universal Periodic Review (UPR) in order to push for UNDROP's implementation, including in making recommendations to building forward together.

Following the example of the UN Special Rapporteur on the right to food, who included UNDROP in its recent reports on seeds and on the Covid-19 pandemic, all UN special procedures should include UNDROP in their work. For example, the Special Rapporteur on human rights and the environment incorporated UNDROP in his 2021 report documenting the catastrophic environmental, health, and human rights consequences of industrial food systems, unhealthy diets and food waste but also offering human rights-based guidance for transformative action moving forward. The Special Rapporteur on water and sanitation also relied on UNDROP to frame its 2022 General Assembly report on the fulfilment of the human rights to safe drinking water and sanitation in impoverished rural communities.

On the occasion of UNDROP's first anniversary on 17 December 2019, nine UN special procedures and four members of UN treaty bodies released a joint statement in which they

committed to protect the rights of peasants and other rural workers, to integrate these rights in the exercise of their mandates, and to provide guidance to states on how they can implement them. They called on the Human Rights Council to create a new special procedure to monitor UNDROP, and on states to protect human rights defenders of land, environment and natural resources, who are the first victims of criminalization, intimidation and attacks against their physical integrity and life. The mandate holders underlined that peasants and other rural workers “shall be recognized as agents of change and essential actors in the local, national and international implementation of (...) UNDROP, and not just as victims of discrimination or in terms of vulnerability”. They called for the creation of a UN Voluntary Fund for peasants and other rural workers to support their participation in the activities of the UN system. They added that the effective implementation of UNDROP will not be realized without meaningful grassroots engagement.

On 16 December 2022, twelve UN special procedure mandate holders released a joint statement on the need for action on UNDROP, in which they highlighted that “besides their disproportionate exposure to environmental degradation, toxic substances, land grabbing and climate change, peasants and rural workers also suffer from the burdens caused by poverty, hunger and malnutrition. More recently, their situation has become even more dire, due to the direct effects of the COVID-19 pandemic, as well as its subsequent harmful impact on food and cost-of-living crisis.”

“UNDROP provides a framework to enable a just transition to a food system where biodiversity and human rights flourish.”

Twelve UN Special Procedure mandate holders

UN special procedures commended peasants and other rural workers across the world who have shown great resilience in the face of multiple challenges and intersectional oppression facing them and their communities, and they called on states to do more to protect, support and listen to them. For the special procedures, “UNDROP provides a framework to enable a just transition to a food system where biodiversity and human rights flourish. (...) UNDROP provides not only a recognition of peasants’ and rural workers’ rights and contributions, but also serves as a roadmap for States, the UN, business enterprises and other stakeholders to take concrete actions on the ground.”

Integrating UNDROP in the Work of Treaty Bodies

All UN treaty bodies should also include the monitoring of UNDROP in their work. The fact that UNDROP builds on a number of international treaties that they monitor, including the International Covenant on ESCR, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, will make the work of UN treaty bodies easier in terms of considering how state obligations under their particular treaty ought to be interpreted in the context of the rights of peasants and other rural workers.

In their joint statement released with UN special procedures in December 2019, four members of UN treaty bodies – the Committee on Migrant Workers, the Committee on the Elimination of Discrimination Against Women (CEDAW Committee), the Committee on ESCR, and Committee

on the Rights of the Child – committed to integrate, or recommend the integration of the monitoring of UNDROP in the exercise of their mandates, to protect the rights of peasants and other rural workers, and to provide guidance to states on how they can implement UNDROP.

Since then, a few references to UNDROP have been made in UN treaty bodies' work. In its Concluding Observations to Guinea in 2020, the Committee on ESCR recommended to the state to “[p]rogressively guarantee all peasants access to support programmes and agroecological solutions without discrimination, respecting the choice of each person, in accordance with [UNDROP]”. More recently, it included several references to the rights of peasants and other rural workers in its General Comment on land and ESCR. In this General Comment, the Committee on ESCR for example called states to “avoid adopting policies to mitigate climate change, such as carbon sequestration through massive reforestation or protection of existing forests, that lead to different forms of land grabbing, especially when they affect the land and territories of populations in vulnerable situations, such as peasants or Indigenous Peoples.”

