

Achieving the right to food – the human rights challenge of the twenty-first century



THE
RIGHT
TO
FOOD

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A family that goes to sleep hungry every night has typically been viewed as an object of sympathy. But as the legal standing of the right to food strengthens across the world, the view of those family members is changing. No longer are they seen through the lens of charity, but as people who face obstacles in fulfilling a fundamental human right.

Countries on every continent are increasingly recognizing the right to food and taking action to help their people realize this right. A twentieth century promise is gaining momentum for achievement in the twenty-first.



The most vulnerable people – landless farmers, urban slum dwellers, people living in conflict zones, those affected by HIV/AIDS, the extremely poor – would benefit the most from achieving the right to food. But it would advance all of society.

A world where the right to food is achieved for everyone is a world where people at every level are active participants in society, have input to government policies and can demand action from their leaders, and governments are held accountable. It is also a world where resources are distributed and used more equitably and sustainably.

Realizing the right to food would also address the commitment made at the World Food Summit in 1996 to reduce by half the number of undernourished people by 2015, and Millennium Development Goal One, to reduce by half the proportion of people afflicted by extreme poverty and hunger by 2015.



What the right is – and is not

Simply by being born, everyone has the right to food. A person doesn't have to do anything to "deserve" it; the right to food is a birthright. But this does not entitle a person to sit back and ask for free food. People are responsible for doing all they can to realize their own right to food. Governments that are parties to the International Covenant on Economic, Social and Cultural Rights are responsible for ensuring that all those living within their borders have the means to do so.

Broadly speaking, governments should create peaceful, stable, free and prosperous environments in which people can feed themselves in dignity. Even without a legal obligation to do so, countries have a moral obligation to ensure freedom from hunger.

The right to food was formally recognized in the very first international human rights document, the Universal Declaration of Human Rights, adopted by the United Nations in 1948. Since then, this pledge has been gradually strengthened with the passage of measures at international and national level (see box Right-to-food legal timeline).

The right was further elaborated in 1999 with General Comment 12 by the UN Committee on Economic, Social and Cultural Rights, which oversees implementation of the Covenant. It states that the right to adequate food is realized "when every man, woman and child, alone or in community with others, has the physical and economic access at all times to adequate food or means for its procurement." Governments have to enable this right – by adopting policies and taking actions that ensure people can either grow or buy sufficient food.

What is "adequate" food? It means an amount and variety of food sufficient to meet all of one's nutritional needs for a healthy and active life. The right to food is more than the right to basic staples or to sufficient dietary energy.



The Covenant calls for the right to food to be realized progressively to the maximum extent of available resources. Even countries not experiencing economic growth can progressively realize the right to food by eliminating obstacles any person or group might encounter.

Right-to-food legal timeline

The first assertion of the belief that every human being is born with the inherent right to food is generally credited to a famous 1941 speech by President Franklin Roosevelt of the United States of America. Called the "four freedoms" speech, it articulated freedom of speech, freedom of faith, freedom from want and freedom from fear.

After the Second World War many countries embraced the four freedoms. They were included in the Universal Declaration of Human Rights, adopted in 1948 in one of the early actions of the General Assembly of the new United Nations. Article 25 of the Declaration specifically pledges the right to food:

"Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food..."

The components of the Declaration were divided into two treaties, one on civil and political rights and one on economic, social and cultural rights. The right to food is included in the International Covenant on Economic, Social and Cultural Rights. It was adopted by the UN General Assembly in 1966 and came into force in 1976. A total of 156 countries have ratified it to date.

Article 11 of the Covenant "recognizes the right of everyone to an adequate

standard of living ... including adequate food" and "the fundamental right of everyone to be free from hunger ...".

Once a state ratifies the Covenant it becomes legally binding, and the government must then take steps towards progressively realizing it, such as by passing and enforcing laws. Over time, as such laws are implemented and courts adjudicate disputes concerning them, the right is gradually strengthened and interwoven into the country's legal system. The countries where the right has been thus firmly established are now poised to see hunger decline among their people, such as in the example of India cited in the main text.



