

**The Office of the United Nations High Commissioner for Human Rights’
comments on the preliminary version of the Zero Draft of the Voluntary
Guidelines on Food Systems and Nutrition**

22/03/2019

The Guidelines are a great opportunity to consolidate existing human rights obligations in the area of food systems and nutrition. The present draft could benefit from drawing from human rights standards and in particular the right to food to enrich its definitions and policy guidance. In particular, OHCHR would invite the OEWG on Nutrition to consider the following suggestions.

1) More emphasis and guidance on food systems, instrumental to healthy diets

- In a context in which commercial pressures on land are increasing, it is crucial that the Guidelines stress the importance to secure access to resources, including land, water and seeds. To this purpose, the text should recall explicitly the Voluntary Guidelines on Responsible Governance of Tenure of Land and other Natural Resources to strengthen the protection of land users.
- Support local food systems by reinvestment in agriculture and rural development is key for healthy diets. The Guidelines should call for adequate support to sustainable farming approaches that benefit the most marginalized groups and that are climate smart. The Guidelines should prioritize the provision of public goods, such as storage facilities, extension services, means of communications, access to credit and insurance and agricultural research.
- Closely related is the support to small-scale farmers. The Guidelines should encourage preferential sourcing from small-scale farmers through recommending fiscal incentives and should connect small-scale farmers to markets promoting decent prices for their products.
- Moving towards sustainable modes of agricultural production is vital for future food security and an essential component of the right to food. Agroecology has enormous potential and the Guidelines should explicitly promote the adoption of agroecological practices. In particular, the Guidelines could support decentralized participatory research and the dissemination of knowledge by relying on existing farmers’ organisations and networks. The Guidelines could recommend to increase the budget for agroecological research at the field level, farm and community levels, and national and sub-national levels.
- The Guidelines have the opportunity to promote gender equality more vigorously. In particular, the text should call for removing all discriminatory provisions in the law, combatting discrimination that has its source in social and cultural norms, eroding gender stereotypes through education, public information campaigns and social protection systems and using temporary special measures to accelerate the achievement of gender equality.

2) Food deserts and the human rights policy guidance

The Guidelines should explicitly refer to the right to food, right to health and the right to adequate housing to combat the phenomenon of food deserts. The content of those rights is particularly relevant to devise urban planning to tackle food deserts, all forms of malnutrition and inequality. The right to adequate food is an inclusive right, is a right to all nutritional elements that a person needs to lead a healthy and active life, and to the means to access them. Food must be available, accessible and adequate. In food deserts, fresh vegetables and fruits, necessary for a healthy diet, are not available and what is available, fast food and ready meals are not adequate. Adequacy means that food must satisfy dietary needs, taking into account the individual's age, living conditions, health, occupation, sex, etc. It is really in the adequacy of food that we find nutrition as an essential component of the right to food and the right to health.

3) Social protection and the right to food

The provision of social protection can substantially contribute to the realization of the right to food. Social protection encompasses the right to access and maintain benefits without discrimination and to secure protection from the lack of work-related income due to sickness, disability, maternity, employment injury, unemployment, old age or death of a family member, unaffordable access to health care or insufficient family support, particularly for children and adult dependants. The Guidelines in this regards should stress that human rights based social protection programmes should go hand in hand with educational programmes on healthy diets.

4) Nutrition key areas for intervention

To reshape food systems for the promotion of sustainable diets and effectively combat the different faces of malnutrition, the Guidelines should encourage States to:

- statutory regulate the marketing of food products, as the most effective way to reduce marketing of foods high in saturated fats, trans-fatty acids, sodium and sugar (HFSS foods) to children, and restrict marketing of these foods to other groups;
- tax soft drinks (sodas), and HFSS foods, in order to subsidize access to fruits and vegetables and educational campaigns on healthy diets;
- the complete replacement of trans-fatty acids with polyunsaturated fats;
- the adoption into domestic legislation the International Code of Marketing of Breast-milk Substitutes and the WHO recommendations on the marketing of breast-milk substitutes and of foods and non-alcoholic beverages to children, and ensure their effective enforcement.

The Guidelines, after having outlined States' obligations to regulate private sectors' activities in food production, processing and marketing, should remind companies to:

- Comply fully with the International Code of Marketing of Breast-milk Substitutes, and comply with the WHO recommendations on the marketing of foods and non-alcoholic beverages to children, even where local enforcement is weak or non-existent;
- Abstain from imposing nutrition-based interventions where local ecosystems and resources are able to support sustainable diets, and systematically ensure that such interventions prioritize local solutions;
- Shift away from the supply of HFSS foods and towards healthier foods and phase out the use of trans-fatty acids in food processing.