In its General Recommendation on the rights of rural women, adopted in 2016, the CEDAW Committee made numerous references to the rights of peasant women, even if it was adopted before UNDROP. It is also important to note that in its Concluding Observations to Colombia in 2019, the CEDAW Committee for example recommended to the state to “consider incorporating the principles contained in [UNDROP] in legal and policy instruments regarding rural women”.

In 2019, the Human Rights Committee became the first UN treaty body to refer to UNDROP in its case law, with its decision in *Portillo Cáceres and Others v. Paraguay*. In this case, the Human Rights Committee explained that Portillo Cáceres and members of his family – a peasant family that had been poisoned by agrochemicals used in nearby large plantations, which also polluted their land and other natural resources – depend on their crops, fruit trees, livestock, fishing, and water resources for their livelihoods. It added that they have a special attachment to and dependency on the land, using the words of and referring to UNDROP's Article 1. The Human Rights Committee concluded that these elements can therefore be considered to fall under the scope of “home”, i.e., the place where a person resides or carries out his or her usual occupation. As the pollution has had direct repercussions on the Cáceres family's crops, fruit trees, livestock, fishing, and water resources, their right to privacy, family, and home has been violated.

AGROECOLOGY

A second theme we wish to highlight is the instrumental importance of more consistently incorporating the concept of agroecology into the work of all UN human rights mechanisms.

In his report on the COVID-19 pandemic, presented to the UN General Assembly in Autumn 2022, the UN Special Rapporteur on the right to food, Michael Fakhri, described the impacts of the pandemic on the rising of hunger, food insecurity and malnutrition in the world, with 702 to 828 million people hungry in 2021, 2.3 billion people moderately or severely food insecure, and 3.1 billion people who could not afford a healthy diet. He called on states to extend a number of progressive policies adopted during the pandemic, and to convert them into permanent programmes: direct cash transfers; universal school meals; support for territorial markets; support for peasants, pastoralists, fishers and other small food producers; protection of workers' right to

association, enforcement of labour laws and enhancement of worker protection; social protection to mitigate the negative impacts of volatility; and recognition of and support for the role of local and regional governments in meeting needs related to the right to food.

Michael Fakhri described the current period as a revolutionary moment of profound global change. For him: “How States tackle this food crisis, with its rising rates of hunger and conflict, will not just be a response to acute circumstances; it will also in effect transform the world’s food systems for decades to come.” He therefore called on states to “build upon this wave of change and shape it to serve people through human rights”, instead of resisting this popular wave and trying to protect the status quo of how power is distributed in the world’s food systems.

**“Agroecology is essential to fulfilling the right to food, adapting to climate change and increasing biodiversity”
Special Rapporteur on the right to food, Michael Fakhri**

To guide states, Michael Fakhri built on his predecessors’ work, to explain that agroecology, which is defined as a science, a practice and a social movement, is essential to fulfilling the right to food, adapting to climate change and increasing biodiversity. In a world in which food systems are driven by industrial intensive agriculture and export-oriented food policies that favour corporations, and emit approximately one third of the world’s greenhouse gases, Michael Fakhri recommended that “all States transform their food systems into agroecological systems”, which will require investing in extension services, traditional and indigenous knowledge, and scientific practice dedicated to agroecology. He also called on international organizations to support this just transition to agroecology. His call echoes the 2021 FAO, UNEP and UNDP report “A multi-billion-dollar opportunity – Repurposing agricultural support to transform food systems”, in which these three UN organizations explained that 87% of current support to agricultural producers, approximately USD 540 billion per year (and potentially USD 1.8 trillion by 2030), is highly biased towards measures that are often inefficient, inequitable, distort food prices, hurt people’s health, and degrade the environment. FAO, UNEP and UNDP concluded that there is a clear need for action at country, regional and global levels to phase out the most distortive, environmentally and socially harmful support, and redirect it towards investments in public goods and services for agriculture. They gave the example of policies that favour the use of agroecological or regenerative agricultural approaches instead of synthetic fertilizers and pesticides.

