



Human Rights - a Strategy for the Fight against Hunger

Introduction

The human rights approach towards food security and nutrition has been adopted by an increasing number of national and international actors, with special attention to the promotion and protection of the right to adequate food. In fact, political actions and decisions that fail to take human rights obligations into account are among the leading causes of the persistence, and even the rise, of hunger in the world. In 2009, for the first time in history, the number of undernourished people surpassed the one billion mark. At the current pace, it will be impossible to achieve the first of the Millennium Development Goals (MDGs) of halving the proportion of undernourished people in the world by 2015.

Under international human rights law, States must take measures towards the progressive realization of the right to food with the maximum resources available to protect inhabitants of their territory from hunger and malnutrition. The proposal to adopt a national strategy for the realization of the right to adequate food was suggested by the Committee on Economic, Social and Cultural Rights in its General Comment 12.² The Right to Food Guidelines³ recommend States to implement national human rights based strategies, which include objectives, targets, benchmarks, time frames and address all aspects of the food systems, vulnerable groups and special situations, as part of the overarching national development strategy (Right to Food Guideline 3).

This fact sheet describes how a revision of national and international strategies under human rights requirements could lead towards a more effective struggle against hunger and its structural causes.

States "...should consider adopting a national human-rights based strategy for the progressive realization of the right to adequate food in the context of national food security as part of an overarching national development strategy".

(Right to Food Guideline 3.1)

1. The right to food and the integration of human rights into food security and nutrition strategies

"The right to food is not a slogan of purely rhetoric nature... Nor is the right to food simply an obligation imposed on States... In recent years, the right to food is increasingly seen as an operational tool, which can act as a compass to guide possible response at the national and international levels".¹

- 1 De Schutter, Olivier (2010), April 2010, Geneva. Five proposals for a genuine integration of the right to food in the revised comprehensive framework of action (contribution to the Dublin Consultation, 18-19 May 2010).
- 2 Committee on Economic Social and Cultural Rights, General Comment Nr. 12 on the right to adequate food, E/C.12/1999/5.
- 3 FAO, *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*, adopted by the 127th session of the Council of the Food and Agriculture Organization of the United Nations in November 2004, herein referenced as "Right to Food Guidelines". (http://www.fao.org/righttofood/publi_01_en.htm).

2. The PANTHER principles

As a lesson learned during the implementation of the Right to Food Guidelines, FAO has proposed to use the PANTHER⁴ principles when applying a human rights based approach in the development of strategies related to food and nutrition security at all levels and in all stages of the process.

- **PARTICIPATION.** This implies that all stakeholders, particularly the social groups and local communities most affected by hunger and malnutrition, can participate in the assessment, decision making, implementation and monitoring of strategies, policies, programmes and projects that are relevant for food and nutrition security. In any case, meaningful participation includes, as a basic requirement, that the principle of free, prior and informed consent of people affected by specific programs or projects must be respected.
- **ACCOUNTABILITY.** Human rights and State obligations go hand in hand – rights can only be realized when they are effectively enforced. In this perspective, the achievement of effective right to food accountability is among the most immediate challenges to prevent impunity of right to food violations; it is at the same time an opportunity for increased efficiency in the fight against hunger.
- **NON-DISCRIMINATION.** Discrimination on the grounds of race, language, religion or sex is prohibited under international human rights law. The application of the non-discrimination principle implies, for instance, the recognition of women's rights, including their right to breastfeed, related labour rights, including equal salary for equal work, equal land and inheritance rights, equal access, control and ownership of natural and financial resources.
- **TRANSPARENCY.** This means that the actors, especially those most affected by hunger and food insecurity, have the right to receive all information from States related to decision making processes about policies, programmes and projects that might have positive or negative effects on the realization of their right to food.
- **HUMAN DIGNITY.** Human rights have their very foundation in their role to protect human dignity. On the other side, the exercise of human rights must be in line with human dignity. Therefore, access to food for the most food insecure needs to be provided in a way that is consistent with their dignity, for instance, by ensuring adequacy and acceptability of food assistance and strengthening people's long-term capacities to feed themselves.
- **EMPOWERMENT.** Empowerment is the process of increasing capacities of right holders, especially the most affected by hunger and malnutrition, to effectively demand and exercise their rights and to hold duty bearers accountable.
- **RULE OF LAW.** The rule of law is a principle that holds that the government must obey the law just like the citizens and that any public institution taking action must have the legal authority to do so. The principle also relates to the principle of due process and the availability of administrative, judicial and quasi-judicial recourse mechanisms.

3. Experiences with integrating the right to food at the national level: *the Brazilian case*⁵

Even though the human right to food was only recognized in the Federal Constitution in 2010, Brazil has a long history in developing public

⁴ Acronym for participation, accountability, non-discrimination, transparency, human dignity, empowerment, rule of law.