Making it happen

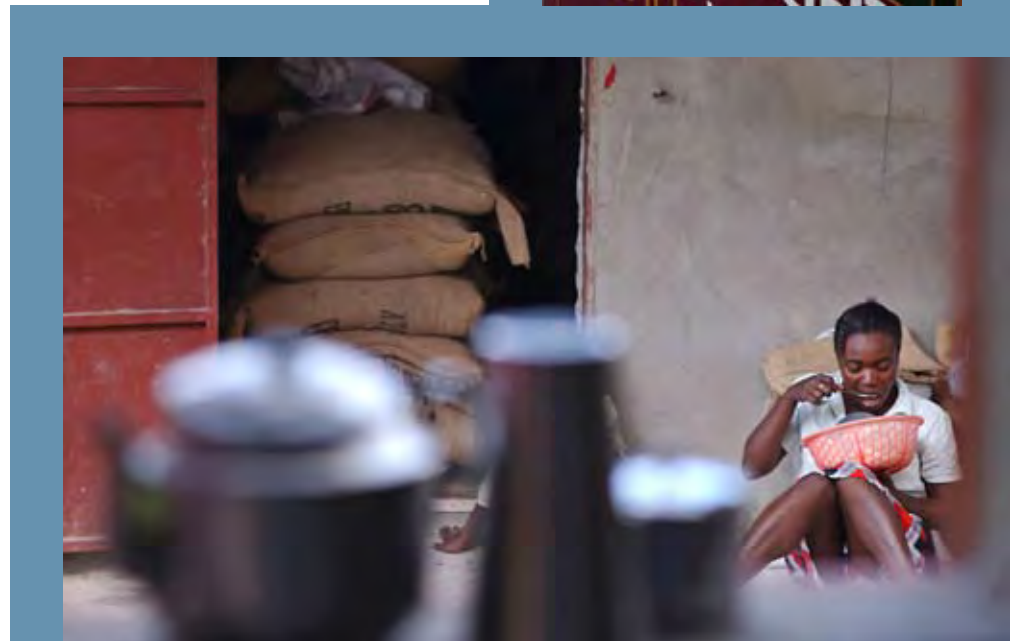
Individuals must do all they can, but governments that have ratified the Covenant have three levels of obligation. They must:

- ✧ *respect* the right, meaning they cannot take any action that would prevent people from realizing their right to food;
- ✧ *protect* the right, meaning they have to ensure that no one deprives anyone else of the right;
- ✧ *fulfil* the right, in two ways: governments must facilitate actions that will strengthen people's access to and use of resources; and when people are unable to realize the right to food for reasons beyond their control, governments must provide the means to do so.

Respecting the right to food means, for example, that a government cannot confiscate land or divert water used for agriculture in food-deficit areas without a valid reason and adequate compensation. Protecting the right means, for instance, that before issuing permits or concessions for an industrial activity such as logging, a public authority should ensure that such activities will not result in preventing access to food or livelihoods. Facilitating the right means more far-reaching measures such as land reform where needed or informing people about their

rights. The obligation to provide – the last resort when government efforts to respect, protect and facilitate have proven inadequate – includes such remedies as income subsidies or food aid.

Internationally, the right to food got an enormous boost in 2004 with the unanimous adoption of the Voluntary Guidelines on the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, informally called the Right to Food Guidelines, by the governing Council of the Food and Agriculture Organization of the United Nations. These detailed guidelines provide concrete help for governments in meeting their obligations (see box Right to Food Guidelines: a practical tool).



Advancing the right, country by country

Most action to implement the right to food takes place at the national level. Political will and adherence to international standards are key. Turning commitment into reality typically involves passing legislation implementing the right and adopting concrete policies and programmes. Among the countries currently working in this area are Bolivia, Guatemala, Indonesia, Mali, Mozambique, Nepal and Uganda.

Brazil is a good example of a country that has taken comprehensive action to realize the right to food (see box Brazil's success: the roles of government and civil society).

India's right-to-food effort accelerated in 2001 with a lawsuit brought by a civil liberties NGO in Rajasthan. It aimed to force use of the country's food stocks for prevention of hunger during a widespread drought. While India's Supreme Court considers a final judgment on the case, it has issued a number of significant interim orders. These have had the effect of formally recognizing the right to food, such as ordering the central and state governments to take measures, involving expenditure of resources, to improve the situation. The court also ordered the governments to inform the concerned population about its legal right to food.

These orders have also had important practical effects. They prompted the implementation of India's mid-day school meals programme, mandatory for all children in government and government-assisted primary schools. It is the largest school meal programme in the world, currently serving more than 50 million cooked meals daily.

South Africa's post-apartheid constitution of 1994 is very progressive, pledging in its bill of rights: "Everyone has the right to have access to... sufficient food and water...". It specifies that the state has to provide for the right of every child to adequate nutrition. The constitution also established a human rights commission with the mandate to monitor all human rights, investigate complaints of violations and seek redress to them and to develop awareness of human rights among the people. Efforts are also under way to develop a legislative framework for the right to food.

Courts in developed countries also interpret and safeguard the right to food. For instance, Switzerland's highest court, in a case involving illegal immigrants, recognized in 1996 the right to minimum basic conditions, including food, to prevent a situation in which people "are reduced to beggars, a condition unworthy of being called human".



Right to Food Guidelines: a practical tool

The unanimous adoption of the Right to Food Guidelines by the governing Council of FAO in 2004 was one of the most revolutionary steps in the history of the right to food. It represented the first time the international community agreed on the full meaning of the right.

The guidelines bridge the gap between legal recognition and effective realization of the right, providing a coherent set of policy recommendations for governments, civil society and other partners.

The 19 guidelines cover economic development policy; legal and institutional issues; agricultural and food policy; nutrition, food safety and consumer protection; education and awareness raising; social safety nets; emergencies; and international cooperation. They constitute a good framework for an integrated national food security policy.

The turning point



Dr. Josué de Castro of Brazil, Chairman of the FAO Council from 1951 to 1955, speaking during the 12th Session of the FAO Conference in Rome, November 1963.

"Hunger is exclusion," wrote Josué de Castro (1908–1973), the famous Brazilian doctor and anti-hunger advocate. "Exclusion from the land, from jobs, wages, income, life and citizenship. When a person gets to the point of not having anything to eat, it is because all the rest has been denied. This is a modern form of exile. It is death in life."

With these words, Dr de Castro summed up the desperation facing every one of the world's 854 million hungry. Each of them is a person who

has not been able to realize her or his right to adequate food and right to be free from hunger. The world can provide enough healthful food for all. Over the past two decades, states have increasingly acknowledged their obligation and taken action to realize this human right.

World Food Day provides an opportunity at the local, national and international levels to further dialogue and enhance solidarity on the fundamental human right to food.

Brazil's success: the roles of government and civil society



Brazil is a good example of a country that has taken comprehensive action to realize the right to food.

Since the 1980s, when a massive civil society movement helped return the country to democracy, Brazilians have kept up pressure on the government to realize human rights. Efforts to support the right to food began with the First National Conference on Food and Nutrition in 1986, which was part of the process of drafting the new constitution.

Action accelerated with the election of President Luiz Inácio Lula da Silva in 2003. He initiated the *Fome Zero* (Zero Hunger) programme, which combines 31 actions and programmes in several ministries aimed at ensuring access to food, increasing family incomes and promoting family farms. As of 2005 this programme had a budget of US\$6 billion. One of the key components

of Zero Hunger is the *bolsa família* (family grant), a monthly cash grant that currently benefits 12 million poor families. A school feeding programme provides meals to 37 million children.

Other components include the National Council of Food and Nutritional Security, reporting directly to the president, which advises on policies and guidelines to fulfil the right to food; a surveillance system that tracks hunger and malnutrition; a commission that monitors violations of the right to food; the Public Ministry, which is independent of all three branches of government and has the power to propose legally binding actions to remedy human rights violations. In 2006 the Federal Law on Food and Nutritional Security was adopted, establishing a national food and nutrition security system to ensure the right to food.

Citizenship Action, a network that addresses hunger, poverty and social

exclusion, has created more than 7 000 local committees that work on projects ranging from urban vegetable gardens to support of agrarian reform. More than 1 000 civil society groups drafted reports for the 30th session of the Committee on Economic, Social and Cultural Rights in 2003.

The combination of progressive government policy and an unflagging civil society sector has ensured broad acceptance of the legitimacy of the right to food in Brazil.



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