In his report, Michael Fakhri described “three policy areas that would help overcome structural constraints and provide the conditions that would enable a just transition to agroecology”: just transition for workers (agroecology is labour-intensive and shall respect workers’ human rights and international labour law); land rights and genuine agrarian reform (to expropriate large-scale tracts of land employing industrial intensive methods or owned by financial investors, and redistribute them to indigenous peoples and local communities for the purpose of agroecological food production); and curtailing corporate power in the world’s food systems.

On the dependency of food systems to fertilizers, Michael Fakhri highlighted that “the fundamental problem is not that farmers’ access to chemical fertilizers has been disrupted by the war in Ukraine (...). It is that so many farmers rely heavily on chemical fertilizers in the first place”. He also explained that “new research concludes that using far less to no chemical fertilizers can result in

causing less greenhouse and toxic pollution while also making them more productive and resilient to climate change. Using less fertilizers also protects farmers from international economic shocks”.

What is clear is that in building forward together, agroecology is not only important for the right to food, but also for many other ESCR. It should therefore be included in the work of many other special procedures, including those with a mandate on right to health, the rights to water and sanitation, human rights and the environment, climate change, toxics, business, extreme poverty, international solidarity, the right to development and indigenous peoples’ rights.

The Human Rights Council should also include agroecology in its work on these topics. It should also promote agroecology when it calls on states to protect the rights of peasants and other rural workers, as agroecology has been included in UNDROP’s articles 16.4, 17.7, 20.2 and 25.1.

The promotion of agroecology should also be included in the work of Treaty Bodies. In some of its work, the Committee on ESCR has been a pioneer, when it called states to promote agroecology to protect the rights to food and to health. For example, in its Concluding Observations to Cameroon in 2019, it urged the state to “[c]onsider mounting campaigns to raise awareness about the importance of preventing the use of agricultural pesticides and chemicals that are hazardous to people’s health and to disseminate agroecological practices.”

The use of the concept of agroecology is contested in international agenda-setting fora. If the concept is reduced simply to a descriptor of all technical food production methods that protect the environment, agroecology’s tie to the ESCR of peasants and other rural workers is entirely lost. Used in this limited sense the concept of “agroecology” does not offer an alternative path from the widely denounced industrial food systems. UN human rights bodies and mechanisms should increasingly and consistently incorporate the rights-informed understanding of agroecology, defined as a science, a practice and a social movement by the Special Rapporteur on the right to food, and set out in UNDROP. It is this framing of agroecology that makes it a powerful guide for orienting transformative action to guarantee ESCR, adapt to climate change, and protect biodiversity.

SOCIAL PROTECTION FLOORS

A third critical area in which more coordinated and sustained focus is needed to build forward together is the design of social protection schemes that effectively guarantee the rights of peasants and other rural workers, and others living in marginalized rural communities.

“In the context of the COVID-19 pandemic, the need for working together is more evident than ever.”

ILO, FAO, IFAD and WHO

Human rights case for universal social protection floors

The human right to social security is enshrined in numerous instruments and standards and is instrumental to realizing other ESCR. Minimum social protection floors have gradually gained political support, notably in the wake of the global financial and economic crisis of 2007-2008. In

2007 the Committee on ESCR adopted its General Comment 19 on the right to social security, set out in article 9 of the International Covenant on ESCR.

In 2012-2013, a coalition of 15 UN special procedure mandate holders campaigned for an independent goal on social protection floors to be included in what would eventually become the Sustainable Development Goals (SDGs). Although states did not adopt a stand-alone goal, a specific target was included under SDG 1 on eliminating poverty to “(i)mplement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.” In this way the 2030 Agenda for Sustainable Development expressly endorses the need for social protection floors and calls on states and the international community to prioritize their implementation.

