

# THE HUMAN RIGHT TO ADEQUATE FOOD IN THE GLOBAL STRATEGIC FRAMEWORK FOR FOOD SECURITY AND NUTRITION

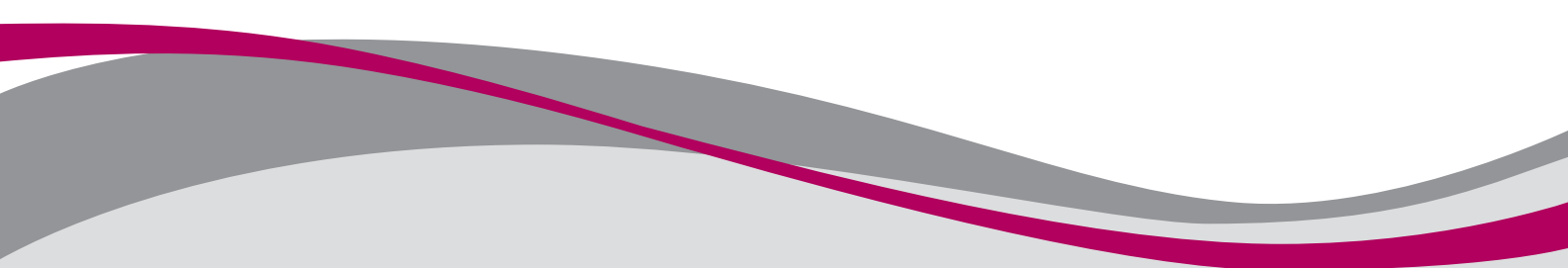
## A Global Consensus





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Food and Agriculture  
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*The Global Strategic Framework for Food Security and Nutrition (GSF) is the first global framework adopted by consensus, by governments, that systematically mainstreams the right to adequate food and human rights into policies relevant to food security and nutrition at the global, regional and national levels. The GSF requires all stakeholders to implement and ensure the coherence of these policies with regard to the right to adequate food.*

*This publication documents the most important elements from the GSF that support and illustrate the above statement. It also offers important suggestions to stakeholders on how to translate this global consensus into practice at the national level.*

## 1 A HUMAN RIGHTS-BASED GLOBAL STRATEGIC FRAMEWORK

### 1.1 The GSF

After two years of consultations, the first version of the GSF was adopted by consensus during the 39<sup>th</sup> session of the Committee on World Food Security (CFS), in October 2012.<sup>1</sup> According to the decision made by the CFS, “the **main added value** of the GSF is to provide an overarching framework and a single reference document with practical guidance on core recommendations for food security and nutrition strategies, policies and actions validated by the wide ownership, participation and consultation afforded by the CFS”.<sup>2</sup> As a dynamic, living document that reflects the current international consensus among governments, the GSF will regularly be updated to include outcomes and decisions of the CFS.<sup>3</sup>

The elaboration of the GSF was viewed as one of the major challenges of its reform<sup>4</sup> as it constitutes a key instrument with which to

enhance the **role of the CFS** as “the foremost inclusive international and intergovernmental platform for a broad range of committed stakeholders to work together in a coordinated manner and in support of country-led processes towards the elimination of hunger and ensuring food security and nutrition for all human beings”.<sup>5</sup>

The elaboration process of the GSF was built upon three basic assumptions:

- ◆ the GSF **reflects an existing consensus among governments on food security and nutrition.** It draws from decisions taken by consensus in the CFS Plenary with the participation of the full spectrum of CFS stakeholders;<sup>6</sup>
- ◆ the GSF reaffirms the primary responsibility for, and ownership of, country-led policies and strategies through national governments. These policies and programs should be consistent with human rights principles and elaborated in a way that is as participatory and inclusive as the process within the CFS;
- ◆ the GSF brings together actions by the full range of stakeholders working worldwide for food security and nutrition and related policies. These actors, especially the intergovernmental

<sup>1</sup> CFS, 2012. *Global Strategic Framework for Food Security and Nutrition*, Thirty-ninth session, 15-20 October 2012, CFS 2012/39/5 Add.1.

<sup>2</sup> *Ibidem*, paragraph 7.

<sup>3</sup> CFS, 2012. *First Version of the Global Strategic Framework for Food Security and Nutrition (GSF)*. Preamble and Decision Box, Thirty-ninth Session, 15-20 October 2012, Agenda Item V.b, paragraph 5.

<sup>4</sup> CFS, 2009. *Reform of the Committee on World Food Security*, Final Version, Thirty-fifth session of the CFS, 14,15 and 17 October 2009, Agenda Item III, CFS: 2009/2 Rev 2.

<sup>5</sup> See above, note 1, paragraph 2.

<sup>6</sup> *Ibidem*, paragraph 10.

agencies such as FAO, IFAD, WFP and CGIAR group - as well as initiatives from other international and intergovernmental forums - should **ensure the coherence of their policies and programs at the national, regional and global levels with the consensus reached through the GSF process.**

During the consultations on the GSF, CFS members decided, after thorough debates, to **recognize the essential role of the human rights-based approach to food security and nutrition, particularly the right to adequate food, and to mainstream this approach within the document.** This dimension marks a difference between the GSF and other intergovernmental consensus documents on food security and nutrition, especially the outcome documents of the World Food Summits in 1996 and 2009; although these documents stressed the importance of the right to adequate food, they do not mainstream it throughout. The GSF provides a consensual agenda on policies at the national and international levels and complements the Voluntary Guidelines to support the progressive

realization of the right to adequate food in the context of national food security (hereafter Right to Food Guidelines), adopted by consensus in 2004 by FAO member States, particularly for the international dimension of policies.

