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The Right to Adequate Food

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Fact Sheet No.

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ABBREVIATIONS

AIDS	acquired immunodeficiency syndrome
FAO	Food and Agriculture Organization of the United Nations
HIV	human immunodeficiency virus
ILO	International Labour Organization
NGO	non-governmental organization
NHRI	national human rights institution
OHCHR	Office of the United Nations High Commissioner for Human Rights
UNICEF	United Nations Children's Fund
UPR	universal periodic review

INTRODUCTION

According to the Food and Agriculture Organization of the United Nations (FAO), more than one billion people are undernourished.¹ Over two billion suffer from a lack of essential vitamins and minerals in their food. Nearly six million children die every year from malnutrition or related diseases, that is about half of all preventable deaths. The majority of those suffering from hunger and malnutrition are smallholders or landless people, mostly women and girls living in rural areas without access to productive resources.² Although many people might imagine that deaths from hunger generally occur in times of famine and conflict, the fact is that only about 10 per cent of these deaths are the result of armed conflicts, natural catastrophes or exceptional climatic conditions. The other 90 per cent are victims of long-term, chronic lack of access to adequate food.

Combating hunger and malnutrition is more than a moral duty or a policy choice; in many countries, it is a legally binding human rights obligation.

The right to food is recognized in the 1948 Universal Declaration of Human Rights as part of the right to an adequate standard of living, and is enshrined in the 1966 International Covenant on Economic, Social and Cultural Rights. It is also protected by regional treaties and national constitutions. Furthermore, the right to food of specific groups has been recognized in several international conventions. All human beings, regardless of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status have the right to adequate food and the right to be free from hunger.

At the World Food Summit organized by FAO in 1996, States agreed to halve the number of undernourished people by 2015. They also called for the obligations arising from the right to food as provided for under international human rights law to be clarified. In response, the Committee on Economic, Social and Social Rights issued its general comment No. 12 (1999), which defines the right to food. In the United Nations Millennium Declaration, adopted by the General Assembly in 2000, States committed themselves to halving the proportion of people suffering from hunger by 2015. In 2004, FAO adopted the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, providing practical guidance to States in their implementation of the right to adequate food.

This Fact Sheet explains what the right to adequate food is, illustrates its implications for specific individuals and groups, and elaborates upon State parties' obligations with respect to this human right.³ The Fact Sheet also provides an overview of national, regional and international accountability and monitoring mechanisms.

I. WHAT IS THE RIGHT TO FOOD?

A. Key aspects of the right to food

The right to food is an inclusive right. It is not simply a right to a minimum ration of calories, proteins and other specific nutrients. It is a right to all nutritional elements that a person needs to live a healthy and active life, and to the means to access them.

The right to food can be described as follows:

The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement.

Committee on Economic, Social and Cultural Rights⁴

The right to have regular, permanent and free access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.

United Nations Special Rapporteur on the right to food⁵

It is important to emphasize certain elements of the right to food.

- **Food must be available, accessible and adequate:**⁶

- *Availability* requires on the one hand that food should be available from natural resources either through the production of food, by cultivating land or animal husbandry, or through other ways of obtaining food, such as fishing, hunting or gathering. On the other hand, it means that food should be available for sale in markets and shops.
- *Accessibility* requires *economic* and *physical* access to food to be guaranteed. Economic accessibility means that food must be affordable. Individuals should be able to afford food for an adequate diet without compromising on any other basic needs, such as school fees, medicines or rent. For example,

the affordability of food can be guaranteed by ensuring that the minimum wage or social security benefit is sufficient to meet the cost of nutritious food and other basic needs. Physical accessibility means that food should be accessible to all, including to the physically vulnerable, such as children, the sick, persons with disabilities or the elderly, for whom it may be difficult to go out to get food. Access to food must also be guaranteed to people in remote areas and to victims of armed conflicts or natural disasters, as well as to prisoners. For example, to guarantee physical access to food to people living in remote areas the infrastructure could be improved, so that they can reach markets by public transport.

- *Adequacy* means that the food must satisfy *dietary needs*, taking into account the individual's age, living conditions, health, occupation, sex, etc. For example, if children's food does not contain the nutrients necessary for their physical and mental development, it is not adequate. Food that is energy-dense and low-nutrient, which can contribute to obesity and other illnesses, could be another example of inadequate food. Food should be *safe* for human consumption and free from adverse substances, such as contaminants from industrial or agricultural processes, including residues from pesticides, hormones or veterinary drugs. Adequate food should also be *culturally acceptable*. For example, aid containing food that is religious or cultural taboo for the recipients or inconsistent with their eating habits would not be culturally acceptable.

B. Common misconceptions about the right to food

- **The right to food is NOT the same as a right to be fed.** Many assume that the right to food means that Governments have to hand out free food to anyone who needs it. They conclude that this would not be feasible or might cause dependency. This is a misunderstanding. The right to food is not a right to be fed, but primarily the right to feed oneself in dignity. Individuals are expected to meet their own needs, through their own efforts and using their own resources. To be able to do this, a person must live in conditions that allow him or her either to produce food or to buy it. To produce his or her own food, a person needs land, seeds, water and other resources, and to buy it, one needs money and access to the market. The right to food requires States to provide an enabling environment in which people can use their full poten-

tial to produce or procure adequate food for themselves and their families. However, when people are not able to feed themselves with their own means, for instance because of an armed conflict, natural disaster or because they are in detention, the State must provide food directly.

- **The denial of the right to food is NOT a result of a lack of food in the world.** One might think that people are denied their right to food because there is not enough food to go round. However, according to FAO, the world produces enough food to feed its entire population. The root cause of hunger and malnutrition is not a lack of food but a lack of access to available food. For example, poverty, social exclusion and discrimination often undermine people's access to food, not only in developing countries but also in some of the most economically developed countries where there is an abundance of food. In the longer term, however, States also have to make efforts to enable a sustainable production of food to ensure the availability of food for future generations, considering factors such as population growth, impact of possible climate change and the availability of natural resources.
- **The right to food is different from food security and food sovereignty.** These three concepts are different, although there is some overlap. According to FAO, *food security* exists "when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life."⁷ It is a precondition for the full enjoyment of the right to food. However, the concept of food security itself is not a legal concept per se and does not impose obligations on stakeholders nor does it provide entitlements to them. *Food sovereignty* is an emerging concept according to which peoples define their own food and own model of food production (such as agriculture and fisheries), determine the extent to which they want to be self-reliant and protect domestic food production and regulate trade in order to achieve sustainable development objectives.⁸ Food sovereignty is suggested as a concept that promotes an alternative model for agriculture, trade policies and practices that serve people's rights to food and to safe, healthy and ecologically sustainable food production. A right to food sovereignty is recognized under some national laws;⁹ however, there is currently no international consensus on it. *The right to food* is a human right recognized under international law that provides entitlements to individuals to access to adequate food and to the resources that are necessary for the sustainable enjoy-

ment of food security. The right to food places legal obligations on States to overcome hunger and malnutrition and realize food security for all. The right to food also addresses States' obligations beyond their borders, including trade-related ones. For example, the International Covenant on Economic, Social and Cultural Rights requires its State parties to take the measures necessary for an equitable distribution of world food supplies in relation to need (art. 11 (2) (b)). While it does not prescribe any specific model to achieve such distribution, it obliges States to ensure their trade or other policies serve this aim.

- **The right to adequate food is NOT the same as the right to safe food.** The right to adequate food is more than the right to safe food. The right to adequate food is sometimes understood as referring to the standards for the food that is available on the market, which should be safe. This is too narrow. The right to food requires adequate food to be available and accessible. Adequacy refers to quantity, quality and appropriateness, taking into account cultural aspects as well as the physiology of the individual (e.g., sex, age and health).

C. The link between the right to food and other human rights

Human rights are interdependent, indivisible and interrelated. This means that violating the right to food may impair the enjoyment of other human rights, such as the right to health, education or life, and vice versa. The box below shows some examples of this correlation.

Links between the right to food and other human rights

The right to health. Nutrition is a component of both the right to health and the right to food. When a pregnant or breastfeeding woman is denied access to nutritious food, she and her baby can be malnourished even if she receives pre- and post-natal care. When a child is suffering from diarrhoeal disease but denied access to medical treatment, it cannot enjoy an adequate nutritional status even if he or she has access to food.

The right to life. When people are not able to feed themselves and face the risk of death by starvation, malnutrition or resulting illnesses, their right to life would also be at stake.

The right to water. The right to food cannot be realized if people lack access to safe drinking water for personal and domestic uses, defined as

water for drinking, washing clothes, food preparation and personal and household hygiene.

The right to adequate housing. When a house lacks basic amenities, such as for cooking or storing food, the right to adequate food of its residents may be undermined. Also, when the cost of housing is too high, people may have to cut down on their food bill.

The right to education. Hunger and malnutrition impair children's learning abilities and may force them to drop out of school and work instead, thus undermining their enjoyment of the right to education. Moreover, to be free from hunger and malnutrition, individuals need to know how to maintain a nutritious diet and have the skills and capacity to produce or obtain food as a livelihood. Thus access to education, including vocational education, is essential for the enjoyment of the right to food.

The right to work and to social security. Employment and social security are often crucial means of obtaining food. On the other hand, minimum wages and social security benefits are often established taking into account the cost of basic foodstuffs in the market.

Freedom of association and the **right to take part in public affairs** are also important, in particular for the most marginalized and excluded, to make their voices heard and their views reflected in public policies relevant to food so that their right to food will be protected.

The right to information. Information is crucial for the right to food. It enables individuals to know about food and nutrition, markets and the allocation of resources. It strengthens people's participation and free consumer choice. Protecting and promoting the right to seek, receive and impart information thus facilitates the enjoyment of the right to food.