Despite this global recognition of the importance of social protection for all, before the pandemic approximately 4 billion people – more than half of the world’s population – still were not covered by any form of social protection scheme. The pandemic revealed that countries were largely unprepared to respond to such a crisis. The crisis has starkly revealed the importance of robust public investment in guaranteeing ESCR and the vast inequality in the capacity of different states to channel resources to meet the urgent and basic needs of their populations. As a result, the COVID-19 crisis has prompted intensified calls for establishing permanent rights-based social protection schemes for all.

“The current approach (...) is like starting to recruit firefighters after the fire has broken out, and then sending them out to manage only specific sections of the blaze.”

Michelle Bachelet, Olivier de Schutter, Guy Ryder

The former High Commissioner Michelle Bachelet included social protection among her top thematic priorities. Social protection is also consistently included in any human rights-based guide for pandemic recovery efforts. Debates on building back better have emphasized the human rights-based case for more permanent and universal measures to guarantee effective social protection floors for all as an indispensable component of states’ obligations to protect and promote human rights to, inter alia, food, water, housing, health, education, and gender equality. For example, the Special Rapporteur on extreme poverty and human rights, Olivier de Schutter, renewed the call for a global fund for social protection based on international solidarity in his 2021 Human Rights Council report. Universal coverage requires accountability for the ESCR obligation to leverage maximum available resources – through effective tax and anti-corruption measures, but also through international solidarity.

“This is the lesson from the crisis: in order to strengthen the resilience of societies against shocks, we need to do more to fulfil the right to social security.”

Special Rapporteur on extreme poverty, Olivier de Schutter

Social Protection and the Rights of Rural Communities

Achieving social protection schemes that are universal and non-discriminatory requires prioritizing the marginalized and vulnerable groups that are systematically excluded from current schemes and efforts. The human rights system is uniquely well placed to contribute to this effort.

Rural difference is one factor that must be considered in designing and implementing social protection floors that commit to “leave no one behind.” Although rural identities and situations are extremely diverse, there are common dynamics of rurality, remoteness, and rural livelihoods that necessarily affect the design, reach, and effectiveness of social protection programs. Globally people living in rural areas are more likely to live in extreme poverty, to have more difficult access to public services and to the justice system; to work in the informal sector and in precarious conditions; and to suffer from environmental risks, climate shocks, and natural disasters, based on their place of residence and/or a special relationship with “the land, water and nature to which they are attached and on which they depend for their livelihood.” At the same time, the same factors are related to unique relationships, innovations, resilience strategies, and contributions for which policy design must account.

In 2021 the ILO and FAO published a common approach for “Extending social protection to rural populations.” This report aimed to inform and unify the organizations’ support to governments in their efforts to realize “the universal right to social security by strengthening national social protection systems, including solid social protection floors.”

In addition to endorsing the critical importance for speaking in one voice on the priority and urgency of extending social protection schemes to rural populations, the report made several key recommendations that map onto a human rights-based approach.

First, the report emphasized the need to identify and understand the context-specific barriers that particular rural populations face in accessing social protection schemes. As the report noted, to gain that context-specific insight, it is crucial to enable and promote the participation of organizations of peasants and other rural workers in the design and ongoing implementation of policies that affect them. Second, while a wide range of mechanisms and approaches can and should be considered, it is critical to complement contributory efforts with non-contributory schemes that guarantee a minimum social protection floor of basic income and access to essential services. Finally, the report explicitly recommended identifying specific options tailored to “farmers, herders, fisherfolk and foresters”.

For the human rights system, the Committee on ESCR’s General Comment 19 includes the affirmative obligation to ensure that information about social protection programs reaches rural areas and it establishes that particular attention must be paid to “persons living in remote or disaster-prone areas.” The General Comment notes that intended beneficiaries of social security schemes must be able to participate in the administration of the social security system. It reiterates that states must respect the principles of non-discrimination, gender equality and people’s participation in the design and implementation of social security strategies. In particular, individuals and groups have the right to participate in all decision-making processes that may affect their exercise of the right to social security and all social security policies or programs must have effective participation as an integral part.