⁵ Câmara Interministerial de Segurança Alimentar e Nutricional, Plano Nacional de Segurança Alimentar e Nutricional 2012/2015, agosto 2011.

policies to improve the social conditions of people affected by food insecurity and malnutrition. The Zero Hunger programme was launched in 2003 to combat hunger and poverty. In 2006, this public policy was institutionalized with the sanctioning of the organic law, LOSAN, the main national law related to food and nutrition. LOSAN created the National Food and Nutrition Security System (SISAN) the objectives of which are: the realization of the human right to adequate food, to formulate and implement food and nutrition policies and plans, to encourage the integration of all efforts among government and civil society and to promote the follow up, monitoring and evaluation of food and nutrition security in the country.

This process was possible with the implementation of a social participation mechanism, assumed by the National Council on Food and Nutrition Security (CONSEA), which guarantees the wide participation of representatives from government and civil society. The implementation of these policies is coordinated by the Inter-ministerial Food and Nutrition Security Chamber (CAISAN). In 2010, CAISAN was charged with formulating the first National Food and Nutrition Security Plan (PLANSAN 2012-2015). This Plan:

- Contextualizes the present food and nutrition security in the country, analyzing the main determinants (food production, food availability, income and living conditions, access to adequate food and water, health and nutrition and access to related services, education) and discussing the programs and actions related to food and nutrition security and right to adequate food.
- Identifies the challenges for the proposed period of the plan, among them: consolidation of the inter-sectoral and participatory approach, eradication of poverty and food insecurity, reversion of the increase of overweight and obesity, strengthening the role of the State in the promotion of small scale production and

the agroecological model, consolidation of the agrarian reform, and confronting the ethnic, gender and socio-economic inequities.

- Reaffirms the need to consolidate the SISAN, and defines a specific work plan to carry out the 8 directives of the National Food and Nutrition Security Policy, with the identification of goals, activities, responsibilities, timeline, budgetary allocation and indicators.
- Establishes an ongoing monitoring mechanism of the realization of the right to adequate food using the indicators and information existing in sectoral systems, and carried out by a multi-stakeholder technical committee, defined by CAISAN.⁶

4. Recommendations to integrate the right to food at the global level: *the process towards the Global Strategic Framework for Food Security and Nutrition (GSF)*

The GSF presently being developed in the context of the reformed Committee on World Food Security (CFS) is meant to formulate a set of guidelines for States, intergovernmental actors, the corporate private sector and the CFS itself, on how to promote policy coherence within the rights based framework, towards the full realization of the right to adequate food and other related rights.

The United Nations Secretary-General proposed, at the Summit on World Food Security held in Madrid in 2009, to integrate the **right to adequate food "as a basis for analysis, action and accountability"**. Drawing on this proposal, and building on the vision of the reformed CFS of a world where countries

⁶ For detailed analysis of the experience in Brazil is contained in: FAO, *Right to Food – Making it Happen, Progress and Lessons Learned through Implementation*, 2011. (http://www.fao.org/righttofood/publi11/FORUM%20REPORT_web.pdf).

implement the Right to Food Guidelines, the following recommendations can be made towards the integration of the right to food into the GSF:⁷

ANALYSIS: a human rights assessment of current national and global policies should be conducted to evaluate their positive or negative impacts on food security and nutrition of those most affected by hunger and malnutrition. Such an assessment, based on the standards set by the existing right to food framework, should in particular be foreseen in the section of the GSF related to the analysis of the root causes of hunger.

ACTION: Coherent policies at national, regional and global levels should be designed and implemented to ensure that structural causes and other obstacles to food security and nutrition are removed, within specific time frames and with the adequate mobilization of resources. Valuable guidance to this effect, reflecting a consensus among Member States of FAO about what needs to be undertaken in different policy areas to promote the right to food, can be found in the Right to Food Guidelines. States and international organizations should develop national and global strategies in a participatory fashion, involving the representatives of the groups affected by hunger and malnutrition, and other civil society organizations, in order to ensure that they do not harm, but on the contrary support local and national efforts to achieve the full enjoyment of the

right to adequate food. Such a human rights based perspective should be mainstreamed into the policy and programme recommendations of the GSF.

ACCOUNTABILITY: human rights based accountability is built mainly on two pillars: monitoring of the performance of duty bearers, and empowerment of right holders to hold duty bearers accountable in case of non-compliance. In this sense, the promotion of effective monitoring and accountability mechanisms is needed at the national and global levels. A global monitoring mechanism is specifically needed within the CFS, and the monitoring process should be described in the GSF. Such effective monitoring mechanisms will contribute significantly to increasing human rights based accountability of actors at all levels, and to take corrective measures on specific policy failures and incoherence at national, regional and international levels while, at the same time, enhancing good practices. **Such mechanisms would also strengthen the CFS as the foremost inclusive, influential and effective international platform for food security and nutrition worldwide.**

States are also "...encouraged to consult with civil society organizations and other key stakeholders at national and regional levels..."

(Right to Food Guideline 3.8)

⁷ Useful guidance on right to food assessment, monitoring, budgeting, legislating, and teaching is included in: FAO, *Right to Food Methodological Toolbox*, 2009. (http://www.fao.org/righttofood/publi_02_en.htm).