Freedom from the worst forms of child labour. Children and adolescents suffering from hunger and malnutrition are often more vulnerable to being recruited into the worst forms of child labour to survive (e.g., child soldiers, child prostitution). Realizing their right to food is crucial to prevent this from happening.

Freedom from torture, cruel, inhuman or degrading treatment. Deprivation or lack of access to adequate food in prison or other forms of detention may constitute torture or inhuman and degrading treatment.

D. The right to food in international law

The right to food is a human right recognized by international human rights law. The Universal Declaration of Human Rights recognizes, in the context of an adequate standard of living, that: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, ..." (art. 25).

The International Covenant on Economic, Social and Cultural Rights, which is part of the International Bill of Human Rights, recognizes the right to adequate food as an essential part of the right to an adequate standard of living (art. 11 (1)). It also explicitly recognizes "the fundamental right of everyone to be free from hunger" (art. 11 (2)).

International Covenant on Economic, Social and Cultural Rights, article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

The right to food is also recognized in other international conventions protecting specific groups, such as the Convention on the Elimination of All Forms of Discrimination against Women (1979),¹⁰ the Convention on the Rights of the Child (1989)¹¹ and the Convention on the Rights of Persons with Disabilities (2006).¹² The right to food is also recognized

in some regional instruments, such as the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, known as the Protocol of San Salvador (1988),¹³ the African Charter on the Rights and Welfare of the Child (1990)¹⁴ and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003).¹⁵

The right to food is also recognized implicitly through other rights. The African Commission on Human and Peoples' Rights has interpreted the right to food as being implicitly protected under the African Charter on Human and Peoples' Rights (1981) through the right to life, the right to health, and the right to economic, social and cultural development.¹⁶ According to the Human Rights Committee, which monitors the International Covenant on Civil and Political Rights (1966), the protection of the right to life requires States to adopt positive measures, such as measures to eliminate malnutrition.¹⁷ The Committee against Torture, which monitors the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), has pointed out that lack of adequate food in prisons may be tantamount to inhuman and degrading treatment.¹⁸

International humanitarian law also protects the access of civilians and prisoners of war to food and water during armed conflicts¹⁹ and prohibits the deliberate starvation of civilians as a method of warfare.²⁰ Under international criminal law, violations of such protection constitute war crimes.²¹ Deliberate starvation, whether in war or peace, may also constitute genocide²² or a crime against humanity.²³

Several non-legally binding international human rights instruments, including recommendations, guidelines, resolutions or declarations, are relevant to the right to food, too.²⁴ They are also called soft-law instruments. They are accepted by States and serve as guidance for the implementation of the right to food.

One such soft-law instrument, and by far the most direct and detailed, is the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (hereinafter: Right to Food Guidelines). The Right to Food Guidelines were adopted by consensus in November 2004 by the Council of FAO. They are a practical tool to help implement the right to adequate food. While they are not legally binding as such, they seek to reflect existing human rights standards and provide useful guidance to States on how they can implement their existing obligations.²⁵ They cover the full range of actions

to be considered by Governments at the national level in order to build an enabling environment for people to feed themselves in dignity and to establish appropriate safety nets for those who are unable to do so, as well as measures to hold Governments accountable to rights holders. The Right to Food Guidelines address both State parties and non-State parties to the International Covenant on Economic, Social and Cultural Rights, whether developing or developed. States are encouraged to use the Right to Food Guidelines for drafting their national strategies and programmes to fight hunger and malnutrition. The Right to Food Guidelines also invite non-governmental organizations (NGOs), civil society organizations and the private sector to promote and strengthen the progressive realization of the right to adequate food.

The contribution of civil society to the Right to Food Guidelines

NGOs were at the forefront of the promotion of a code of conduct on the right to food at the World Food Summit in 1996 and its follow-up. A draft was prepared under the leadership of three NGOs—FoodFirst Information and Action Network, World Alliance for Nutrition and Human Rights, and the Jacques Maritain Institute—and was endorsed by about 1,000 organizations and associations worldwide. The drafting process and the actual text of the code of conduct contributed greatly to the development of the Right to Food Guidelines. During the negotiations of the Right to Food Guidelines, NGOs worked together under the auspices of the International Planning Committee for Food Sovereignty to make concrete suggestions, lobby Governments and inform them about issues.

Considering the wide recognition in international and national laws as well as States' commitments through soft-law instruments, there is a view that at least freedom from hunger can be considered as a norm of international customary law, which is binding on all States, regardless of whether they have ratified specific treaties.²⁶

II. HOW DOES THE RIGHT TO FOOD APPLY TO SPECIFIC GROUPS?

Some groups or individuals face specific hurdles in relation to the right to food. These can result from biological or socio-economic factors, discrimination and stigma, or, generally, a combination of these. The right to food and the principles of equality and non-discrimination require specific attention to be paid to different individuals and groups of individuals in society, in particular those in vulnerable situations.

In this chapter, the implications of the right to food for the following groups are described: people living in poverty in rural and urban areas; indigenous peoples; women; and children. This list is not exhaustive and there may be other groups or individuals who experience specific challenges in realizing their right to food.²⁷ Also, some of the groups may overlap. Discussion on these particular groups helps to illustrate what the standards related to the right to food mean in practice. The implications of the right to food for the population groups described below are further analysed in the reports of the Special Rapporteur on the right to food.

A. The rural and urban poor

Often people living in poverty cannot fully enjoy the right to food because they cannot afford to buy adequate food nor the means to grow it themselves. However, the fact that they do not have the means to obtain food is also a result of persistent patterns of discrimination in access to education and information, political and social participation and access to justice.

What is poverty?

“In the light of the International Bill of Rights, poverty may be defined as a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.”

Source: “Poverty and the International Covenant on Economic, Social and Cultural Rights” (E/C.12/2001/10).

The vast majority of people suffering from hunger and malnutrition are poor and marginalized, struggling to survive in rural areas. About 50 per cent of people suffering from hunger are smallholders and 20 per cent rural landless people. Another 10 per cent are pastoralists, fisherfolk and forest users. The remaining 20 per cent live in urban areas.²⁸ The rural poor often lack access to sufficient productive resources, such as land,²⁹ water, fertilizers and seeds, as well as to markets, information and technology. Very often, lack of access to land and other productive resources can lead to the denial of the right to food, as most individuals and households in rural areas are dependent on such resources either to produce food for themselves or as a source of income to purchase the food they need. The denial of access to land can occur, for example, in the context of unfair competition over land with large agribusiness, extractive industries

or development projects. In such competition the rural poor are often at a considerable disadvantage as a result of discrimination and a denial of various human rights, including exclusion from decision-making and from access to justice. Sometimes the denial of access to land takes the form of forced evictions.

Even when they can produce agricultural products, lack of access to markets may prevent them from selling their products and buying other foods necessary for an adequate diet. Lack of access to education, including vocational training, and information and technologies can also prevent them from improving their productivity and protecting the environment, or from obtaining knowledge on nutrition. Landless workers, such as sharecroppers and agricultural labourers, are denied their right to food when they cannot afford adequate food and other basic needs because their wages are too low. They may not enjoy freedom of association, necessary for negotiating job security and decent wages, either. Few countries have a social security system, particularly one that functions well in rural areas. When economic hardship strikes, the rural poor may face food insecurity.

People living in poverty in urban areas are also very vulnerable to violations of the right to food. Most obtain food by purchasing it. Gainful employment, including self-employment, is therefore very important. If jobs are hard to come by or their wages are pitiful so they cannot afford food and other basic needs, such as health care, education and housing, their enjoyment of the right to food can be undermined as they have no other means of getting food. For the self-employed, discrimination in access to economic resources, such as microcredit, or access to marketplaces may also negatively affect their access to food. If food is too expensive or their income too low, they may compromise on the quality and the quantity of food they eat, for example opting for cheaper but less nutritious or unsafe food. In such cases, they do not enjoy the right to food because the food they eat is inadequate. The malfunctioning of social security programmes or other safety nets or their total absence further undermines the enjoyment of the right to food when people lose the means to provide for themselves. As in rural areas, the fact that people living in poverty in urban areas cannot afford food is often linked to social exclusion, e.g., exclusion from education and training opportunities, from access to information, from decision-making in public affairs and from access to justice.

Violations of the right to food in rural and urban areas are often linked. Hunger and malnutrition in rural areas push people to urban areas in

search of better living conditions. However, their right to food is often not realized in urban areas either. They may not be trained for the types of work available in urban areas. Social protection programmes, even if they exist, may not be accessible to those who do not have appropriate documentation, such as residency registration, or who are working in the informal economy.

The International Covenant on Economic, Social and Cultural Rights requires its State parties to take the measures, including specific programmes, which are needed to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources (art. 11). The FAO Right to Food Guidelines provide detailed guidance on ensuring sustainable, non-discriminatory and secure access to resources and assets, including labour, land, water, genetic resources for food and agriculture, services, etc. (Guideline 8).

The realization of other human rights, such as freedom from forced eviction, the right to take part in public affairs and participate in rural development, freedom of association, the right to enjoy the benefits of scientific progress and its applications, the right to work and other labour rights, the right to education and information and the right to social security, is also necessary to guarantee the right to food of the rural and urban poor.

B. Indigenous peoples

The majority of indigenous peoples are among the most vulnerable to hunger and malnutrition. Hunger and malnutrition among them are largely the result of a long history of social, political and economic exclusion, including centuries of expropriation and despoliation of their lands.