## 1.2 The right to adequate food as vision of the CFS

The GSF is based upon the **vision of the reformed CFS** which is to “*strive for a world free from hunger where countries implement the voluntary guidelines for the progressive realization of the right to adequate food in the context of national food security*”.<sup>7</sup> Therefore, the **essential role of the right to adequate food within the GSF**, as described in detail in this publication, is a logical **application of the CFS vision statement** into the overarching framework that is to guide the CFS and all its stakeholders.

The right to adequate food and food security are the only two concepts that are included in the **definition** section of the GSF, as they are considered to be central and internationally agreed upon. The section on the right to adequate food refers to the recognition of the existence of the right within international human rights law,<sup>8</sup> as well as its definition put forth by the Committee on Economic, Social and Cultural Rights in its General Comment 12 of 1999 which states that:

*“The right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and*



<sup>7</sup> FAO, 2005. *Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security.*

<sup>8</sup> “States party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966, recognized: “...the right of everyone to an adequate standard of living for himself and his family, including adequate food (...) and to the continuous improvement of living conditions”(Article 11, par. 1) as well as “the fundamental right of everyone to be free from hunger”(Article 11, par. 2).” See above, note 1, paragraph 13.

*economic access at all times to adequate food or means for its procurement”<sup>9</sup>.*

It is noteworthy that the GSF **reaffirms the obligations of state parties to the ICESCR** to respect, protect and fulfill the human right to adequate food through national, regional and global policies.<sup>10</sup>

<sup>9</sup> See above, note 1, paragraph 14.

<sup>10</sup> “States Parties to the ICESCR have the obligation to respect, promote and protect and to take appropriate steps to achieve progressively the full realization of the right to adequate food. This includes respecting existing access to adequate food by not taking any measures that result in preventing such access, and protecting the right of everyone to adequate food by taking steps to prevent enterprises and individuals from depriving individuals of their access to adequate food. The covenant says that countries should promote policies to contribute to the progressive realization of people’s rights to adequate food by proactively engaging in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including food security. Countries should also, to extent that resources permit, establish and maintain safety nets or other assistance to protect those who are unable to provide for themselves. E/C.12/1999/5 – General Comment 12, pp 6, 8 and 1”, see above, note 1, Endnotes xvii.



### 1.3 Human rights instruments as the foundations for the GSF

International human rights instruments are broadly referenced to in chapter III on **Foundations and overarching frameworks of the GSF**.<sup>11</sup> Particularly, the Right to Food Guidelines are considered to be an outstanding international consensus document on the implementation of the right to adequate food in the context of food security and nutrition policies.<sup>12</sup> A prominent reference is also made to the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (hereafter VGGT).<sup>13</sup>

The chapter on foundations and frameworks also refers to other **international standard setting documents in the area of human rights**, such as:

- ◆ the 1989 Convention on the Rights of the Child (CRC);
- ◆ the 1981 International Code of Marketing of Breast-milk Substitutes;

<sup>11</sup> “A number of overarching frameworks provide key principles and strategies for the achievement of food security and nutrition. These include the World Food Summit Plan of Action and the Rome Declaration on World Food Security the Final Declaration of the 2009 World Summit on Food Security, the [Right to Food Guidelines] and the VGGT, as well as the ICESCR, which established the human right to adequate food, and all applicable international law relevant to food security, nutrition, and human rights”. see above, note 1, paragraph 18.

<sup>12</sup> “The Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security [Right to Food Guidelines]: 20. The [Right to Food Guidelines] provide an overall framework for achieving food security and nutrition objectives. They call for the right to adequate food to be the main objective of food security policies, programmes, strategies and legislation; that human rights principles (participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law) should guide activities designed to improve food security; and that policies, programmes, strategies and legislation need to enhance the empowerment of rights-holders and the accountability of duty-bearers, thus reinforcing the notions of rights and obligations as opposed to charity and benevolence.” see above, note 1, paragraph 20.

<sup>13</sup> “The VGGT were endorsed by CFS 38th Special Session in May 2012. They provide a reference and guidance to improve the governance of tenure of land, fisheries and forests towards achieving food security for all and to support the progressive realization of the right to adequate food in the context of national food security.” see above, note 1, paragraph 22.





- ◆ the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- ◆ the 1993 Declaration on the Elimination of Violence Against Women (DEVAW);
- ◆ the 1995 Beijing Platform for Action ensure women's rights;
- ◆ ILO Conventions 87, 98 and 169;
- ◆ the UN Declaration on Rights of Indigenous People (UNDRIP).<sup>14</sup>

#### 1.4 Human rights in the policy and program recommendations of the GSF

The very first sentence of Chapter IV of the GSF makes clear that:

*“Taking into account the progressive realization of the right to adequate food in the context of national food security and in the context of the overarching frameworks described in Chapter III, there is broad international consensus on appropriate policy responses to the underlying causes of hunger and malnutrition in a number of areas”.<sup>15</sup>*

<sup>14</sup> See above, note 1, paragraph 27.

<sup>15</sup> See above, note 1, paragraph 28.

Following the general identification in the CFS reform document of those sectors most affected by hunger,<sup>16</sup> the **GSF builds on a holistic understanding of right holders** and the articulation of their claims. The GSF explicitly gives **priority attention to small-scale food producers** throughout the document, such as smallholder farmers, agricultural and food workers, artisanal fisherfolk, pastoralists, indigenous people, the landless, and women and youth.<sup>17</sup> In several sub-chapters, essential human rights concerns are explicitly referenced to in relation to specific policy areas. Examples are given in the second part of this document that deals with the GSF implementation.

