



**The Right to Food Forum,
Panel 1: Strong Voices: Advocacy and Training
FAO, Rome, 1-3 October 2008**

Office of the United Nations High Commissioner for Human Rights (OHCHR)

Broadly speaking, OHCHR has two different functions. One is as the secretariat which supports the UN human rights system, which are independent experts/bodies, such as:

- The Human Rights Council
- Independent experts and bodies mandated by the Human Rights Council (e.g. Special Rapporteurs and the Advisory Committee)
- UN human rights treaty monitoring bodies (e.g. Committee on Economic, Social and Cultural Rights, Committee of the Rights of the Child)

Another face of the Office is OHCHR as a part of the UN Secretariat under the leadership of the High Commissioner herself. Below are some of the experiences of OHCHR in advocacy and capacity-building through these two functions.

Firstly, the UN human rights system has a role to play in advocacy and capacity-building. In the context of the right to food, the Committee on Economic, Social and Cultural Rights adopted the General Comment 12 on the right to adequate food (E/C.12/1999/5)¹ in 1999. The General Comment 12 articulated the legal contents of the right to adequate food. Two Special Rapporteurs on the right to food² have been very active in advocacy on the right to adequate food. They have studied the implications of the right to food in concrete contexts, such as in relation to specific groups (e.g. women, children, and indigenous people), on specific aspects of the right (e.g. international dimension of the right to food, the right to food and private business, justiciability of the right to food), and specific issues (e.g. food sovereignty, international trade, biofuels, access to land). Their analysis, observations and recommendations³ are useful tools for advocacy for rights-holders and provide practical guidance to duty-bearers.

Turning to the role of the High Commissioner and the OHCHR, the High Commissioner⁴ has actively advocated for the right to food in relation to the current food crisis. She made intervention at the Human Rights Council Special Session on the food crisis⁵ (May 2008) as well as the FAO's High Level Conference on World Food Security (June 2008).⁶ OHCHR has also been supporting capacity-building of national stakeholders on human rights through its country offices and human rights components of UN peace keeping missions. In the area of human rights training, OHCHR has developed methodologies for human rights training in general, as well as training materials for specific target groups, such as teachers, police, parliamentarians, judges, lawyers, etc.⁷ At country level, several of UN human rights field presences have engaged in advocacy and capacity-building on economic, social and cultural rights, including the right to food. For example, the Human Rights and Transitional Justice Section (HRTJS) of

¹ <http://www2.ohchr.org/english/bodies/cescr/comments.htm>

² So far, there have been two mandate holders to date, i.e. Mr Jean Ziegler (2000-April 2008) and Mr Olivier de Schutter (May 2008-present)

³ For reports and statements of the Special Rapporteur on the right to food, see:

<http://www2.ohchr.org/english/issues/food/index.htm>

⁴ Ms Louise Arbour, 2004-2008.

⁵ Statement of the High Commissioner: <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/7/index.htm>

⁶ Statement of the High Commissioner:

<http://www.unhchr.ch/hurricane/hurricane.nsf/view01/EFF941A297F5BB97C125745F002761A1?opendocument>

Press release: <http://www2.ohchr.org/english/press/newsFrameset-2.htm>

⁷ On human rights education and training, see: <http://www2.ohchr.org/english/issues/education/training/index.htm>

the UN mission in Timor-Leste (UNMIT)⁸ has been training NGOs on economic, social and cultural rights. They have also built the capacity of human rights officers of the UNMIT to monitor the right to food in Timor-Leste at district level. In Guatemala, OHCHR⁹ collaborated closely with FAO to sensitize national stakeholders, such as policy and law makers, judiciary, national human rights institution and NGOs on enacting legislating food and nutrition security law based on the right to food. OHCHR Guatemala Office also conducted trainings for government officials on the use of international standards on the right to food.

From OHCHR's experience, some of the elements for successful advocacy and capacity-building have been:

- **Momentum:** There has been greater progress on implementing the right to food when there existed willingness of duty-bearers to integrate human rights in their work, an independent national human rights institution with a mandate to work on the right to food, an active civil society and constructive partnerships amongst various actors, including inter-agency collaboration (e.g. FAO and OHCHR).
- **Practical guidance:** National stakeholders and partners are more easily convinced to take action to realize the right to food where we managed to articulate and suggest concrete action points and strategy on how to realize the right to food tailored for each stakeholder (e.g. for policy-makers, law-makers, parliamentarians, national human rights institutions, civil society, international agencies, donors, private sector, etc) in a specific national and local context.