The UN Guiding Principles on extreme poverty and human rights, adopted by the Human Rights Council by consensus in 2012, offer key guideposts for clarifying state obligations related to the right to participation specifically for persons living in poverty. In addition to being a right in itself, participation is recognized as instrumental as “a means of promoting social inclusion and an essential component of efforts to combat poverty, not least by ensuring that public policies are

sustainable and designed to meet the expressed needs of the poorest segments of society.” The Guiding Principles also emphasize that particular attention must be given to fully include the poorest and most socially excluded persons.

Guidance on social protection floors in UNDROP

In terms of what rights-based social protection entails for diverse communities of peasants and other rural workers, UNDROP is the key reference point offering guidance to states and the UN system.

UNDROP’s preamble explicitly references the denial of social protection as a frequent and shared experience of rural women, despite their “significant role in the economic survival of their families and in contributing to the rural and national economy.” It is also included among the systemic risks and vulnerabilities shared by rural workers globally: “hazardous and exploitative conditions that exist in many parts of the world under which many peasants and other people working in rural areas have to work, often denied the opportunity to exercise their fundamental rights at work, and lacking living wages and social protection.”

The right to social security, including social insurance, is enshrined in UNDROP’s article 22. The article restates article 9 of the International Covenant on ESCR simply affirming that peasants and other rural workers, including migrant workers, are entitled to this human right. The article draws on Committee on ESCR’s General Comment 19 to restate the corresponding state obligations related to guaranteeing this right over the life cycle and establishing these guarantees by law, including measures for accountability and remedies.

**“‘Building back better’ means building a universal [social protection] system in which everyone is protected without discrimination of any kind.”
Michelle Bachelet, Olivier de Schutter, Guy Ryder**

UNDROP’s article 4 on gender equality includes the only other explicit mention of social protection, explicitly asserting the right of peasant women and other rural women to benefit directly from social security programs.

Several other articles of UNDROP offer crucial guidance for understanding the contours of these guarantees in the context of rural workers, although they are not under the heading of social protection. For example, article 16 on the right to an adequate standard of living clarifies for states that guaranteeing this right for peasants and other rural workers requires taking appropriate measure to strengthen their resilience and protect them against the risks related to natural disasters and other severe disruptions, such as market failures.

Likewise, UNDROP’s article 15.3 on the right to food emphasizes states’ obligation to combat malnutrition in rural children, including through primary health care, the provision of adequate nutritious food, and maternal health care and support. Its article 21 addresses the human rights to water and sanitation and establishes that peasants and other rural workers have rights to water for personal and domestic use but also for needs directly tied to their livelihoods, including water for “farming, fishing and livestock keeping and to securing other water-related livelihoods.” UNDROP’s articles 23 and 24 cover the rights to health and housing. The related state obligations

include guaranteeing “access to health facilities, goods and services in rural areas on a non-discriminatory basis, especially for groups in vulnerable situations” and guaranteeing “the right to sustain a secure home and community in which to live in peace and dignity, and the right to non-discrimination in this context.”

These must be read in connection with UNDROP’s article 10, which enshrines the right of peasants and other rural workers to participate “in the preparation and implementation of policies, programmes and projects that may affect their lives, land and livelihoods.” The same article calls on states to affirmatively promote the right to free and active participation, including through the protection and support of strong and independent organizations of peasants and other people working in rural areas. Together there is a clear basis on which to advise states on the importance of ensuring the participation of marginalized rural communities in the design of effective social protection floors, with particular attention to those groups and individuals with heightened barriers to participation. As set out in UNDROP’s article 2.2, special attention must be paid to the intersecting and multiple forms of discrimination affecting older persons, women, youth, children and persons with disabilities.

The paradigm shift required to advance comprehensive human rights-based social protection system anchored in equality and non-discrimination, effective participation of rights holders, and accountability requires particular attention to how to address the rights of rural communities – namely, those communities that have been marginalized and sacrificed in the policy choices made to advance the predominant development models.