#### 1.5 Human rights principles for strategies at the country level

FAO has proposed using the **PANTHER** principles (participation, accountability, non discrimination, transparency, human dignity, empowerment and rule of law) when applying a human rights-based approach to policies and programs related to food security and nutrition at all levels and stages of the process. The GSF fully includes these principles.<sup>18</sup> The integration of human rights principles into policies and programs related to food security and nutrition can significantly contribute to more effective measures to fight against hunger and its root causes.<sup>19</sup>

Moreover, the GSF supports the mainstreaming of these human rights principles in all policy, strategy and program recommendations on **food security and nutrition at the country level**. In particular, the seven practical steps to implement the Right to Food Guidelines at the national level, proposed

<sup>16</sup> See above, note 4, page 11, ii.

<sup>17</sup> See above, note 1, C (Definitions), footnote 1.

<sup>18</sup> *Ibidem*, paragraph 20 (see above, footnote 10).

<sup>19</sup> See the suggestions on how to put it into practice in the next chapter.

by FAO, were included in the GSF (see below in chapter 2.2) as one approach countries can follow when putting into practice the recommendations of the Guidelines.

### 1.6 Human rights-based accountability and monitoring in the GSF

The sustainability of efforts to eradicate hunger can only be achieved when those at risk are empowered and have access, at all times, to **accountability instruments** that effectively promote and protect their human right to adequate food. Mechanisms that empower people to claim their right to adequate food and that hold states and other stakeholders accountable for establishing and implementing policies that are consistent with their obligations under human rights law to respect, protect and fulfill the right to adequate food must be adopted.

**Monitoring and accountability is one of the pillars of the CFS reform.** According to its reform document, the CFS was meant to “*promote accountability and share best practices at all levels*” and to establish “*an innovative mechanism,[...] to monitor progress towards these agreed upon*

*objectives and actions*”.<sup>20</sup> For that purpose, an Open Ended Working Group has been created with a mandate to work in 2013 towards an innovative mechanism that helps countries and regions, as appropriate, to address the question of whether food security and nutrition objectives are being achieved.<sup>21</sup>

The GSF recognizes the **importance of accountability** to advance the progressive realization of the right to adequate food and the need to monitor **right to food indicators**. The GSF also underlines that the **principles that shall guide monitoring** and accountability systems on food security and nutrition should be **human rights-based**, with a particular reference to the right to adequate food.<sup>22</sup>

<sup>20</sup> See above, note 4, paragraph 6.

<sup>21</sup> See above, note 1, paragraph 90.

<sup>22</sup> “*Accountability for commitments and for results is crucial, especially for advancing the progressive realization of the right to adequate food, and it is noted that those countries making the greatest progress on food security and nutrition are those that have demonstrated the greatest political will, with a strong political and financial commitment that is open and transparent to all stakeholders. Objectives to be monitored should include nutritional outcomes, right to food indicators, agricultural sector performance, progress towards achievement of the MDGs, particularly MDG1, and regionally agreed targets*” see above, note 1, paragraph 92.



## 2 FROM MAINSTREAMING TO IMPLEMENTATION: HOW TO ENSURE THAT POLICIES ARE IN LINE WITH THE HUMAN RIGHTS-BASED APPROACH OF THE GSF?

### 2.1 The actors committed to the implementation of the GSF

The CFS decision in October 2012 explicitly “encouraged all stakeholders to promote and make use of the First Version of the GSF when formulating strategies, policies and programs on food security, nutrition, agriculture, fisheries and forests”.<sup>23</sup>

The range of actors being targeted by the GSF is not limited to a small group of food security and nutrition practitioners. On the contrary, it is **aimed at all stakeholders that take decisions with direct or indirect impacts on food security and nutrition:**

*“The GSF emphasizes policy coherence and is addressed to decision- and policy-makers responsible for policy areas with a direct or indirect impact on food security and nutrition, such as trade, agriculture, health, environment, natural resources and economic or investment policies... The GSF should also be an important tool to inform the actions of policy-makers and decision-makers, development partners, cooperation and humanitarian agencies, as well as international and regional organizations, financial institutions, research institutions, civil society organizations (CSOs), the private sector, NGOs, and all other relevant stakeholders acting in the food security and nutrition fields at global, regional and country levels”.*

It is recommended that a **broad national platform or council that ensures participation of all relevant stakeholders**, as indicated in the quote above, oversees the implementation of the GSF at national level, taking into account the range of actors and the importance of coherence. Several countries that have progressed in promoting national strategies, institutions, legislations and accountability mechanisms (see below) have also established such national platforms. The main task of these national platforms or councils is to crosscheck and ensure coherence of policies at the country level with the corresponding parts of the GSF.<sup>24</sup>

### 2.2 Developing human rights-based policies: the seven-step approach

In practical terms, the GSF includes detailed advices in the form of “Seven Steps” that states can take to develop and implement national food security and nutrition policies on the basis of the Right to Food Guidelines.<sup>25</sup> The “Seven Steps” need to be understood in each context and should be applied in a flexible way. They are not meant to be implemented in a simple chronological order. Rather, they offer an approach which builds the essential elements for the progressive realization of the right to food as ultimate objective, using the PANTHER principles to guide decision, implementation and evaluation processes.

A number of countries have taken steps in order to achieve this objective. Examples of such practical measures are presented here within

<sup>23</sup> CFS, 2012. *First Version of the Global Strategic Framework for Food Security and Nutrition (GSF)*. Preamble and Decision Box, Thirty-ninth Session, 15-20 October 2012, Agenda Item V.b, Decision iv.

<sup>24</sup> See above, note 1, paragraph 9.

<sup>25</sup> See above, note 1, paragraph 75.

the framework of the seven-step approach. It is emphasized that all these steps include measures to strengthen capacity, which should include multi-stakeholder participation, particularly from civil society and representatives of social groups most affected by hunger and malnutrition.