Below are challenges we faced in advocacy or capacity-building efforts broadly on economic, social and cultural rights as well as on the right to food:

- **Need for more practical implementation and tools:** Further work is needed to translate conceptual legal principles into operational considerations and programmes in a specific national and local context and on specific issues (e.g. the right to food in the context of food and nutrition security, climate change, etc).
- **Need for improved communication:** There exists continued confusion between “service delivery” and “realization of ESC rights”, or “good practices in development/humanitarian assistance” and “a human rights-based approach to development/humanitarian assistance”. As the Special Rapporteur on the right to food said, “Ensuring that everyone has access to adequate food is not enough. It is also important that they have so as a matter of right.”¹⁰ However, the difference between these two and the value-added of a human rights-based approach to economic, social and cultural issues, such as food and nutrition security, are not always clear not only to non-human rights actors but also to many human rights actors.¹¹ Furthermore, some of the key concepts on economic, social and cultural rights, such as “progressive realization” of these rights are complex and not easily understood.¹²
- **Support to capacity-building falls short in the implementation phase:** Often support for capacity-building ceases when laws, policies, and strategies are adopted or rights-holders are made aware of their rights. Rights-holders tend to be left without capacity to claim their rights or to engage themselves with duty-bearers in a constructive manner. Duty-bearers often do not have the capacity to effectively discharge their obligation in implementing legislation, policies and strategies.
- **High turn-over of stakeholders:** High turn-over of stakeholders sometimes makes institutional capacity-building and more systematic follow-up in implementation difficult.

⁸ <http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/TPIndex.aspx>

⁹ <http://www.ohchr.org/EN/Countries/LACRegion/Pages/GTIndex.aspx>

¹⁰ A/HRC/9/23, paragraph 17. (Available from:

<http://www2.ohchr.org/english/bodies/hrcouncil/9session/reports.htm>)

¹¹ An example of the efforts made to clarify these points is *Claiming the MDGs: A human rights approach* (available from: <http://www.ohchr.org/EN/PublicationsResources/Pages/SpecialIssues.aspx>).

¹² *Frequently asked questions on economic, social and cultural rights*, a publication which aims to demystify typical misunderstanding on economic, social and cultural rights, will be made available in early 2009 (from <http://www.ohchr.org/EN/PublicationsResources/Pages/FactSheets.aspx> and <http://www2.ohchr.org/english/issues/escr/escr-general-info.htm>).

To conclude, some of the lessons learnt on advocacy and capacity-building are:

- **Active engagement by various national stakeholders is essential.**
- **Legal principles need to be translated into concrete policy and programmatic actions for each stakeholder in a specific context.**
- **Capacity-building of rights-holders and duty-bearers should continue at all phases of efforts to realize the right to food and should not stop at the adoption of legal and/or policy framework.**

References:

- The latest report of the Special Rapporteur on the right to food to the Human Rights Council (A/HRC/9/23)¹³ and to the General Assembly (A/63/278)¹⁴
- Statements of the HC at the 7th Special Session of the Human Rights Council (22 May 2008)¹⁵ and the FAO High Level Conference on World Food Security (3-5 June 2008)¹⁶
- Statement of the Committee on Economic, Social and Cultural Rights at the 7th Special Session of the Human Rights Council (22 May 2008)¹⁷
- Human Rights Training: A Manual on Human Rights Training Methodology¹⁸
- OHCHR website on human rights education and training:
<http://www2.ohchr.org/english/issues/education/training/index.htm>
- OHCHR website on Economic, Social and Cultural Rights: General information and resources:
<http://www2.ohchr.org/english/issues/escr/escr-general-info.htm>

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¹³ Also available from: <http://www2.ohchr.org/english/bodies/hrcouncil/9session/reports.htm>

¹⁴ You can also search it through the Official Document System of the UN (ODS: <http://documents.un.org/>) with symbol number A/63/278.

¹⁵ Also available from: <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/7/index.htm>

¹⁶ Also available from:

<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/EFF941A297F5BB97C125745F002761A1?opendocument>

¹⁷ <http://www2.ohchr.org/english/bodies/cescr/docs/cescr40/E.C.12.2008.1AEV.doc>

¹⁸ Also available from: <http://www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx>