The Right to Food

Rights-Based Approach to Food Security

About the FAO Policy Learning Programme
This programme aims at equipping high level officials from developing countries with cutting-edge knowledge and strengthening their capacity to base their decisions on sound consideration and analysis of policies and strategies both at home and in the context of strategic international developments.

Related resources
- See all material prepared for the FAO Policy Learning Programme
- See the FAO Policy Learning Website: http://www.fao.org/tc/policy-learning/en/
The Right to Food

Rights-Based Approach to Food Security

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**About EASYPol**

The EASYPol home page is available at:  [www.fao.org/easypol](http://www.fao.org/easypol)

This presentation belongs to a set of modules which are part of the EASYPol Resource package:  [FAO Policy Learning Programme : The Global Policy Environment](http://www.fao.org/easypol)

EASYPol has been developed and is maintained by the FAO [Policy Assistance Support Service](http://www.fao.org/policy_assistance_service).
Objectives

By the end of the session participants will:

- Know what the Right to Food Guidelines are meant for and how they can be used
- Understand that the Right to Food is a multi-facetted concept with legal, economic, social and institutional dimensions
- Understand the obligations and the responsibilities inherent to the Right to Food
- Be able to use the Human Rights based approach in policy formulation and identify concrete action to progressively realize the Right to Food
Summary

Part I:
Introduction to the Right to Food

Part II:
Right to Food Approach to Food Security

Part III:
Policy Implications: Case study

Part IV:
The Role of FAO
Part I: Introduction to the Right to Adequate Food

Objectives:

1. Introduce the concept of the Human Right to Food
2. Highlight the complementarities between Right to Food and Food Security
3. Identify the conditions required to achieve Right to Food, placing emphasis on the legal obligations and responsibilities
International law recognizes the right of everyone to adequate food and the fundamental right to be free from hunger, which is of crucial importance for the enjoyment of all human rights.
What is the Right to Adequate Food?

**Universal Declaration of Human Rights, Art. 25, 1948:**

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care ...”
What is the Right to Adequate Food?

**International Covenant on Economic, Social and Cultural Rights (ICESCR), 1976:**

States 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.”
What is the Right to Adequate Food?

General Comment 12 of the CESCR, 1998:

“The right to adequate food is realized when every man, woman and child, alone or in community with others, have the **physical and economic access at all times to adequate food** or means for its procurement.”
The three levels of obligations

**OBLIGATION TO RESPECT**
A State cannot take any measures which may result in preventing the capacity of individuals or groups to provide food for them.

**OBLIGATION TO PROTECT**
A State must act to prevent third parties (individuals, groups, enterprises and other entities) from interfering or violating the right to food that people have.

**OBLIGATION TO FULFIL**
A State must create conditions allowing for the effective realization of the right to food, and provide food directly to individuals or groups who are not able to procure food on their own.

See notes for details
Responsibility of individuals and other members of the society

Only States are Parties to the ICESCR and are obliged to give effect to rights recognized.

However, all members of the society (such as individuals, local communities, non-governmental organizations, civil society organizations, as well as companies and corporations) have responsibilities with respect to the realization of the right to adequate food.

See notes for details
At the international level, rights can be upheld through international human rights complaint mechanisms. No such mechanism exists – yet – for ESCR.

A right is not a right if it cannot be claimed.
Other corrective mechanisms

**administrative**
- examples:
  - change erroneous decisions taken on social security payment
  - school feeding programme with monitoring mechanisms

**operational**
- examples:
  - built-in mechanism prior to the construction of a dam.
  - consultation and compensation mechanism in the context of to large-scale forestry programme.

1) The closest the complaint mechanism is to the individuals concerned, the more efficient and rapid is the response.

2) Information is key: No one can claim a right about which he/she is not informed.

See notes for details
What the Right to Food is Not

Right to food: are governments obliged to hand out free food to everyone who wants it?

There will always be food insecurity in the world! The right to food not is at best an aspirational goal?

I feel the right based approach is too legalistic... is this not a business for lawyers only?

People do not need rights but food! Right to food is unnecessary, it does not feed people.

There are several misperceptions about the right to adequate food. On the next screen, you will find a list of these and other common misperceptions with the relevant explanations.
What the Right to Adequate Food is Not

The right to adequate food is not...

- equal to the right to be fed
- equal to the right to safe food
- a western concept
- voluntary
- a development fad
- ideological
- too legalistic

See notes for details
The right to food is not...