**“Step One:** *Identify who the food insecure are, where they live, and why they are hungry. Using disaggregated data, analyse the underlying causes of their food insecurity to enable governments to better target their efforts.*”

In Brazil, the Information System on Food Security and Nutrition contains a comprehensive social data website created by the Ministry of Social Development and the Fight Against Hunger. It includes data and indicators on food security and nutrition organized by seven dimensions (food production, food availability, income/food access and expenditure, access to adequate food, health and access to health services, education, public policies and budget and human rights).



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The data was defined by the Indicators and Monitoring Working Group of the CONSEA (Conselho Nacional de Segurança Alimentar e Nutricional - *National Council on Food and Nutrition Security*). All the data is taken from existing public data sources such as IBGE (Instituto Brasileiro de Geografia e Estatística), CONAB (Companhia Nacional de Abastecimento), IPEA (Instituto de Pesquisa Econômica Aplicada), DATASUS, and civil society sources.<sup>26</sup>

**“Step Two:** *Undertake a careful assessment, in consultation with key stakeholders, of existing policies, institutions, legislation, programmes and budget allocations to better identify both constraints and opportunities to meet the needs and rights of the food insecure.*”

In the Philippines, the Right to Food Assessment, conducted in 2008, is composed of three different studies: an analysis of the anatomy of hunger in the Philippines, including the causes and socio-economic characteristics of the hungry; an assessment of the legal framework on the right to food; and a review of the government’s safety nets and social protection policies and programs related to the population’s right to adequate food.<sup>27</sup> FAO has prepared a checklist to conduct such national assessments.<sup>28</sup>

Important contributions to national assessments have been made through country

<sup>26</sup> Câmara Interministerial de Segurança Alimentar e Nutricional, Plano Nacional de Segurança Alimentar e Nutricional 2012/2015, agosto 2011. For a detailed analysis of the experience in Brazil, see: FAO, 2011. *Right to Food Making it Happen – Progress and Lessons Learned through Implementation*.

<sup>27</sup> FAO, 2010. *Right to Food Assessment Philippines*, available at: [www.fao.org/righttofood/publications/publications-detail/en/c/152816/](http://www.fao.org/righttofood/publications/publications-detail/en/c/152816/).

<sup>28</sup> FAO, 2010. *Right to Food Assessment Checklist*, available at: [www.fao.org/fileadmin/user\\_upload/righttofood/docs/1\\_assessment\\_checklist\\_en.pdf](http://www.fao.org/fileadmin/user_upload/righttofood/docs/1_assessment_checklist_en.pdf).

missions of the UN Special Rapporteur on the Right to Food. Between 2009 and 2013, country missions have been conducted in Benin, Brazil, Guatemala, Nicaragua, Syria, China, Mexico, South Africa, Madagascar, Canada, Cameroon and Malawi.<sup>29</sup> An interesting regional assessment approach has been taken by the Community of Portuguese Language Speaking Countries (CPLP): Angola, Brazil, Cape Verde, East-Timor, Guinea-Bissau, Mozambique, Portugal and Sao Tome and Principe.<sup>30</sup>

**“Step Three:** *Based on the assessment, adopt a national human rights-based strategy for food security and nutrition as a roadmap for coordinated government action to progressively realize the right to adequate food. This strategy should include targets, timeframes, responsibilities and evaluation indicators that are known to all, and should be the basis for the allocation of budgetary resources.*”

Bolivia has taken concrete steps towards fulfilling its right to food obligations through the adoption of new laws, the strengthening of participation and the creation of a wide range of programs for food security. A flagship initiative is the Zero Malnutrition program (Programa Multisectorial Desnutricion Cero – PMDC), which seeks to eliminate malnutrition among children under five years of age, with a special emphasis on those under two. The program, which is part of the strategies developed within the National Council for Food and Nutrition (CONAN), chaired by the country’s President with the participation of nine ministries and civil society, aims to

promote food security as well as nutrition policies and national programs focusing on the realization of the right to food.<sup>31</sup>

Important steps have also been taken in Mozambique. The right to food guides the Food and Nutrition Security Strategy II (ESAN II) launched in 2008 as well as the Government Five Year Plan 2010– 14 (PQG). Moreover, the Government of Mozambique’s Action Plan for the Reduction of Poverty for 2011 – 14 (PARP), explicitly calls for the development of a right to food framework law to reinforce the multi-sectoral coordination to implement the right to food. An inter-ministerial coordination mechanism (SETSAN) was established with an explicit mandate to promote the implementation of the right to food within its strategies and programs.<sup>32</sup>

**“Step Four:** *Identify the roles and responsibilities of the relevant public institutions at all levels in order to ensure transparency, accountability and effective coordination and, if necessary, establish, reform or improve the organization and structure of these public institutions.*”

*In 2012, through the Decree No. 7/2012, Mozambique gave SETSAN (Secretariado Técnico de Segurança Alimentar e Nutricional) a juridical status, higher administrative independence - including in the management of human and financial resources, its own budget line in the National Budget and the mandate to coordinate, promote, take administrative actions in the field of assessments, compliance and approval on matters of food security and nutrition. Moreover, the Decree strengthened*

<sup>29</sup> United Nations Special Rapporteur on the Right to Food, *Web site*, available at: [www.srfood.org/index.php/en/country-missions](http://www.srfood.org/index.php/en/country-missions).

<sup>30</sup> FAO, 2013. *Right to Food and Food and Nutrition Security in the CPLP Countries – Assessment Report 2011*, available at: [www.fao.org/docrep/018/i3348e/i3348e.pdf](http://www.fao.org/docrep/018/i3348e/i3348e.pdf)

<sup>31</sup> FAO, 2013. *Guidance Note: Integrating the Right to Adequate Food into Food and Nutrition Security Programmes*, available at: [www.fao.org/docrep/017/i3154e/i3154e.pdf](http://www.fao.org/docrep/017/i3154e/i3154e.pdf).