Understanding what the right to food means to indigenous peoples is, however, more complex than merely examining statistics on hunger and malnutrition. Indigenous peoples have their own concepts of what constitutes adequate food, and their aspirations are divorced from mainstream development and conventional economic criteria. Indigenous perceptions of livelihood security are inextricably grounded in their socio-cultural traditions and their special relationship to ancestral territories and resources. Food and its procurement and consumption are often an

important part of their culture, as well as of social, economic and political organization.

The realization of indigenous peoples' right to food depends crucially on their access to and control over the natural resources on their ancestral lands, as they often feed themselves by cultivating these lands or by collecting food, fishing, hunting or raising animals on them. The confiscation of lands without the free, prior and informed consent of the indigenous peoples concerned and the lack of legal recognition of indigenous forms of landownership are serious obstacles to the realization of the right to food. It is, therefore, important to provide indigenous peoples with legal titles to their ancestral lands. According to Convention 169 of the International Labour Organization (ILO) concerning Indigenous and Tribal Peoples in Independent Countries, "Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession" (art. 14 (2)). The United Nations Declaration on the Rights of Indigenous Peoples, adopted in 2007, also affirms that indigenous peoples have the right to use and develop the lands that they possess by reason of traditional ownership (art. 26) and that States should give due recognition to indigenous land tenure systems (art. 27).

Indigenous peoples' access to and control over plant and animal genetic resources, such as seeds traditionally cultivated by indigenous communities, as well as to community knowledge gained over generations are also threatened. There is concern that recent developments in international intellectual property rights regimes, such as the World Trade Organization's Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS), may protect "inventions" of business enterprises and research institutions based on indigenous communities' traditional resource and knowledge and deprive them of free access and use of such resource and knowledge.³⁰ The FAO Right to Food Guidelines suggest that States should take measures to "prevent the erosion of and ensure the conservation and sustainable use of genetic resources for food and agriculture", including for the protection of traditional knowledge and equitable participation in sharing benefits through the participation of local and indigenous communities in relevant decision-making (Guideline 8). The United Nations Declaration on the Rights of Indigenous Peoples also recognizes indigenous peoples' right to maintain, control, protect and develop the manifestations of their sciences, technologies and cultures, including genetic resources, seeds, and knowledge of the properties of fauna and flora (art. 31).

C. Women

Women play a key role in achieving food security. Yet women are often disproportionately affected by hunger, food insecurity and poverty, largely as a result of gender inequality and their lack of enjoyment of social, economic, civil and political rights and power. In many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood disease, and it is estimated that almost twice as many women as men suffer from malnutrition.³¹

In many countries, women play a central role in food production. For example, in sub-Saharan Africa, women account for approximately 70 per cent of agricultural workers and 80 per cent of food processors.³² Yet women are in many instances discriminated against in accessing the means for producing adequate food. They are often disadvantaged in inheritance and ownership of land and other property, as well as in access to credits, natural resources, technology, vocational education and training, information and extension services. Because of discrimination, women are also less likely to find and maintain a job with adequate conditions. Their salaries are sometimes significantly lower than those of men, including for identical or similar tasks or for work of equal value. Many women are also employed in the informal sector, for instance in domestic work and self-employment in precarious conditions. These situations undermine their means to purchase food and tend to affect the food security of female-headed households particularly seriously.

The Convention on the Elimination of All Forms of Discrimination against Women protects women's equal access to work, land, credit, income and social security, which are essential to ensure women's equal enjoyment of the right to food. For example, article 14 provides a set of concrete measures to eliminate discrimination against women in rural areas, which create an enabling environment for women to enjoy the right to food. Article 11 protects women's equal enjoyment of labour rights and article 13 (b) their access to financial resources. ILO conventions, such as the conventions on eliminating discrimination in respect of employment and occupation (ILO Conventions Nos. 100 and 111) also protect women's labour rights.

Convention on the Elimination of All Forms of Discrimination against Women – Creating an enabling environment for women to enjoy their right to food

The Convention on the Elimination of All Forms of Discrimination against Women provides concrete actions necessary for creating an enabling environment for women to enjoy the right to food. For example, article 14 requires State parties to take measures to ensure the rights of women in rural areas:

- To participate in the elaboration and implementation of development planning at all levels;
- To have access to adequate health-care facilities, including information, counselling and services in family planning;
- To benefit directly from social security programmes;
- To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;
- To participate in all community activities;
- To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

All these rights are necessary for the full enjoyment of the right to food by women in rural areas.

Women have specific dietary needs, in particular in relation to their reproductive health. Infringement of the right to adequate food of women of childbearing age, including adolescent girls, could lead to life-threatening complications during pregnancy or delivery. Malnutrition of pregnant and breastfeeding women can also result in the malnutrition, as well as physical and mental impairment, of their children. Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women provides that women should be ensured adequate nutrition during pregnancy and lactation. However, it should be noted that the right to food is relevant to *all* women, not only in relation to their role as mothers or their reproductive function. The special nutritional needs of

women throughout their life cycle should be taken into consideration in realizing the right to food.

Women and girls may face discrimination at home. In many countries, they receive less food than the male members of the family, because of their lower status. Violence against women or other practices that violate women's rights may also contribute to women's food insecurity. For example, abuse of migrant domestic workers, the majority of whom are women, can include deprivation of food.³³ In extreme cases, a preference for male children may lead to female infanticide, including by means of deprivation of food and water.³⁴ To ensure women's enjoyment of the right to food, efforts need to be made to rectify gender inequality both in the public and in the private sphere. In this regard, the Convention on the Elimination of All Forms of Discrimination against Women's article 5 obliges its State parties to take measures "to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women", which also applies to the private and family sphere.

D. Children

Children are especially vulnerable to a lack of adequate food, as they need nutritious and safe food to grow physically and mentally. Around half the deaths of children under five years of age are caused by undernutrition.³⁵ Malnutrition is caused by a combination of factors such as lack of adequate food and health care and unsafe water and sanitation. Malnutrition, including during pregnancy, not only leads to the death of children but also has long-lasting consequences, including mental and physical impairment, chronic illness, and weak immune systems and reproductive health.

Young children are dependent on their families or caregivers for food. Thus, the choice and capacity of families and caregivers to provide adequate food to them have a significant impact on their enjoyment of the right to food. For example, breast milk is the best food for the healthy growth and development of infants. However, improper marketing and promotion of breast-milk substitutes often negatively affects the choice and ability of a mother to breastfeed her infant optimally and thus undermines infants' access to adequate food. In this regard, the Committee on the Rights of the Child consistently recommends that States should promote breastfeeding in an effort to protect children's rights to basic health and welfare and comply with the World Health Organization's International Code of Marketing of Breast-milk Substitutes.

For children to enjoy their right to food, an enabling environment should be created in which their access to adequate food can be secured. Families and caregivers need to be empowered so that they can fulfil their responsibility to provide adequate and sufficient food to children. When families or caregivers are excluded from access to resources and means of ensuring their livelihoods, for example because of their health status, such as HIV/AIDS, or because they belong to a minority group, have disabilities, are refugees or displaced, it will likely undermine their children's enjoyment of the right to food. If children and their families are unable to enjoy the right to food by the means at their disposal, support should be provided, for instance through school meal programmes or food aid in the event of natural and other disasters. Food made available through such support should meet the dietary needs of children.

Failure to ensure children's right to food may also have social consequences. For example, hunger often makes children more vulnerable to child labour, including the worst forms of child labour, such as child slavery, child prostitution or recruitment as child soldiers. Hunger also forces children to drop out of school as they have to work to secure food or because hunger is depriving them of their physical and mental strength to attend school.

The Convention on the Rights of the Child protects the child's right to food in the context of the right to life, survival and development, to health, to nutrition and to an adequate standard of living.

III. WHAT ARE THE OBLIGATIONS ON STATES AND THE RESPONSIBILITIES OF OTHERS?

States have the primary obligation to protect and promote human rights. Human rights obligations are defined and guaranteed by international customary law³⁶ and international human rights treaties, creating binding obligations on the States that have ratified them to give effect to these rights. Several national constitutions also recognize the right to food and corresponding obligations of the State.

A. Three types of obligations

The obligations of States in relation to the right to food are expressed differently from instrument to instrument. However, in general, they fall into three categories, namely the obligations to *respect*, *protect* and *fulfil*.

The obligation to respect the right to food

States have to *respect* people's existing access to food and means of obtaining food. This means that any measure which results in preventing access to food, for example denying food assistance to political opponents, is prohibited. States cannot suspend legislation or policies that give people access to food (e.g., social welfare legislation, nutrition-related programmes), unless fully justified. States should ensure public institutions, including State-run enterprises or the military, do not undermine people's access to food by, for example, contaminating or destroying farmland or through forced evictions. States should also regularly review their national policies and programmes related to food to ensure that they effectively respect the equal right of everyone to food.

The obligation to protect the right to food

States have to *protect* individuals' enjoyment of the right to food against violations by third parties (e.g., other individuals, groups, private enterprises and other entities). For example, States should prevent third parties from destroying sources of food by, for instance, polluting land, water and air with hazardous industrial or agricultural products or destroying the ancestral lands of indigenous peoples to clear the way for mines, dams, highways or industrial agriculture. The obligation to protect also includes ensuring that food put on the market is safe and nutritious. States must therefore establish and enforce food quality and safety standards, and ensure fair and equal market practices. Furthermore, States should take the legislative and other measures needed to protect people, especially children, from advertising and promotions of unhealthy food so as to support the efforts of parents and health professionals to encourage healthier patterns of eating and physical exercise. A State must also take into account its international legal obligations regarding the right to food when entering into agreements with other States or with international organizations.

The obligation to fulfil the right to food

The obligation to *fulfil* incorporates both an obligation to *facilitate* and an obligation to *provide*.³⁷ The obligation to *fulfil* (*facilitate*) means the States must be proactive in strengthening people's access to and use of resources and means of ensuring their livelihoods, including food security. Typical measures include the implementation of agrarian reform programmes or minimum income regulations. When adopting food policies, Governments would also need to balance carefully investment in cash crops for export

and support for domestic food crops. Other possible measures could be implementing and improving food and nutrition programmes and ensuring that development projects consider nutrition. Facilitating the full realization of the right to food also requires States to inform the population about its human rights and strengthen its ability to participate in development processes and decision-making.

Whenever individuals or groups are unable, for reasons beyond their control, to enjoy the right to food by the means at their disposal, States have the obligation to *fulfil (provide)* it, for example by providing food assistance or ensuring social safety nets for the most deprived and for victims of natural or other disasters.

According to the first Special Rapporteur on the right to food, to comply fully with their obligations under the right to food, States must also respect, protect and support the fulfilment of the right to food of people living in other territories. This implies that States have to ensure that their own citizens, as well as other third parties subject to their jurisdiction, such as private companies, do not violate the right to food in other countries.³⁸

B. Progressive and immediate obligations

Progressive realization

Some treaties and national constitutions permit States to achieve the full realization of the right to food *progressively*. For example, article 2 (1) of the International Covenant on Economic, Social and Cultural Rights provides:

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

This is an implicit recognition that States may have resource constraints and that it may take time to fully implement the obligations towards the right to food. However, this does not mean that States do not need to do anything until they have sufficient resources. On the contrary, it means that States must lay down a roadmap towards the full realization of the right to food immediately, and demonstrate that they are making every possible effort, using all available resources, to better respect, protect and fulfil the right to food.

Obligations of immediate effect

While some aspects of the right to food are subject to progressive realization, other State obligations are of *immediate effect*. Below are four categories of obligations of immediate effect under the International Covenant on Economic, Social and Cultural Rights.

(a) The elimination of discrimination

States must *immediately* prohibit discrimination in access to food and to the related resources on the basis of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth, disability or other status, and adopt measures to eradicate discrimination on these grounds.

What is discrimination?

Discrimination means any distinction, exclusion or restriction made on the basis of various grounds which has the purpose or effect of nullifying or impairing the equal enjoyment or exercise of human rights and fundamental freedoms.³⁹ A non-exhaustive list of prohibited grounds of discrimination includes race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁴⁰ It is linked to the marginalization of specific population groups and is generally at the root of fundamental social structural inequalities in society. Non-discrimination and equality are fundamental human rights principles and apply also to the right to food. Any discrimination in access to food, as well as to the means of obtaining food, constitutes a violation of the right to food.

Non-discrimination and equality, however, do not mean identical treatment in every instance. On the contrary, States are required to recognize and provide for the differences and specific needs of different groups, particularly those most marginalized and disadvantaged and those who have different dietary needs or different cultural traditions. Positive measures of protection might be necessary to combat discrimination in practice (de facto discrimination). For example, measures known as *temporary special measures*, which grant favourable treatment to some individuals, are legitimate as long as they are necessary to redress de facto discrimination and are terminated when the conditions leading to discrimination have ended. For instance, devoting greater resources to traditionally neglected groups to increase their capacity to achieve food security is a legitimate measure. Other positive measures may be permanent. For example, in setting social security measures, the different dietary needs of specific population groups (such as children, pregnant and

breastfeeding mothers, older people, people with a disability or an illness) should be taken into consideration so that the level of assistance ensures their access to adequate food.

For more details on discrimination in relation to economic, social and cultural rights, see general comment No. 20 (2009) of the Committee on Economic, Social and Cultural Rights.

(b) *Obligation to “take steps”*

As mentioned above, under the obligation of progressive realization, States are not allowed to be inactive, but have to make constant efforts to improve the enjoyment of the right to food. This means that, while the full realization of the right to food may be achieved progressively, steps towards that goal must be taken within a reasonably short time. Such steps should be deliberate, concrete and targeted as clearly as possible, using all appropriate means and resources. Examples of such steps are:

- Assessing the state of enjoyment of the right to food, including ensuring adequate mechanisms to collect and assess relevant and suitably disaggregated data;
- Formulating strategies and plans, incorporating indicators, benchmarks and time-bound targets, which are achievable and designed to assess progress in the realization of the right to food;
- Adopting the laws and policies necessary for the realization of the right to food or revising the laws and policies which may negatively affect it;
- Establishing the institutional mechanisms necessary for coordinating multi-sectoral efforts to realize the right to food;
- Regularly monitoring the progress made in the realization of the right to food;
- Establishing recourse mechanisms which can provide remedies for violations of the right to food.

(c) *Prohibition of retrogressive measures*

States cannot allow the existing level of fulfilment of the right to food to deteriorate unless there are strong justifications for it. For example, withdrawing without justification existing services vital for smallholders,

such as extension services or support to access productive resources, could constitute a retrogressive measure. To justify it, a State would have to demonstrate that it adopted the measure only after carefully considering all the options, assessing the impact and fully using its maximum available resources.

(d) *Protection of minimum essential level of the right to food*

Under the International Covenant on Economic, Social and Cultural Rights, there are obligations considered to be of immediate effect to meet the *minimum essential levels of each of the rights*, including the right to food. They are called *minimum core obligations*. For the right to food, States have to ensure the satisfaction of, at the very least, the minimum essential level required to be free from hunger, even in times of natural or other disasters.⁴¹ If a State fails to meet these obligations owing to resource restraints, it must demonstrate that it has made every effort to use all available resources to satisfy, as a matter of priority, these core obligations. Even if the resources at its disposal are clearly inadequate, the Government must still introduce low-cost and targeted programmes to assist those most in need so that its limited resources are used efficiently and effectively.

C. Obligations with international dimensions

A State is primarily responsible for respecting, protecting and fulfilling the right to food of people within its borders. However, in a globalized world, structural causes of food insecurity have international dimensions beyond the control of one State. For example, the international trade in foodstuffs is making domestic prices of food increasingly dependent on the international market, the impact of climate change is affecting people's capacity to produce food, and international development cooperation may negatively affect the right to food of marginalized groups when a human rights perspective is not integrated. In order to address such causes, coordinated efforts among States are required.

Under the International Covenant on Economic, Social and Cultural Rights, States have obligations to take steps to realize rights recognized in it, including the right to food, individually as well as through international assistance and cooperation (art. 2). Article 11 (2) of the Covenant specifically obliges State parties to take measures, including through international cooperation, to improve methods of production, conservation and distribution of food and to ensure *an equitable distribution of world food supplies*. The role of international assistance and cooperation is

also reflected in other legal instruments and policy documents, such as the Charter of the United Nations (Arts. 1 (3), 55 and 56), the Universal Declaration of Human Rights (arts. 22 and 28), the Convention on the Rights of the Child (arts. 4, 24 and 27), the Convention on the Rights of Persons with Disabilities (art. 32) and the Rome Declaration of the World Food Summit.

International cooperation is not a substitute for domestic obligations. However, if a State is not able to give effect to the right to food on its own, it should actively seek the necessary assistance from other States or coordinate as necessary with other States to address obstacles to realizing the right to food that have cross-border dimensions. Also, States should refrain from taking measures which undermine the enjoyment of the right to food in other countries, and take measures, through international assistance and cooperation, to enable other States to meet their obligations in relation to the right to food. In this regard, States should ensure that the protection and promotion of the right to food is given due attention when concluding international agreements or adopting domestic measures which have an extraterritorial impact.⁴²

D. The responsibilities of others

A State's obligation to protect human rights includes ensuring that non-State actors do not infringe them. In addition, there is an increasing debate about the extent to which other actors in society—individuals, intergovernmental and non-governmental organizations (NGOs), and business—have responsibilities with regard to the promotion and protection of human rights. In an era of globalization and increasing interdependence, the responsibilities of States regarding people living in other countries, as well as of other actors, such as international organizations and transnational corporations, have been debated.

Intergovernmental organizations

According to its Charter, one of the purposes of the United Nations is to promote respect for human rights, and international human rights treaties envisage a particular role for United Nations bodies and specialized agencies in their implementation.

The United Nations General Assembly and the Human Rights Council have requested all international organizations, including the World Bank and the International Monetary Fund, "to promote policies and projects that have a positive impact on the right to food, to ensure that partners

respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food".⁴³

Many international organizations have responsibilities in relation to the realization of the right to food. Upon request and within their mandate and expertise, they support their member States in implementing the right to food.⁴⁴ For example, FAO supports the realization of the right to food with its expertise and knowledge of food and agriculture. The United Nations Children's Fund contributes to the realization of children's right to food. The United Nations World Food Programme and the Office of the United Nations High Commissioner for Refugees play an important role in the context of disaster relief and humanitarian assistance in emergencies.

FAO and the right to food

FAO is the specialized agency of the United Nations responsible for food and agriculture. Its mandate is to raise levels of nutrition, improve agricultural productivity and better the lives of rural populations, thus "ensuring humanity's freedom from hunger", as enshrined in its Constitution. FAO seeks to achieve this goal by putting information within reach, sharing policy expertise, providing an international forum for dialogue and exchange, and bringing knowledge to the field.

FAO member States have repeatedly affirmed the right to adequate food and the fundamental right to be free from hunger. All FAO member States have accepted the Right to Food Guidelines by adopting it at the FAO Council in November 2004. In 2006, the Right to Food Unit was created to support members with the implementation of the Right to Food Guidelines through awareness and capacity development, the development of methodologies and tools, mainstreaming the right to food into FAO work and providing technical expertise and policy advice to interested countries.