CONCLUSION

In this publication, we described cross-cutting instruments, measures and approaches that have been proposed by the Human Rights Council, special procedures and treaty bodies in response to the current crises, in order to build forward together, with ESCR at the centre.

Today, it is important that the Human Rights Council, states making UPR recommendations, and all relevant special procedures and treaty bodies include the rights of peasants, agroecology and social protection floors in their work, and ensure the full participation of peasants and other rural workers, as well as people living in poverty in the joint efforts to build forward together.

RECOMMENDATIONS

- UN human rights mechanisms should include UNDROP in their work, including when they provide guidance to states in building forward together.
- UN human rights mechanisms should ensure the full participation of peasants and other rural workers in their work, with particular attention to groups and individuals facing multiple forms of discrimination, including older persons, women, youth, children and persons with disabilities. A UN Voluntary Fund for peasants and other rural workers should be established to support their participation in the activities of the UN system.

- The Human Rights Council should create a new special procedure – a UN special rapporteur or a UN working group – on the rights of peasants and other people working in rural areas, mandated to monitor UNDROP’s implementation.
- The Human Rights Council should systematically include explicit references to UNDROP in all its relevant resolutions, in the mandates that it gives to subsidiary bodies and special procedures, and in the reports that it requests from the UN Secretary-General and OHCHR.
- States should systematically use the Human Rights Council’s UPR as a monitoring mechanism to push for UNDROP’s implementation, including in making recommendations to building forward together.
- UN special procedures should systematically include UNDROP in their thematic and country visit reports, and in their communications to states and other stakeholders.
- UN treaty bodies should systematically include UNDROP in their examination of state parties’ periodic reports and in their concluding observations, as well as in their general comments / recommendations in which they define the rights and states obligations in their treaties. They should also include the protection of the rights of peasants and other rural workers in their examination of communications. UNDROP should be included in the reporting guidelines and checklists offered by the UN treaty bodies to orient state reporting.
- UN human rights mechanisms should include agroecology in their work, and make the human rights ties explicit, including when they provide guidance to states in building forward together.
- All relevant special procedures should promote agroecology in their thematic and country visit reports, and in their communications to states and other stakeholders. These include special procedures on the right to food, the right to health, the rights to water and sanitation, human rights and the environment, climate change, toxics, business, extreme poverty, international solidarity, the right to development and indigenous peoples’ rights.
- The Human Rights Council should also include agroecology in its work on these topics. It should also promote agroecology when it calls states to protect the rights of peasants and other rural workers, as agroecology has been included in UNDROP’s articles 16.4, 17.7, 20.2 and 25.1.
- UN treaty bodies should include agroecology in their examination of state parties’ periodic reports, in their concluding observations, and when this is relevant in their general comments or recommendations in which they define the rights and states obligations in their respective treaties, and in their examination of communications.
- UN human rights mechanisms should reiterate that social protection is not a humanitarian or charitable endeavour but a human right, with critical implications for states’ ESCR obligations, including the principle of international solidarity.
- UN special procedures and treaty bodies should prioritize the right to participate in the context of designing and implementing social protection schemes, both as a right in itself and as necessary component of effective policies, accountable to the particular rights-holders in each context.

- UN human rights mechanisms must consider the particular dimensions of rurality, remoteness, and rural livelihoods in each context that may imply unique barriers for groups and individuals to access existing schemes, as well as the intersection with other forms of discrimination. UNDROP should be incorporate as an important and robust instrument to help guide this assessment.

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SELECTED REFERENCES ON BUILDING FORWARD TOGETHER

[COVID-19 and Human Rights Treaty Bodies](#)

[COVID-19 and Special Procedures](#)

[Special Procedures Reports Relevant to Climate Change](#)

[Universal Human Rights Index](#)

[International Day for the Eradication of Poverty 2021](#)

[Sustainable Recovery Pledge 2021](#)

[Guiding Principle on Extreme Poverty and Human Rights 2012](#)

[UNDROP 2018](#)

[Special Procedures and Treaty Bodies – 2019 – Statement on the Need to Take Steps to Implement UNDROP](#)