<sup>32</sup> See above, note 26.

*the role of SETSAN on the right to adequate food as it promotes education and best practices on the right to food; guarantees and develops legislation on food security and nutrition (FSN), and right to food projects; and ensures that financial and human resources are managed to support the coordination of the food security and nutrition, and the right to food agenda. When it adopted LOSAN in 2006 (see under Step Five), Brazil passed a law which explicitly states the obligations of the government to “respect, protect, promote, provide, inform, monitor, supervise, and evaluate the realization of the human right to adequate food, as well as guarantee the mechanisms for its exigibility”.*<sup>33</sup>

**“Step Five:** Consider the integration of the right to food into national legislation, such as the constitution, a framework law, or a sectoral law, thus setting a long-term binding standard for government and stakeholders.”

With the adoption of LOSAN (LEI N° 11.346, DE 15 DE SETEMBRO DE 2006) in 2006, Brazil has developed the most comprehensive institutional and legislative frameworks for the realization of the right to adequate food. Besides having the explicit objective to realize the right to adequate food, among others, LOSAN creates the National Food and Nutrition Security System (SISAN), consolidates the National Council on Food and Nutrition Security (CONSEA) as an advisory body directly under the Presidency- which has a 2/3 representation from civil society organizations as well as the responsibility to provide policy guidance to and evaluate SISAN and monitor the implementation of food and nutrition security policies and plans. Also, it emphasizes the indivisibility and

interdependence of human rights when it states that “[a]dequate food is a basic human right, inherent to human dignity and indispensable to the realization of the rights established by the Federal Constitution”.<sup>34</sup>

Additionally, in 2010, Brazil joined an ever growing list of countries which have an explicit guarantee of the right to adequate food in their National Constitution or Basic Laws. From the adoption of the Right to Food Guidelines in 2004 until 2012, several countries have done the same and included an explicit guarantee of the right to adequate food in their Constitution, such as Bolivia, Democratic Republic of the Congo, Dominican Republic, Ecuador, Kenya, Maldives, Mexico and Niger. These countries joined those that already had an explicit guarantee for all as well as those that have an explicit guarantee for specific groups.

**“Step six:** Monitor the impact and outcomes of policies, legislation, programmes and projects, with a view to measuring the achievement of stated objectives, filling possible gaps and constantly improving government action. This could include right to food impact assessments of policies and programmes. Particular attention needs to be given to monitoring the food security situation of

<sup>34</sup> *Ibidem*, Art.2.



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<sup>33</sup> Presidency of the Republic, 2006. *Law No. 11.346 of the fifteenth of September of 2006 (LOSAN)*, Art.2.2.



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*vulnerable groups, especially women, children and the elderly, and their nutritional status, including the prevalence of micronutrient deficiencies.”*

National human rights institutions have offered substantial contributions to the monitoring challenge. The Colombian Ombudsman “Defensor del Pueblo” presents a full overview on the right to food situation in the country, including the analysis of public policies relevant for food security and nutrition.<sup>35</sup> The Salvadorian Procuraduría para la Defensa de los Derechos Humanos has presented in 2012 its third comprehensive national monitoring report on the situation of the right to adequate food in the country.<sup>36</sup>

Civil society organizations around the globe have been working on human rights-based monitoring of policies relevant for food security and nutrition for more than 25 years.

Today, the most comprehensive annual compendium of this type of civil society monitoring reports is the **Right to Food and Nutrition Watch**. This is a civil society initiative from a diverse group of 17 international and national civil society organizations, social movements and networks,<sup>37</sup> which monitors the implementation of the right to adequate food worldwide since 2008. The yearly report has examined the situation of the right to adequate food in more than 50 countries on all continents.

*“Step seven: Establish accountability and claims mechanisms, which may be judicial, extrajudicial or administrative, to enable rights-holders to hold governments accountable and to ensure that corrective action can be taken without delay when policies or programmes are not implemented or delivering the expected services.”*

India provides an example of justiciability of the right to food at the national level. Since 2001, the Supreme Court in Delhi has been addressing a public interest litigation case on the right to food and has issued numerous interim orders creating legal entitlements to food and work under various governmental programs. The unique combination of strong public campaigning and direct and explicit orders from the Supreme Court has led to strengthened delivery of public assistance schemes and has greatly increased the accountability of public officials.<sup>38</sup> This campaign also led to a new legislation guaranteeing rural employment for the poor, which has been hailed as a landmark. Based on this process, in early July 2013, the Indian government approved an ordinance

<sup>35</sup> Defensoría del pueblo de Colombia, 2012. *Primer Informe del Derecho Humano a la Alimentación*, available at: [www.defensoria.org.co/red/anexos/publicaciones/1InformDerAlimentacion.pdf](http://www.defensoria.org.co/red/anexos/publicaciones/1InformDerAlimentacion.pdf).

<sup>36</sup> Procuraduría para la defensa de los derechos humanos de El Salvador, 2012. *Tercer Informe sobre el Estado del Derecho a una Alimentación Adecuada en El Salvador*, available at: [www.pddh.gob.sv/menudocs/publicaciones/finish/5-informes-especiales/154-tercer-informe-sobre-el-estado-del-derecho-a-una-alimentacion-adecuada-en-el-salvador](http://www.pddh.gob.sv/menudocs/publicaciones/finish/5-informes-especiales/154-tercer-informe-sobre-el-estado-del-derecho-a-una-alimentacion-adecuada-en-el-salvador).

<sup>37</sup> Right to Food and Nutrition Watch, *Web site*, available at: [www.rtfn-watch.org](http://www.rtfn-watch.org).