FAO supports its member States in taking seven practical steps to implement the right to food:

1. Identify hungry people, whose right to food is not realized
2. Assess existing policies and programmes
3. Develop strategies for an enabling environment and assistance measures
4. Improve institutional coordination and functioning
5. Review and strengthen the legal framework
6. Monitor progress over time with a human rights focus

7. Ensure effective recourse for violations of the right to food

In the current reform process of FAO, the right to food is an “organizational result” within the FAO strategic framework.

The private sector, including transnational corporations

The activities of private businesses have a substantial impact on people’s enjoyment of the right to food. Compared to education or health, for example, the private sector plays a significantly bigger role than the public sector when it comes to food. Most food is produced, processed, distributed and traded across borders by private entities. This means that the private sector has an important role in ensuring and improving food security. At the same time, private companies can negatively affect people’s enjoyment of the right to food. For example, if large businesses enjoy a disproportionate advantage in the competition over land, resources or market access, this may marginalize small-scale food producers and vendors, and as a result undermine their food security. By selling unsafe food or marketing food with misleading information, food businesses may undermine people’s access to adequate food.

Commercial activities which may have an impact on people’s enjoyment of the right to food are not restricted only to those of food and agribusinesses. On the one hand, by respecting labour standards applicable in the country, such as minimum wages, businesses provide employment that enables workers to feed themselves and their families. On the other, various types of businesses, including extractive or heavy industries, may undermine people’s means of obtaining food, by contaminating land and water sources or by evicting farming, fishing or nomadic communities from their land and water without due process. Uncontrolled speculation in food and productive resources necessary for food production may drive up the price of food.

Under international law, States have the duty to protect the people living under their jurisdiction against non-State actors’ human rights abuses, including abuses by businesses. While international treaties do not refer directly to human rights obligations of the private sector, there is an increasing recognition, including by the Human Rights Council⁴⁵ and in regional and international soft-law instruments, that corporations themselves have a responsibility to respect human rights, including the right to food. This means that businesses and other non-State actors should not infringe on the enjoyment of human rights and that effective remedies for victims need to be in place where harm occurs.⁴⁶ The first

Special Rapporteur on the right to food recommended that transnational corporations should at least respect the right to food in all their activities and avoid complicity in violations of the right to food carried out by others.⁴⁷

IV. HOW CAN THE RIGHT TO FOOD BE IMPLEMENTED?

The most appropriate ways and means of implementing the right to adequate food will vary from country to country and every State will have a margin of discretion in choosing its own approaches. However, each State that has committed itself to realizing the right to food must take immediate steps to realize the right to food for all as soon as possible. Below are some key steps States can take. Further guidance can be found, for example, in general comment No. 12 on the right to adequate food, issued by the Committee on Economic, Social and Cultural Rights and in the FAO Right to Food Guidelines.

FAO methodological toolbox

FAO has developed a set of practical tools to support the national implementation of the Right to Food Guidelines:

1. Guide on legislating for the right to food
2. Methods to monitor the human right to adequate food (volumes I and II)
3. Guide to conducting a right to food assessment
4. Right to food curriculum outline
5. Budget work to advance the right to food

The toolbox is available at: www.fao.org/righttofood

A. National implementation

National strategy

The implementation of the right to adequate food will require the adoption of a national strategy to ensure food and nutrition security for all, based on human rights principles that define the objectives, and the formulation of policies and corresponding benchmarks. Here are some criteria that such a strategy should meet:⁴⁸

(a) Its formulation and implementation should comply with human rights principles, such as accountability, transparency and participation;

(b) It should be based on a systematic identification of policy measures and activities derived from the normative content of the right to adequate food and the corresponding State obligations;

(c) It should give particular attention to preventing and eliminating discrimination in access to food or resources for food and to the needs of the marginalized population groups. This requires a systematic analysis of disaggregated data on the food insecurity, vulnerability and nutritional status of different groups in society;

(d) It should address all aspects of the food system, including production, processing, distribution, marketing and consumption, as well as other relevant areas, such as health, water and sanitation, education, employment, social security, and access to information;

(e) It should clearly allocate responsibility for implementing the necessary measures and lay down a precise time frame;

(f) It should define institutional mechanisms including the coordination between relevant ministries and between the national and subnational levels of government;

(g) It should also identify the resources available to meet the objectives and the most cost-effective way of using them, including in times of severe resource constraints;

(h) It should identify steps to ensure that activities of non-State actors are in conformity with the right to food.

Legal framework

The national legal and institutional framework is decisive for the implementation of the right to food. Many countries have included the right to food in their constitutions, either specifically or as part of the provisions on the right to an adequate standard of living.⁴⁹ Several countries are developing a framework law on the right to food. This is useful for fleshing out any constitutional provisions, clarifying rights and obligations, as well as elaborating on institutional roles and coordination for the realization of the right to food. It can also provide for remedies for violations of the right to food and strengthen the mandates of national human rights institutions (NHRIs). The legal framework for institutional coordination is particularly important for the right to food, responsibilities for which typically go well beyond the mandate of any one sectoral ministry.

Sectoral legislation is also important because it regulates the economic environment in which people are, or are not, able to feed themselves in dignity and the adequacy of the food marketed and sold, determines how markets function, regulates access to natural resources, and provides for entitlements to State support. These must be reviewed to ensure there is nothing that hinders people's ability to feed themselves or their right to social assistance.⁵⁰

Institutions

It may also be necessary to reform and improve the public institutions relevant to the realization of the right to adequate food. States should ensure that the coordinated intersectoral mechanisms necessary for the concerted implementation, monitoring and evaluation of policies, plans and programmes are in place. Some States have established a specific institution to oversee and coordinate the realization of the right to food or food and nutrition security. These mechanisms and institutions should provide for the full and transparent participation of all stakeholders, in particular representatives of the groups most affected by food insecurity.

Guatemala – legal and institutional framework

In 2005, Guatemala adopted a law creating a national system for food and nutrition security—*Ley del Sistema Nacional de Seguridad Alimentaria y Nutricional*—which recognizes “the right of every person to have physical, economic and social access at all times to food of adequate quantity and quality, in accordance with cultural preferences, preferably of national origin, and biologically adequate, in order to sustain a healthy and productive life” (art. 1). The law also creates the National Council on Food and Nutrition Security (CONASAN), in charge of implementing the national system of food and nutrition security (SINASAN), involving representatives of the Government, civil society and international cooperation partners. The law also mandates the Ombudsman for Human Rights to monitor the Government's fulfilment of its obligations to respect, protect and fulfil the right to food.

NHRIs, such as national human rights commissions and ombudsmen, can also be mandated to promote and protect the realization of the right to food. Their functions include monitoring the realization of human rights, advising the Government and recommending policy or legislative changes, handling complaints, carrying out investigations, ensuring the ratification and implementation of international human rights treaties, and providing training and public education.⁵¹

Monitoring

Monitoring is an essential part of the effort to realize the right to food. During the implementation of national strategies on the right to food, the monitoring process enables Governments and other stakeholders to assess the impact of legislative, policy and programmatic measures on the enjoyment of the right to food, to track and evaluate the achievements in the progressive realization of the right, to identify the challenges and obstacles affecting it, and to facilitate corrective measures.

To monitor the implementation of the right to food, States should set verifiable benchmarks to be achieved in the short, medium and long term, and develop a set of indicators. Furthermore, to maximize its effectiveness, the monitoring process needs to be based on human rights principles. For example, information gathering, management, analysis, interpretation and dissemination should be transparent and conducted with the participation of a broad range of stakeholders, particularly those groups and individuals who are the most affected by food insecurity and the most marginalized.⁵²

The OHCHR indicator framework for the right to food

Qualitative and quantitative indicators are needed to promote and monitor the implementation of human rights. Specifically, indicators are needed to assess the progressive realization of economic, social and cultural rights, referred to in article 2 (1) of the International Covenant on Economic, Social and Cultural Rights. Appropriate indicators help measure country-wide progress and make human rights assessments more transparent and objective. OHCHR has developed a conceptual and methodological framework for human rights indicators, including for the right to food, and has identified lists of illustrative indicators, which have been validated through consultations with a wide range of experts, such as members of international human rights monitoring mechanisms, NHRIs, United Nations agencies, statistical agencies and NGOs.

The objective is to translate universal human rights standards into indicators that are contextually relevant and feasible at country level. In brief, the framework translates human rights, as articulated in the core international human rights treaties and other instruments, into a few characteristic attributes and a set of *structural*, *process* and *outcome* indicators. For a particular human right, the identified indicators should bring to the fore an assessment of the steps taken by a State in addressing its obligations—from commitment and acceptance of international human rights standards (*structural* indicators) to its efforts, as the primary duty-bearer, to meet the obligations that flow from the standards (*process* indicators) and on to the impact of those efforts on rights-holders (*outcome* indicators).

For the right to food, a list of indicators has been prepared under the five attributes that had been identified, namely nutrition, food safety and consumer protection, food availability and food accessibility. Under the attribute “nutrition”, for instance, the list of indicators includes the adoption of a national policy on nutrition adequacy norms (*structural*), the proportion of relevant population groups covered under public nutrition supplement programmes (*process*) and the prevalence of underweight and stunted children under five years of age (*outcome*). The framework and lists of indicators constitute a tool for national human rights stakeholders to develop their own relevant sets of indicators.

Source: “Report on indicators for promoting and monitoring the implementation of human rights” (HRI/MC/2008/3).