- equal to the right to be fed
- equal to the right to safe food
- a western concept
- voluntary
- a development fad
- ideological
- too legalistic
- specific to agriculture
- an FAO invention
- unnecessary
- too demanding on governments
- requiring a big government
- too expensive for governments
- a threat to the national economy
Part II: Rights Based Approach to Food Security

Objectives:

1. Enhance understanding of human rights principles as underpinnings of food security strategies
2. Explain the principles of human rights based approaches.
Food Security at the individual, household, national, regional and global level is achieved when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.”

World Food Summit, 1996
Food Security and Right to food: definitions combined

- Every person
- Everywhere
- Produce or procure
- Physical or economic access
- Safe, adequate, nutritious food
- Culturally acceptable

- Each person has rights
- States have obligations
- Stakeholders have responsibilities

The definition of food security bears close resemblance to the definition of the right to food. The three last elements add the human rights component and represented the value-added of a right to food approach.
The right to adequate food complements the food security concept and programmes with:

- the **human rights principles**, and
- the **legal aspects** of human rights.
How to approach food security from a human rights based perspective?

- Participation
- Accountability
- Non Discrimination
- Transparency
- Human dignity
- Empowerment
- Rule of Law

See notes for details
Match principles with their descriptions

The right to adequate food must be guaranteed to everyone, independent of their ethnic or social origin, sex, language, etc.

People must be able to contribute to the development of programmes and policies.

The individual is a holder of human rights and must be treated with respect.

The state has legal obligations to act for development and is responsible for its action.

The individuals need to have the power and capacity to claim their human rights.

Human dignity  Accountability  Empowerment  Non-discrimination  Participation
A right to food approach to food security

- recognizes rights and not needs;
- looks at individuals as rights holders and not as beneficiaries;
- looks at States as duty bearers;
- takes into account the human rights principles.

Not charity, but human right
Part III: Policy Implications: Case study

Objective:

1. Relate the principles of human rights based approaches to a specific policy area
Possible Violations of the Right to Food

Scenario: Mass Poultry Culling with Insufficient or No Compensation

Reduction on Savings and Income = No Economic Access

No Further Poultry Production = No Physical Access

Decrease of Protein Intake = Not Sufficient Food

Decrease of Micro Nutrient Intake = Not Adequate Food

The right to health should be balanced against the right to food
**Participation** – At least a representative of those whose chicken will be culled should be included in the decision making.

**Accountability** – A recourse mechanism should be in place, so people can raise a complain if their rights have been violated. People must be informed about the existence of the recourse and how to use it effectively.

**Non-discrimination and attention to vulnerable groups** – Particular attention should be given to those who are more vulnerable (poor backyard chicken farmers). Make a difference between big commercial enterprises and individual poultry farmers (differential compensation).
Human Rights-based Approach

**Transparency** – All measures should be published and effectively communicated. People should be informed of the rules, what is happening, when, who is responsible, etc.

**Human dignity** – Necessary measures should be conducted with full respect.

**Empowerment** – If information, transparency, recourse is in place, people are empowered. It also includes the power to seek from the state remedial actions human right violations (compensation – not charity).

**Rule of law** – Every member of a society, even a ruler, must follow the law. The culling must be permissible under the law.
Part IV: The Role of FAO

Objectives:

1. Review the history of the right to food in FAO’s work
2. Understand the Right to Food Guidelines as a practical tool for the realization of the right to food
3. Examine how the Right to Food Guidelines can be used in the context of FAO’s work and in support of member countries.
The Right to Adequate Food and the FAO Mandate

1965:

FAO amends its constitution by the insertion of the phrase “...and ensuring humanity’s freedom from hunger”.

See notes for details
The Word Food Summit 1996

Rome Declaration:

“We, the Heads of State and Government... reaffirm the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger”.

See notes for details
WFS Plan of Action

Objective 7.4.

1) “clarify the content of the right to adequate food and the fundamental right of everyone to be free from hunger”

1) “give particular attention to implementation and full and progressive realization of this right as a means of achieving food security for all.”

From that event, FAO becomes actively involved in promoting the Right to Adequate Food.
The World Food Summit: five years later, 2002

**Declaration**

- reaffirmed the objectives of the WFS:
- reaffirmed the right of everyone to have access to safe and nutritious food,
- invited “the FAO Council to establish an Intergovernmental Working Group to develop a set of Voluntary Guidelines to support Member States’ efforts to achieve the progressive realization of the right to adequate food in the context of national food security”.

This led to the intergovernmental negotiation process and the development of the Right to Food Guidelines

See notes for details
The Right to Food Guidelines

- Approved by the FAO Council in November 2004
- Important political progress (definition of the right to food, promotion of international standards, stakeholders)
- Practical tool to implement human rights obligations and principles
- Enabling environment, assistance & accountability
- Provide a framework within which to address food security and to start operationalizing the right to food.

Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security

See notes for details
The Right to Food Guidelines touch upon political, social, environmental and development issues. They trace possible strategies and priority fields of action to overcome hunger and malnutrition.

They apply the definition of the right to food to **concrete areas of national policies** which play a role in the achievement of food security (such as economic development, market systems, agriculture, nutrition, social policy, education and emergency measures in food crises).
The Right to Food Guidelines stress that individuals have a right to an **enabling environment** in which they can provide for their own needs and those of their families, including food, in freedom and dignity.

Healthy and educated persons who enjoy economic freedom and access to jobs and resources have most of the ingredients for being able to enjoy the right to food. The availability and access to safe and nutritious food can be assured through the market.

Well-informed consumers can make the right choices for optimum nutrition.
The Guidelines advocate for effectively targeted assistance for the food insecure. The needs of vulnerable groups should be addressed to devise appropriate measures. Safety nets should be accompanied by complementary measures in order to promote sustainable food security in the long run.

At the international level, food assistance should be provided taking into account dietary and cultural food consumption patterns and avoiding creation of dependency by having a clear exit strategy.
Accountability

The Guidelines emphasize accountability by inviting states to include provisions in their domestic laws that facilitate the realization of the right to food.

Mechanism should be put in place to monitor and evaluate the realization of the right to food, especially with regard to vulnerable groups.

At the same time national human rights institutions should be set up as independent and autonomous bodies including the right to food in their mandate.

Moreover, administrative, quasi-judicial and judicial mechanism should be envisaged to provide adequate, effective and prompt remedies.
Twin Track Approach

### ASSISTANCE

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<tr>
<th>Immediate Hunger Relief Efforts</th>
<th>Long Term Strategy for Sustainable Growth</th>
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<td>Food for Training</td>
<td>Improving Rural Food Production of the Small Scale Farmer</td>
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<td>Livestock Restocking</td>
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<td>Social Safety Nets</td>
<td>Monitoring Food Security and Vulnerability</td>
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### ENABLING ENVIRONMENT

### ACCOUNTABILITY

See notes for details
The Right to Food Guidelines are Practical…

... because they:

- Cover all necessary elements of a sound food security strategy and process
- Framework for cross-sectoral coordination
- Translate human rights principles into concrete recommendations for action
- Provide a basis for advocating for more equitable policies and programmes
The value of the Right to Food Guidelines

- The Right to Food Guidelines do not contain or create new legally binding obligations;

- Their value lies in their ability to help translate a right into recommendations for concrete actions;

- They are useful as reference for the orientation of national policies and programmes;

- They provide the missing element to strengthen existing development tools and make them sustainable.
Implementation of the right to food at FAO

Creation of the Right to Food Unit, which works on the implementation of the human right to adequate food, using the guidelines:

- Integrate it into FAO’s work;
- Develop methods and instruments;
- Information, Training and Communication;
- Country support.
The Seven Steps Governments Should Take

Check-List for the Implementation of the Right to Food

1. IDENTIFYING THE HUNGRY AND POOR
2. CONDUCTING A THOROUGH ASSESSMENT
3. ELABORATING A SOUND FOOD SECURITY STRATEGY
4. ALLOCATING OBLIGATIONS AND RESPONSIBILITIES
5. CREATING A LEGAL FRAMEWORK
6. MONITORING THE PROGRESS
7. ENSURING RECOURSE MECHANISMS

See notes for details
World Food Day – 16th October  Right to Food

Right to Food: Make it Happen

World Food Day aims to heighten public awareness of the plight of the world's hungry and malnourished and to encourage people worldwide to take action against hunger.
Right to Food: Main Messages

- A right for all, an obligation for States and responsibility for stakeholders;
- It can be achieved (it is not just a dream or a goal);
- It provides the missing element in traditional paradigms for eradicating hunger and achieving sustainable agriculture and rural development.
Further readings/links

- FAO, 2006, *The Right to Food: Putting it into Practice (Briefs)*
- FAO, 2006, *The Right to Food in Practice: Implementation at the National Level (background paper for CFS 2006)*
- FAO, 2007, *Right to Food Virtual Library (CD)*
- UN Committee on Economic, Social and Cultural Rights, 1999, *General Comment 12, The Right to Adequate food*
- Special Rapporteur on the Right to Food, Annual Reports
- The Human Right to Adequate Food, FAO
  - [www.fao.org/righttofood](http://www.fao.org/righttofood)
- United Nations Special Rapporteur on the Right to Food
  - [www.righttofood.org](http://www.righttofood.org)
- United Nations Human Rights
  - [www.ohchr.org](http://www.ohchr.org)