<sup>38</sup> FAO, 2011. *Right to Food Making it Happen – Progress and Lessons Learned through Implementation*.

on the Food Security Bill that reaches out to two-thirds of the population and strengthens the legal protection, particularly for pregnant and lactating women, infants and schoolchildren, and the elderly.<sup>39</sup>

In Guatemala, an important court decision on the right to adequate food was made in June 2013 regarding the situation of five undernourished children from four families living in the remote villages of Camotán. In its judgment, the court ordered the state to implement 25 specific measures necessary to address the structural obstacles faced by right holders, especially children affected by chronic malnutrition, and to ensure the enjoyment of their rights, particularly the right to adequate food.<sup>40</sup>

### 2.3 Ensure the implementation of human rights principles in the policy process: the PANTHER principles

The GSF recognizes that the PANTHER principles,<sup>41</sup> developed by FAO, should be used as a practical tool to help develop food security and nutrition policies in a responsible manner:<sup>42</sup>

**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, programs and projects that are relevant

for food and nutrition security. In the case of indigenous peoples, participation includes, as a basic requirement, that the concept of free, prior and informed consent of those people affected by specific programs or projects 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 an effective accountability of the right to food is among the most immediate challenges to prevent impunity of right to food violations; it is at the same time an opportunity for an increased efficiency in the fight against hunger.

**Non-Discrimination:** Discrimination on grounds such as race, language, religion or sex is prohibited under international human rights law. Moreover, international law recognizes that certain conditions in society sometimes result in—or maintain—inequality; hence, governments must take special measures – often referred to as “positive” or “affirmative” actions – to remove those conditions that cause or perpetuate inequality. In practice, some areas where such measures may be required include work, inheritance and property, among others, so as to guarantee the rights of women to: equal salary for equal work; equal land and inheritance; as well as equal access, control and ownership of natural and financial resources.

<sup>39</sup> United Nations Special Rapporteur on the Right to Food, 2013. *Indian food security bill is victory for the right to food*, available at: [www.srfood.org/index.php/en/component/content/article/1-latest-news/2843-indian-food-security-bill-is-victory-for-the-right-to-food-special-rapporteur-in-new-delhi](http://www.srfood.org/index.php/en/component/content/article/1-latest-news/2843-indian-food-security-bill-is-victory-for-the-right-to-food-special-rapporteur-in-new-delhi).

<sup>40</sup> FIAN International, 2013. *Judge Declares State of Guatemala Responsible for Right to Food Violations*, available at: [www.fian.org/news/article/detail/judge-declares-state-of-guatemala-responsible-for-right-to-food-violations](http://www.fian.org/news/article/detail/judge-declares-state-of-guatemala-responsible-for-right-to-food-violations).

<sup>41</sup> See above, note 1, paragraph 20.

<sup>42</sup> FAO, 2012. *Human Rights – A Strategy for the Fight against Hunger*, Factsheet 2, March 2012.







**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, programs 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 hand, 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 those most affected by hunger and malnutrition, to effectively demand and exercise their rights, to participate in decision-making processes and to hold duty bearers accountable.

**Rule of Law:** The rule of law is a concept that holds that the government must obey the law as do its citizens and that any public institution taking action must have the legal authority to do so. The concept also relates to the principle of due process as well as the availability and accessibility of administrative, judicial and quasi-judicial recourse mechanisms.

## 2.4 Implementation of specific policies relevant to groups most affected by hunger and malnutrition

In addition to the practical implementation guidance on the proper development of human rights-based programs, the GSF also contains specific recommendations for sectoral policies at the national level. The following examples are considered central to the advancement of the right to food, particularly with regard to several groups most affected by hunger and malnutrition. They also suggest practical measures that can be adopted based on the seven-step approach for the implementation of the right to food.

### A) Specific policies for agricultural and food workers

**The GSF concern:** The GSF makes specific mention of the lack of decent employment and the insufficient purchasing power of low-wage workers and the rural and urban poor as some of the root causes of hunger.<sup>43</sup> "Many agricultural and food workers and their families suffer from hunger and malnutrition because basic labour laws, minimum wage policies and social security systems do not cover rural workers."<sup>44</sup>

**The GSF recommendation:** Based on internationally agreed upon frameworks, the GSF recognizes the payment of living wages to agricultural workers as a direct action to immediately tackle hunger for the most vulnerable.<sup>45</sup> Furthermore, "formal employment and the assurance of a minimum living wage is key for workers' food security and nutrition."<sup>46</sup>

<sup>43</sup> See above, note 1, paragraph 15.

<sup>44</sup> *Ibidem*, paragraph 34.

<sup>45</sup> *Ibidem*, paragraph 30.

<sup>46</sup> *Ibidem*, paragraph 34.



**Additional steps:** For the national implementation, countries could, among others, take the following steps:

1. identify the food insecure among agricultural and food workers, and the reasons for it;
2. identify the gaps in national legislation and implementation of existing legislation;
3. based on the assessment, adopt corrective measures towards living wages and formal employment for all food and agricultural workers.

## **B) Specific policies to ensure women's rights**

**The GSF concern:** The GSF makes reference to legal and cultural discrimination as a structural cause of hunger.<sup>47</sup> It pays particular attention to addressing the nutritional needs of women and girls,<sup>48</sup> and recognizes relevant international legal frameworks for the achievement of women's food security.<sup>49</sup> It also refers to the CFS 37 final report regarding specific policy recommendations, with considerations given to the role of women as key food producers, very often subjected to structural violence.<sup>50</sup>

<sup>47</sup> *Ibidem*, paragraph 15.

<sup>48</sup> *Ibidem*, paragraph 31.

<sup>49</sup> *Ibidem*, paragraph 27.

<sup>50</sup> *Ibidem*, paragraph 47.