Various actions can be taken to monitor the realization of the right to food. Reviews of policy, budgets or public expenditure and public monitoring mechanisms (for example, inspection of food safety, nutritional status surveys and land registration) are important administrative mechanisms to this end. Assessments of various kinds, such as impact assessments, offer a way for policymakers to anticipate the likely impact of a projected policy on the enjoyment of the right to food and later to review its actual impact. In addition to the Government’s self-monitoring, monitoring by NHRIs and civil society organizations also contributes to holding the Government accountable for the realization of the right to food, including monitoring individual violations.

Brazil – National Rapporteur on the human rights to food, water and rural land

The Government of Brazil, together with a Brazilian civil society platform and United Nations agencies, nominated six national rapporteurs to monitor the implementation of economic, social and cultural rights in the country. This system was inspired by the United Nations system of special rapporteurs. The *National Rapporteur on the human rights to food, water and rural land* is one of them. The Rapporteur receives complaints about violations of the right to food from individuals and groups, carries out field visits to investigate violations, organizes meetings and writes reports about the situation of the right to food in Brazil. The Rapporteur presents his/her findings to the Government and recommends concrete measures to overcome the violations.

The National Rapporteur on the human rights to food, water and rural land does not fall into the category of national human rights institutions, as defined by the Paris Principles. However, it is a unique example of an attempt to establish an accountability mechanism to protect and promote the right to food.

Source: F.L.S. Valente and N. Beghin, Realization of the Human Right to Adequate Food and the Brazilian Experience: Inputs for Replicability (Rome, FAO, 2006).

Remedies

Any person or group that is a victim of a violation of the right to adequate food should have access to effective judicial or other appropriate remedies. All victims of such violations are entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition. Recourse mechanisms can include courts, administrative tribunals, complaint mechanisms through administrative procedures as well as complaint mechanisms provided by NHRIs.

In most countries, courts, including supreme courts and constitutional courts, safeguard human rights and provide remedies for violations. Domestic courts are increasingly hearing cases relating to the right to food. Court proceedings may not be the easiest way to seek remedies, as they can be time-consuming, costly and difficult to access for individuals (e.g., by requiring a high level of legal expertise and setting strict eligibility criteria for filing cases). However, the judiciary is often a country's ultimate guarantor of human rights, including the right to food, and plays a crucial role in protecting them.

Examples of national case law on the right to food

Increasing numbers of individuals and groups of individuals are bringing cases alleging violations of the right to food. Below are some examples of such litigation:

- In India, the NGO People's Union for Civil Liberties filed a case before the Supreme Court claiming that starvation deaths had occurred in drought-affected rural areas while public granaries were overflowing. The Court acknowledged that preventing hunger and starvation was one of the Government's prime responsibilities and failure to do so would constitute a violation of the right to live with human dignity as well as the State's duty to raise the level of nutrition and the standard of living of its people under the Constitution. It issued a series of interim orders directing the central and State Governments to implement several existing schemes, such as the Famine Code of 1962, to improve the situation.
- In Nepal, in response to public interest litigation, the Supreme Court issued an interim order in 2008 directing the Government to supply food immediately to 32 districts which were seriously affected by food shortages. The Court observed that the Constitution guaranteed the right to food as a fundamental right and the Government should ensure adequate food supplies for all.
- In South Africa, a group of individuals and organizations representing 5,000 artisanal fishers filed a case claiming that the Government had failed to provide them fair access to fishing rights which resulted in the violation of a number of basic socio-economic rights, most notably the right to food. In 2008, the High Court issued an order that the policy framework developed by the Government on the allocation of fishing rights must accommodate the socio-economic rights of artisanal fishers and ensure their equitable access to marine resources, based on South Africa's international and national legal obligations. The Constitution of South Africa recognizes the right to sufficient food.

Other recourse mechanisms could provide cheaper, speedier, simpler and more accessible remedies than formal court proceedings.

When administrative decisions, actions and omissions are the cause of a violation of the right to food, administrative review procedures could provide remedies. For example, if a person is entitled to certain benefits under a food or nutrition security programme but such benefits are not delivered or are delivered but not in accordance with the established criteria (e.g., quantity or quality of the distributed food or other benefit),

he or she may be able to bring a complaint before an administrative review mechanism. In many national systems, administrative review procedures must be exhausted before recourse can be had to judicial proceedings.

When vested with competencies to accept individual complaints, NHRIs can play an important role in investigating alleged violations and facilitating the provision of remedies. While their recommendations are usually not legally binding, NHRIs are frequently mandated to follow up their recommendations, for example by requiring the relevant authorities to provide information on whether the recommendation was accepted and which corrective measures were taken. NHRIs might also suggest remedies to address not only the particular circumstances of a case before them but also broader systematic issues affecting the right to food. Some NHRIs can bring litigation before the courts based on the individual complaints they have received.

B. Regional and international monitoring and accountability

While the national implementation of the right to food is the most important, there are regional and international accountability mechanisms which supplement national mechanisms.

Regional human rights mechanisms

Mechanisms that monitor the implementation of regional human rights treaties, such as the African Commission on Human and Peoples' Rights, play an important role in protecting the right to food. The Inter-American Court of Human Rights, another regional human rights monitoring body, has recognized the violation of the right to food through interpretation of other relevant rights, such as the right to life, and provided remedies for such violations.

Examples of regional human rights mechanisms protecting the right to food

- In 2001, the African Commission on Human and Peoples' Rights concluded that Nigeria had failed to meet its obligation to respect and protect the right to food of the Ogoni people by not preventing the destruction and contamination of food sources by oil companies as well as by the military and security forces. The Commission stated that the African Charter on Human and Peoples' Rights and international law bound Nigeria to protect and improve existing food sources and to ensure access to adequate food for all citizens. The Commission ordered the Government to cease attacks on the Ogoni people, to investigate and prosecute those responsible for attacks, to provide adequate compensation to victims, to conduct environmental and social impact assessments for any future oil development, and to ensure communities likely to be affected by oil operations access to information and decision-making processes.
- In 2006, the Inter-American Court of Human Rights decided that the Government of Paraguay had violated the right to life of members of the Sawhoyamaya indigenous community by failing to ensure them access to their ancestral lands, which provided the natural resources directly related to their survival capacity and the preservation of their ways of life. It was recognized that the denial of access to land and the traditional means of subsistence had led the community to extreme poverty, including deprivation of access to a minimum of food, and thus threatened its members' right to life. The Court ordered Paraguay to take the necessary measures, within three years, to guarantee the members of the community tenure over their traditional lands or, if impossible, make over alternative lands. The Court also ordered that, while the community remained landless, the State should adopt measures to deliver basic services to its members, including sufficient quantity and quality of food.

United Nations treaty bodies

The United Nations core human rights treaties have set up committees composed of independent experts to monitor the implementation of the treaties by the States that have ratified them. These committees are often referred to as *treaty bodies*.

United Nations treaty bodies that have addressed the right to food:

- The **Committee on Economic, Social and Cultural Rights**, which monitors the **International Covenant on Economic, Social and Cultural Rights**
- The **Human Rights Committee**, which monitors the **International Covenant on Civil and Political Rights**
- The **Committee on the Elimination of Racial Discrimination**, which monitors the **International Convention on the Elimination of All Forms of Racial Discrimination**
- The **Committee on the Elimination of Discrimination against Women**, which monitors the **Convention on the Elimination of All Forms of Discrimination against Women**
- The **Committee on the Rights of the Child**, which monitors the **Convention on the Rights of the Child**
- The **Committee against Torture**, which monitors the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

The treaty bodies regularly review reports submitted by the States that have ratified the relevant treaties, along with parallel reports submitted by NGOs, international organizations and other sources, and engage State party representatives in public dialogues to improve States' compliance with their treaty obligations. At the end of these reviews, the treaty bodies issue *concluding observations*, which acknowledge the progress made by the State party, identify challenges faced and make recommendations for the next periodic reporting cycle.

In addition, most treaty bodies may receive complaints from individuals or groups and issue recommendations to the States concerned. With regard to the International Covenant on Economic, Social and Cultural Rights, which did not have an individual complaints mechanism for a long time, the United Nations General Assembly adopted the Optional Protocol to it in December 2008. Once in force, this Optional Protocol will offer an additional avenue for individuals to submit complaints related to the right to food under the Covenant. Other treaty bodies can also accept individual complaints related to the right to food in so far as it falls within the ambit of their respective treaty, such as the right to life and the right to be free from cruel or inhuman treatment under the International

Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or women's rights to nutrition under the Convention on the Elimination of All Forms of Discrimination against Women.⁵³

Moreover, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Rights of Persons with Disabilities, and, when the above-mentioned Optional Protocol enters into force, the Committee on Economic, Social and Cultural Rights may, on their own initiative, launch inquiries if they have received reliable information containing well-founded indications of serious, grave or systematic violations for the relevant treaties. Inquiries may be initiated only if States have accepted the competence of the relevant committee to conduct such inquiries.

Finally, each treaty body issues *general comments* or *general recommendations*⁵⁴ in which it articulates the rights and obligations provided under the treaty it monitors. In these general comments, the treaty bodies also provide guidance on how each right can be implemented or clarify how certain rights are relevant to certain issues or certain groups. The key general comment in relation to the right to food is general comment No. 12 (1999) on the right to adequate food issued by the Committee on Economic, Social and Cultural Rights.

For further information on the functions of the treaty monitoring bodies, see, for example: OHCHR Fact Sheet No. 30, *The United Nations Human Rights Treaty System: An introduction to the core human rights treaties and the treaty bodies*.