[Special Procedures – 2022 – Statement on the Need for Action on UNDROP](#)

[Special Rapporteur on the Right to Food – 2022 – Report on the COVID-19 Pandemic](#)

[Special Rapporteur on the Rights to Water and Sanitation – 2022 – Report on Impoverished Rural Communities](#)

[Special Rapporteur on Extreme Poverty and Human Rights – 2022 – Report on the Non-take-up of Rights in the Context of Social Protection](#)

[Special Rapporteur on Extreme Poverty and Human Rights – 2021 – Report on a Global Fund for Social Protection: International Solidarity in the Service of Poverty Eradication](#)

[Special Rapporteur on Human Rights and the Environment – 2021 – Report on Healthy and Sustainable Food: Reducing the Environmental Impacts of Food Systems on Human Rights](#)

[Committee on ESCR – 2022 – General Comment on Land and ESCR](#)

[Committee on ESCR – 2020 – Concluding Observations to Guinea](#)

[Committee on ESCR – 2019 – Concluding Observations to Cameroon](#)

[Human Rights Committee – 2019 – Portillo Caceres and Others v. Paraguay](#)

[CEDAW Committee – 2019 – Concluding Observations to Colombia](#)

[CEDAW Committee – 2016 – General Recommendation on the Rights of Rural Women](#)

[Michelle Bachelet, Olivier De Schutter, Guy Ryder – 2020 – Universal Social Protection Floors: A Joint Responsibility](#)

[UNRISD – 2022 – Crises of Inequality: Shifting Power for a New Eco-Social Contract](#)

[FAO, UNEP and UNDP – 2021 – A Multi-Billion-Dollar Opportunity – Repurposing Agricultural Support to Transform Food Systems](#)

[ILO and FAO – 2021 - Extending social protection to rural populations](#)

[ILO, FAO, IFAD and WHO – 2020 – Impact of COVID-19 on People’s Livelihoods, Their Health and Our Food Systems](#)

[IPES-Food – 2022 – Smoke and Mirrors: Examining Competing Framings of Food System Sustainability: Agroecology, Regenerative Agriculture, and Nature-Based Solutions](#)

[IPES-Food and ETC Group – 2021 – A Long Food Movement: Transforming Food Systems by 2045](#)

[IPES-Food – 2020 – COVID-19 and the Crisis in Food Systems: Symptoms, Causes, and Potential Solutions](#)

[Nyéleni – 2021 – Food Sovereignty in a Time of Pandemic](#)

[Working Group on Global Food Governance of the Civil Society and Indigenous Peoples' Mechanism \(CSM\) – 2020 – Voices from the Ground Up: From COVID-19 to Radical Transformation of Our Food Systems](#)

[La Via Campesina \(LVC\) – 2020 – COVID-19. Several Members of LVC Highlight the Vulnerability of Peasants and Workers](#)

[Right to Food and Nutrition Watch – 2021 – Not Our Menu: False Solutions to Hunger and Malnutrition](#)

[FIAN International – 2020 – A Recipe for Disaster: COVID Response Based on the Industrial Food System](#)

[FIAN International – 2020 – Monitoring Report on the Right to Food and Nutrition during COVID-19](#)

[FIAN International – 2020 – Monitoring Toolkit on the Right to Food and Nutrition during COVID-19](#)

[The People's Charter for an Eco-Social World 2022](#)

[Oxfam – 2022 – Inequality Kills](#)

[IDRC – 2021 – Fighting COVID-19 and Building Better Futures in the Global South](#)

[ILC – 2020 – Building Back Better: How Securing Land Rights Will Be Critical in a Post-Covid-19 World](#)

[The Rights to Food and Food Sovereignty in UNDROP 2022](#)

[The Role of Human Rights Mechanisms in Monitoring the United Nations Declaration on the Rights of Peasants 2020](#)

[Rurality as an Intersecting Axis of Inequality in the Work of the U.N. Treaty Bodies 2022](#)

[COVID-19 and Human Rights 2021](#)

[Research Handbook on Human Rights and Poverty 2021](#)

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