**The GSF recommendation:** Specific measures include that states, international and regional organizations and all other stakeholders should, *inter alia*:

- a) *actively promote women's leadership and strengthen women's capacity for collective organizing, especially in the rural sector;*
- b) *involve women in the decision-making process with regards to national and international responses to national and global challenges to food security and nutrition and agricultural research;*
- c) *develop a policy and legal framework with appropriate compliance monitoring to ensure women's and men's equal access to productive resources, including land ownership and inheritance, access to financial services, agricultural technology and information, business registration and operation, and employment opportunities, and enact and enforce laws that protect women from all kinds of violence;*
- d) *adopt and implement maternity and paternity protection legislation and related measures that allow women and men to perform their care-giving role and therefore provide for the nutritional needs of their children and protect their own health, whilst protecting their employment security.<sup>51</sup>*

**Additional steps:** For the national implementation, countries could, among others, take the following steps:

- 1) identify food insecure women and girls, and the reasons for the insecurity;
- 2) assess existing policies, institutions, and legislation;
- 3) based on the assessment, adopt corrective

<sup>51</sup> *Ibidem*, paragraph 48.

measures to ensure the implementation of the recommendations of the GSF with national policies concerning women's rights;

- 4) integrate the right to adequate food into sectoral policies related to women and girls, including - as suggested by FAO *The State of Food and Agriculture 2010–11* - through the elimination of discrimination against women in access to agricultural resources, education, extension and financial services, and labor markets and facilitating the participation of women in flexible, efficient and fair rural labor markets;<sup>52</sup>
- 5) monitor the impact of the corrective measures taken.

#### C) Specific policies on tenure of land, fisheries and forests

**The GSF concern:** The GSF fully endorses the key principles negotiated within the VGGT process:

- a) recognize and respect all legitimate tenure rights holders and their rights;
- b) safeguard legitimate tenure rights against threats and infringements;
- c) promote and facilitate the enjoyment of legitimate tenure rights;
- d) provide access to justice to deal with infringements of legitimate tenure rights;
- e) prevent tenure disputes, violent conflicts and corruption".<sup>53</sup>

**The GSF recommendation:** More specifically, the GSF also points to states' obligations and private actors' responsibilities with regard to human rights and tenure rights of natural resources:

*"States should respect and protect the rights of individuals with respect to resources such as land, water, forests, fisheries and livestock without any discrimination. Where necessary and appropriate, States should carry out land reforms and other policy reforms consistent with their human rights obligations and in accordance with the rule of law in order to secure efficient and equitable access to land and to strengthen pro-poor growth. Special attention may be given to groups such as pastoralists and indigenous people and their relation to natural resources".<sup>54</sup>*

*"Non-state actors, including business enterprises, have a responsibility to respect human rights and legitimate tenure rights. Business enterprises should act with due diligence to avoid infringing on the human rights and legitimate tenure rights of others. They should include appropriate risk management systems to prevent and address adverse impacts on human rights and legitimate tenure rights".<sup>55</sup>*

**Additional steps:** For the national implementation, countries could, among others, take the following steps:

- 1) identify the food insecure among the small-scale food producers, particularly among indigenous peoples, pastoralists, fisherfolks, landless, rural women and youth, and the reasons for it;
- 2) assess existing policies, institutions, and legislation;
- 3) based on the assessment, adopt corrective measures towards the implementation of the VGGT;
- 4) monitor the impact of corrective measures;
- 5) ensure accountability and claims mechanism to enable right holders to hold governments accountable.

<sup>52</sup> FAO, 2011. *The State of Food and Agriculture 2010–11. Women in agriculture: closing the gender gap.*

<sup>53</sup> See above, note 1, 63.

<sup>54</sup> *Ibidem*, paragraph 61.

<sup>55</sup> *Ibidem*, paragraph 65.

## 2.5 Monitoring and Accountability

The GSF provides clear guidance for food security and nutrition monitoring and accountability systems at the national, regional and global levels. Governments within the CFS identified the following principles:

*“The five principles that should apply to monitoring and accountability systems are that:*

- a)** *They should be human rights-based, with particular reference to the progressive realization of the right to adequate food;*
- b)** *They should make it possible for decision-makers to be accountable;*
- c)** *They should be participatory and include assessments that involve all stakeholders and beneficiaries, including the most vulnerable;*
- d)** *They should be simple, yet comprehensive, accurate, timely and understandable to all, with indicators disaggregated by sex, age, region, etc., that capture impact, process and expected outcomes;*
- e)** *They should not duplicate existing systems, but rather build upon and strengthen national statistical and analytical capacities”.*<sup>56</sup>

**National platforms, committees or councils** dealing with food security and nutrition, or more specifically, institutions of governments, parliaments, judicial systems, human rights institutions, civil society or academia, should explicitly refer to these principles as a result of an international consensus when designing national accountability mechanisms or conducting monitoring efforts of policies with direct or indirect impact on food security and nutrition.

<sup>56</sup> *Ibidem*, paragraph 92-93.

The **CFS Open-ended Working Group (OEWG) on Monitoring** is currently discussing and developing in 2013-2014 the terms of the innovative monitoring mechanism. For that purpose, a mapping exercise has identified a number of mechanisms and methodologies already in existence. In addition to the indicators and methodologies used for measuring hunger, such as those used in the Annual SOFI report<sup>57</sup> or the World Hunger Index,<sup>58</sup> the following human rights-based monitoring methodologies and indicators have been developed and are being used by governments, national food security and nutrition councils, intergovernmental organizations and civil society groups:

- a) Methods to Monitor the Human Right to Adequate Food** of FAO.<sup>59</sup> The Methods intend to examine the results and impacts of development processes, policies, programs and projects, assisting countries that are committed to the implementation of the human right to adequate food at national level.
- b) Human Rights Indicators** of the Office of the United Nations High Commissioner for Human Rights (OHCHR).<sup>60</sup> The objective of this methodology is to identify context-sensitive indicators to promote and monitor the implementation of human rights and to provide elements of a framework to build the capacity of human rights monitoring systems and facilitate the use of appropriate

<sup>57</sup> FAO, 2012. *The State of Food Insecurity in the World – Economic growth is necessary but not sufficient to accelerate reduction of hunger and malnutrition.*

<sup>58</sup> IFPRI, 2012. *Global Hunger Index – The challenge of hunger: ensuring sustainable food security under land, water, and energy stresses.*

<sup>59</sup> FAO, 2009. *Methods to Monitor the Human Right to Adequate Food - Volumes I-II.*

<sup>60</sup> OHCHR, 2013. *Human Rights Indicators: A Guide to Measurement and Implementation.*

tools in policymaking, implementation and monitoring. During this effort, specific indicators – structure, process and outcome indicators – were developed so as to measure progress in the realization of the right to adequate food.

**c) IBSA Methodology** is a four-step Indicator-Benchmark-Scoping-Assessment procedure elaborated by the University of Mannheim, with the collaboration of FIAN International and contributions from FAO and other stakeholders.<sup>61</sup> The main objective of the IBSA initiative is to provide the stakeholders involved in the state reporting process with a more effective and easier reporting mechanism that optimizes the national and international monitoring of economic, social and cultural rights, by enhancing the reporting procedure before the Committee

on Economic, Social and Cultural Rights.<sup>62</sup> Special attention was given within the IBSA process to the assessment of progress in the realization of the human right to adequate food.

**d) Screen State Action Against Hunger! How to Use the Voluntary Guidelines on the Right to Food to Monitor Public Policies?**<sup>63</sup> elaborated by FIAN International and Welthungerhilfe, provides civil society, but also civil servants, with some key questions to monitor the right to food, which also includes food security. One of the specific objectives of this instrument is to provide civil society with a guide to write reports on the realization of the right to food in their country.

<sup>61</sup> University of Mannheim/FIAN International, 2009. *IBSA HANDBOOK Monitoring the Realization of ESCR: The Example of the Right to Adequate Food*.

<sup>62</sup> Resolution 1988/4 of 24th May 1988 of ECOSOC prescribes a regular reporting period of two years after entry into force of the Covenant for the State party concerned. This is to be followed by reports every five years thereafter. This is also reflected in the Committee's rule of procedure 58 adopted by the treaty body itself in 1990.

<sup>63</sup> FIAN and Welthungerhilfe, 2007. *Screen State Action Against Hunger - How to Use The Voluntary Guidelines on the Right to Food to Monitor Public Policies?*, available at: [www.fian.org/en/library/publication/detail/screen-state-action-against-hunger](http://www.fian.org/en/library/publication/detail/screen-state-action-against-hunger).



### 3 FINAL REMARKS

The First Version of the GSF represents an **important achievement by the Committee on World Food Security (CFS)**. The framework incorporates human rights, particularly the right to adequate food, as core elements within all chapters of the document, namely: vision and definitions, normative foundations and overarching frameworks, policy and program recommendations, as well as monitoring and accountability.

Compared to similar global frameworks on food security and nutrition, such as the Declarations of the World Food Summits of 1996 and 2009 or the United Nations' Updated Comprehensive Framework of Action, the **GSF is without any doubt the most advanced in incorporating and mainstreaming the right to adequate food**. This is particularly valuable as the GSF First Version was adopted by a consensus of governments within the CFS.

From a human rights perspective, and more particularly a right to adequate food perspective, the GSF represents a significant progress with regard to three main challenges encountered when developing **human rights-based policies on food security and nutrition**:

**a)** The GSF contributes to the understanding of the **primacy of human rights<sup>64</sup> in the field of policies relevant to food and nutrition security**. This is mainly due to the fact that the GSF builds upon and mainstreams the vision statement of the reformed CFS that intrinsically links the struggle for a world free

from hunger with the progressive realization of the right to adequate food.

- b)** The GSF contributes to the increasing recognition of **human rights coherence in the field of food security and nutrition**. The strong role given to policy coherence in the GSF, while emphasizing a human rights-based approach, implies that government policies should be framed in a way that is consistent with (and avoids any harm to) human rights standards and obligations.
- c)** The GSF clearly indicates that **effective monitoring and accountability mechanisms** of policies relevant to food security and nutrition **need to be human rights-based**. Such understanding implies the consequent inclusion and application of human rights indicators into the monitoring of national, regional and global accountability procedures.

It is essential that the comprehensive human rights-based approach, which characterizes the GSF, also guides the implementation process at the national level. In this context, national platforms or councils ensure that the participation of a broad range of relevant actors, from government, small-scale food producers, civil society, academia, private sector and international organizations, play a crucial role. The GSF offers a clear guide as to how to ensure coherence of national policies and programs using an approach based on the right to food.

<sup>64</sup> Human rights are the primary responsibility of states and have primacy over any other policy area as stated in Article 1 of the Vienna Declaration adopted by consensus at the UN World Conference on Human Rights in 1993.

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This publication documents the consensus reached in the context of the Global Strategic Framework for Food Security and Nutrition (GSF) with respect to recommendations that are particularly interesting from a right to food perspective. It builds largely on agreed language from the GSF as a basis for advocacy and information work. It also offers important suggestions to stakeholders on how to translate the global consensus into practice at the national level, notably by presenting a variety of experiences and case studies which demonstrate the importance of a human rights-based approach to food security and nutrition. Moreover, the document presents concrete recommendations put forth in the GSF in order to implement specific policies aimed for vulnerable groups or particular issues.

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