The Special Rapporteur on the right to food

"Special procedures" are the mechanisms originally established and mandated by the Commission on Human Rights and later taken over by the Human Rights Council to address issues of concern in all parts of the world. Although the mandates given to special procedure mechanisms vary, they usually monitor, examine and report publicly either on the human rights situation in specific countries or on major human rights themes worldwide.⁵⁵

In 2000, the Commission on Human Rights appointed a Special Rapporteur on the right to food. The first Special Rapporteur on the right to food completed his term in 2008 and a second mandate holder has now taken up the mandate.

The mandate of the Special Rapporteur on the right to food

- (a) Promote the full realization of the right to food and the adoption of measures at the national, regional and international levels;
- (b) Examine ways to overcome existing and emerging obstacles to the realization of the right to food;
- (c) Mainstream a gender perspective and an age dimension in the realization of the right to food;
- (d) Submit proposals for the realization of millennium development goal No. 1* and the right to food, in particular, taking into account the role of international assistance and cooperation;
- (e) Present recommendations on possible steps to achieve progressively the full realization of the right to food;
- (f) Work in close cooperation with all States, intergovernmental and non-governmental organizations, the Committee on Economic, Social and Cultural Rights, as well as with other relevant actors;
- (g) Participate in and contribute to relevant international conferences and events.

*Millennium development goal No. 1 is to eradicate extreme poverty and hunger.

The main *methods of work* of the Special Rapporteur on the right to food are:

- The *submission of annual reports* on the right to food to the Human Rights Council and the United Nations General Assembly. In these annual reports, the Special Rapporteur usually elaborates on the implications of the right to food for specific issues or groups. In addition, the Special Rapporteur is occasionally mandated to submit thematic reports. For example, in 2008, the second Special Rapporteur submitted a thematic report on the global food crisis to the Human Rights Council.
- *Country missions* to examine the right to food in the country and propose recommendations to improve the situation. Such field visits normally include meetings with Government representatives, representatives of civil society, international organizations and diplomatic missions in the country. The resulting mission reports are submitted to the Human Rights Council.

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- *Communications* with Governments on alleged violations of the right to food sent to the Special Rapporteur by individuals or groups. These communications can take various forms including *urgent appeals* and *allegation letters*.

The Special Rapporteur on the right to food also addresses various specific questions in the annual reports, including so far the justiciability of the right to food, the importance of the protection of the right to food in times of armed conflicts and in an era of globalization, the links between the right to food and trade liberalization, the implications of the right to food for food aid, the importance of food sovereignty and agrarian reform, and the links between the right to food and access to water. Recently, the Special Rapporteur has provided guidance and monitored responses to the global food security crisis. The Special Rapporteur also pays special attention to the right to food of the most marginalized groups, including children, women and indigenous people. The Special Rapporteur works in close cooperation with Governments, United Nations agencies, NGOs and other civil society organizations.

Between 2000 and 2007, the first Special Rapporteur visited Bangladesh, Bolivia (Plurinational State of), Brazil, Cuba, Ethiopia, Guatemala, Lebanon, Mongolia, Niger and the Occupied Palestinian Territory. In 2008 his successor visited the World Trade Organization and in 2009 he visited Benin, Brazil, Guatemala and Nicaragua. In his country mission reports, the Special Rapporteur makes recommendations to the respective countries to help them realize the right to food of their populations.

How to submit a complaint to the Special Rapporteur on the right to food?

Individuals or groups affected by violations of the right to food can submit a complaint to the Special Rapporteur by:

E-mail: urgent-action@ohchr.org

Fax: +41 (0)22 917 90 06

or post:

OHCHR-UNOG

8-14 Avenue de la Paix

CH-1211 Geneva 10

Switzerland

For more detailed guidelines, see: www.ohchr.org

Additionally, several other special procedure mandate holders have addressed concerns related to the right to food, including the Special Rapporteurs on adequate housing, health, migrants, indigenous people, and human rights and counter-terrorism, as well as the independent expert on the effects of foreign debt and the Representative of the Secretary-General on internally displaced persons. Special rapporteurs on human rights situations in specific countries have also addressed related concerns.

For further information on the role of the special rapporteurs, see OHCHR Fact Sheet No. 27.

Universal periodic review process of the Human Rights Council⁵⁶

In 2006, the General Assembly decided that the Human Rights Council would undertake a universal periodic review (UPR) of the fulfilment by each United Nations Member State of its human rights obligations and commitments.⁵⁷ Each country is reviewed every four years. Issues pertaining to the right to food have been addressed in the background documentation, which includes information prepared by the State concerned, which can take the form of a national report, and two reports prepared by OHCHR, one a compilation of United Nations information and the other a summary of stakeholders' input. The universal periodic review takes place in a Working Group of the Human Rights Council through a public interactive dialogue among United Nations Member States.

During the reviews of 80 States held during the first five sessions of this Working Group in 2008 and 2009, recommendations to a number of States included improving food distribution with a view to achieving the Millennium Development Goals and intensifying efforts to guarantee the right to food.⁵⁸

The FAO Committee on World Food Security

The Committee on World Food Security is hosted by FAO and serves as the United Nations system's forum to review and follow up policies concerning world food security, including food production and physical and economic access to food. The Committee follows up the World Food Summits and receives national progress reports on the commitments of the 1996 World Food Summit Plan of Action, which contains a specific objective regarding the progressive realization of the right to food (objective 7.4). The Committee also oversaw negotiations of the Right to Food Guidelines, and member States may also report on their application and their experience with them within the Committee's existing procedures. At the time of writing, negotiations on its reform are under way to strengthen it as a global forum for world food security.

NOTES

- ¹ FAO, *The State of Food Insecurity in the World 2009: Economic Crises – Impacts and Lessons Learned* (Rome, 2009), key messages and p. 11.
- ² Millennium Project, *Halving Hunger: It Can Be Done* (United Nations publication, Sales No. 05.III.B.5), pp. 2–4.
- ³ For ease of reading and to avoid being too technical, this Fact Sheet may address interpretation of the contents of the right to food and corresponding State obligations in general. However, when discussing the entitlements of individuals and the obligations of States in a specific context, careful examination may be required as to which instruments and norms (international, regional and national) are relevant and how those instruments define the right to food applicable to the country.
- ⁴ For further information, see OHCHR Fact Sheet No. 16 (Rev.1): *The Committee on Economic, Social and Cultural Rights*.
- ⁵ For further information, see OHCHR Fact Sheet No. 27.
- ⁶ Many of these and other important characteristics of the right to food are clarified in general comment No. 12 (1999) on the right to adequate food, adopted by the Committee on Economic, Social and Cultural Rights.
- ⁷ FAO, *The State of Food Insecurity in the World 2001* (Rome, 2001).
- ⁸ FAO, A Primer to the Right to Adequate Food (available from www.fao.org/righttofood/kc/dl_en.htm). The first Special Rapporteur on the right to food also introduced the emerging concept of food sovereignty claimed by civil society organizations (E/CN.4/2004/10, paras. 24–34).
- ⁹ E.g., 2008 Constitution of Ecuador, 2008 Organic Law of Food Security and Food Sovereignty of Venezuela (Bolivarian Republic of) and 2007 Constitution of Bolivia (Plurinational State of).
- ¹⁰ The Convention on the Elimination of All Forms of Discrimination against Women recognizes the right of pregnant and lactating women to nutrition in article 12 (2) in the context of maternity protection.
- ¹¹ The Convention on the Rights of the Child recognizes the right of children to adequate nutrition in article 24 (2) (c) and (e) in the context of the right to health and in article 27 (3) in the context of the right to an adequate standard of living.
- ¹² The Convention on the Rights of Persons with Disabilities recognizes the right to food in article 25 (f) in the context of the right to health and in article 28 (1) in the context of the right to an adequate standard of living and social protection.
- ¹³ The Protocol of San Salvador recognizes the right to food in article 12. It also addresses it in article 17 in the context of the protection of the elderly.
- ¹⁴ The African Charter on the Rights and Welfare of the Child recognizes the right of children to nutrition in article 14 (2) (c), (d) and (h) in the context of the right to health and health services.

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- ¹⁵The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa recognizes the right to food in article 15. It also addresses the right of pregnant and breastfeeding women to nutrition in article 14 (2) (b).
- ¹⁶*The Social and Economic Rights Action Center and the Center for Economic and Social Rights v. Nigeria*, communication No. 155/96, para. 64.
- ¹⁷Human Rights Committee, general comment No. 6 (1982) on the right to life, para. 5.
- ¹⁸CAT/C/CR/33/1, para. 6 (h).
- ¹⁹See, e.g., Geneva Convention III relative to the Treatment of Prisoners of War (1949), arts. 20 and 26, Geneva Convention IV relative to the Protection of Civilian Persons in Times of War (1949), arts. 23, 36, 49, 55 and 89.
- ²⁰See, for example, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 54, and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), art. 14.
- ²¹Rome Statute of the International Criminal Court, art. 8 (2) (b) (xxv).
- ²²International Committee of the Red Cross (ICRC), *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (Geneva and Dordrecht, ICRC and Martinus Nijhoff, 1987), para. 2097.
- ²³Rome Statute of the International Criminal Court, arts. 7 (1) (b) and 7 (2) (b). For further reading, see *The Right to Adequate Food in Emergencies*, FAO Legislative Study 77 (Rome, 2002).
- ²⁴See FAO, *Extracts from international and regional instruments and declarations, and other authoritative texts addressing the right to food*, FAO Legislative Study 68 (Rome, 1999).
- ²⁵See FAO, "The Voluntary Guidelines: An overview", *The right to food: Putting it into practice* briefs, available from www.fao.org
- ²⁶See FAO, *The Right to Food Guidelines: Information Papers and Case Studies* (Rome, 2006), pp. 103–106.
- ²⁷For example, homeless people (including street children), orphans, the elderly, nomadic and traveller communities, persons with disabilities, persons affected by illness, including HIV/AIDS, victims of natural or man-made disasters, including conflicts and war, internally displaced persons and refugees.
- ²⁸*Halving Hunger...*, pp. 3–4.
- ²⁹Land is not only for cultivation but also necessary for grazing, hunting and gathering. For fisherfolk, access to rivers, lakes and sea would also be relevant.
- ³⁰See A/60/350, para. 24.
- ³¹Human Rights Council resolution 7/14, para. 4.

³²International Assessment of Agricultural Knowledge, Science and Technology for Development, “Summary for decision makers of the Sub-Saharan Africa (SSA) report” (2008), p. 5.

³³See E/CN.4/1997/47, para. 124.

³⁴See E/CN.4/2002/83, para. 74.

³⁵UNICEF, *The State of the World’s Children 2008: Child Survival* (New York, 2007), p. 1.

³⁶Customary law is evidence of a general practice of States accepted as law and followed out of a sense of legal obligation.

³⁷In more recent general comments, the Committee on Economic, Social and Cultural Rights has suggested that the obligation to fulfil contains obligations to *facilitate, promote and provide*.

³⁸See E/CN.4/2006/44, paras. 28–38.

³⁹For example, see article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (1965) and article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (1979).

⁴⁰In its general comment No. 20 (2009), the Committee on Economic, Social and Cultural Rights clarified that “other status”, in relation to the International Covenant on Economic, Social and Cultural Rights, could encompass the following non-exhaustive list of factors: disability, age, nationality, marital and family status, sexual orientation and gender identity, health status, place of residence, and economic and social situation.

⁴¹Committee on Economic, Social and Cultural Rights, general comment No. 12, paras. 6 and 17.

⁴²See, for example, the report of the Special Rapporteur on the right to food (A/HRC/10/5/Add.2).

⁴³See, for example, General Assembly resolutions 60/165 and 61/163 and Human Rights Council resolutions 7/14 and 10/12. Also see Committee on Economic, Social and Cultural Rights, general comment No. 12, paras. 40–41.

⁴⁴For example, see Committee on Economic, Social and Cultural Rights, general comment No. 12, paras. 30 and 38.

⁴⁵Human Rights Council resolution 8/7.

⁴⁶Report of the Special Representative of the Secretary-General on business and human rights, “Protect, Respect and Remedy: a Framework for Business and Human Rights” (A/HRC/8/5).

⁴⁷A/59/385, para. 24.

⁴⁸Committee on Economic, Social and Cultural Rights, general comment No. 12, paras. 2–28.

⁴⁹*The Right to Food Guidelines: Information Papers...*, pp. 134–137.

⁵⁰See FAO, *Guide on Legislating for the Right to Food* (Rome, 2009).

⁵¹ See Principles relating to the status of national institutions (“Paris Principles”), General Assembly resolution 48/134.

⁵² For example, see FAO, *Methods to Monitor the Human Right to Adequate Food*, vol. I (Rome, 2008).

⁵³ Among the United Nations human rights treaties which address issues relevant to the right to food, the following have individual complaint mechanisms: the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of Persons with Disabilities.

⁵⁴ The Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women use the term “general recommendations”; other treaty bodies use the term “general comments”.

⁵⁵ For more details, see Fact Sheet N° 27.

⁵⁶ All UPR-related information, including the schedule of reviews of the 192 United Nations Member States in 2008-2011 and the deadlines and technical guidelines for submissions by stakeholders, is available from www.ohchr.org/EN/HRBodies/UPR. Webcast archives of the proceedings are available from www.un.org/webcast/unhrc/index.asp

⁵⁷ General Assembly resolution 60/251.

⁵⁸ See A/HRC/8/34, para. 64.19; A/HRC/8/39, para. 56.28; A/HRC/10/76, para. 100.34; and A/HRC/8/27, para. 83.13.

ANNEX

For further learning

FAO Right to Food E-learning Course "A Primer to the Right to Adequate Food", available from: www.fao.org/righttofood/kc/dl_en.htm

Online interactive self-learning course. Also available as a CD-ROM.

Selected instruments and other documents related to the right to food (in chronological order)

National constitutions

FAO, Right to Food Map, available from www.fao.org/righttofood/kc/maps/Map1_en.htm

An interactive map of countries that enshrine the right to food in their constitutions

FAO, *The Right to Food Guidelines: Information papers and case studies*, chapter 6, annex II (Rome, 2006)

International instruments (comprehensive overview)

FAO, *Extracts from international and regional instruments and declarations, and other authoritative texts addressing the right to food*, FAO Legislative study 68, 1999.

International treaties

Charter of the United Nations (1945)

Geneva Convention (III) relative to the Treatment of Prisoners of War (1949)

Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949)

International Convention on the Elimination of All Forms of Racial Discrimination (1965)

International Covenant on Economic, Social and Cultural Rights (1966) and its Optional Protocol (2008)

International Covenant on Civil and Political Rights (1966) and its first Optional Protocol (1966)

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977)

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1977)

Convention on the Elimination of All Forms of Discrimination against Women (1979) and its Optional Protocol (1999)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) and its Optional Protocol (2002)

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ("Protocol of San Salvador") (1988)

Convention on the Rights of the Child (1989)

African Charter on the Rights and Welfare of the Child (1990)

Rome Statute of the International Criminal Court (1998)

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)

Convention on the Rights of Persons with Disabilities (2006) and its Optional Protocol (2006)

International declarations, norms and other standards

Universal Declaration of Human Rights (1948)

United Nations Principles for Older Persons (General Assembly resolution 46/91 of 16 December 1991)

Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2)

Voluntary Guidelines to support the progressive realization of the right to

adequate food in the context of national food security (2004)

General comments and recommendations by treaty bodies

Human Rights Committee, general comment No. 6 (1982) on the right to life

Committee on Economic, Social and Cultural Rights, general comment No. 5 (1994) on persons with disabilities

Committee on Economic, Social and Cultural Rights, general comment No. 6 (1995) on the economic, social and cultural rights of older persons

Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999) on the right to adequate food

Committee on Economic, Social and Cultural Rights, general comment No. 15 (2002) on the right to water

Committee on the Rights of the Child, general comment No. 3 (2003) on HIV/AIDS and the rights of the child

Committee on the Rights of the Child, general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin

Committee on the Rights of the Child, general comment No. 7 (2005) on implementing child rights in early childhood

Committee on Economic, Social and Cultural Rights, general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights

Committee on the Rights of the Child, general comment No. 9 (2006) on the rights of children with disabilities

Committee on Economic, Social and Cultural Rights, general comment No. 19 (2007) on the right to social security

International conference outcome documents

Rome Declaration on World Food Security and World Food Summit Plan of Action adopted at the World Food Summit (1996)

Selected websites

International bodies and organizations

Food and Agriculture Organization of the United Nations (FAO): www.fao.org/righttofood

Office of the United Nations High Commissioner for Human Rights: www.ohchr.org

Special Rapporteur on the right to food: www.ohchr.org

United Nations Children's Fund (UNICEF): www.unicef.org

United Nations human rights treaty bodies: www.ohchr.org

World Food Programme (WFP): www.wfp.org

World Health Organization (WHO): www.who.int

Online tools

Universal Human Rights Index: www.universalhumanrightsindex.org
An online database of the observations and recommendations issued by the United Nations human rights system. Searchable by keyword, country, right and body.

ESCR-Net Caselaw Database: www.escr-net.org/caselaw/
An online database of economic, social and cultural rights-related jurisprudence, cases and other decisions

FAO Right to Food Virtual Library: www.fao.org/righttofood/kc/library_en.htm
An online repository of over 600 documents and publications of relevance to the right to food. Also available as a CD-ROM.

Human Rights Fact Sheets:*

- No. 2 The International Bill of Human Rights (Rev.1)
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- No. 7 Complaint Procedures (Rev.1)
- No. 9 The Rights of Indigenous Peoples (Rev.1)
- No. 10 The Rights of the Child (Rev.1)
- No. 11 Extrajudicial, Summary or Arbitrary Executions (Rev.1)
- No. 12 The Committee on the Elimination of Racial Discrimination
- No. 13 International Humanitarian Law and Human Rights
- No. 14 Contemporary Forms of Slavery
- No. 15 Civil and Political Rights: The Human Rights Committee (Rev.1)
- No. 16 The Committee on Economic, Social and Cultural Rights (Rev.1)
- No. 17 The Committee against Torture
- No. 18 Minority Rights (Rev.1)
- No. 19 National Institutions for the Promotion and Protection of Human Rights
- No. 20 Human Rights and Refugees
- No. 21 The Right to Adequate Housing (Rev.1)
- No. 22 Discrimination against Women: The Convention and the Committee
- No. 23 Harmful Traditional Practices Affecting the Health of Women and Children
- No. 24 The International Convention on Migrant Workers and its Committee (Rev.1)
- No. 25 Forced Evictions and Human Rights
- No. 26 The Working Group on Arbitrary Detention
- No. 27 Seventeen Frequently Asked Questions about United Nations Special Rapporteurs
- No. 28 The Impact of Mercenary Activities on the Right of Peoples to Self-determination

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- No. 29 Human Rights Defenders: Protecting the Right to Defend Human Rights
 - No. 30 The United Nations Human Rights Treaty System - An Introduction to the Core Human Rights Treaties and the Treaty Bodies
 - No. 31 The Right to Health
 - No. 32 Human Rights, Terrorism and Counter-terrorism
 - No. 33 Frequently Asked Questions on Economic, Social and Cultural Rights
 - No. 34 The Right to Adequate Food

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