

# THE VOLUNTARY GUIDELINES

## AN OVERVIEW

**T**his overview of the **Voluntary Guidelines on the Progressive Realization of the Right to Adequate Food in the Context of National Food Security** is meant for users of the **accompanying right-to-food briefs**. The overview outlines the purpose, nature and contents of the guidelines, but is not meant to interpret or summarize or provide a substitute for them.

The Voluntary Guidelines (VGs) are a practical, human-rights-based tool to help implement the right to adequate food in the context of national food security. They are voluntary and not legally binding as such, although they do build on international law and provide guidance on implementing existing obligations. The VGs are addressed to all States Parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as those states that are yet to ratify the Covenant, including developing and developed countries. The VGs can also be used by stakeholders wishing to advocate for better implementation of the right to adequate food at a national level.

The VGs take into account a wide range of important considerations and principles, including equality and non-discrimination, participation and inclusion, accountability and rule of law and that all human rights are universal, indivisible, interrelated and interdependent.

The VGs contain three main sections.

**SECTION I** Preface and Introduction

**SECTION II** Enabling environment, assistance and accountability

**SECTION III** International measures, actions and commitments

### SECTION I

The text of major international legal instruments is recalled and definitions of food security, the right to food and human-rights-based approaches are provided.

### SECTION II

#### **GUIDELINE 1**

**Democracy, good governance, human rights and the rule of law:** focuses on the elements necessary for a free and democratic society to provide a peaceful, stable and enabling environment in which individuals can feed themselves and their families in freedom and dignity.

#### **GUIDELINE 2**

**Economic development policies:** focuses on promoting sustainable, broad-based economic development in support of food security based on an assessment of the economic and social situation and the degree of food insecurity and its causes. Policies should be sound, inclusive and non-discriminatory. The need to focus on agriculture and rural development is emphasized when poverty is predominantly a rural phenomenon. Due regard is also given to the growing problem of urban poverty.

#### **GUIDELINE 3**

**Strategies:** encourages states to consider adopting a national human-rights-based strategy for the right to food based on a

thorough assessment of legal, policy and institutional frameworks. It calls for a human rights perspective to be incorporated into existing strategies, which should be transparent, inclusive and comprehensive and be elaborated in a participatory manner.

#### **GUIDELINE 4**

**Market systems:** stresses improvements in the functioning of markets to promote economic growth and sustainable development. Non-discriminatory access to markets should be ensured. The state obligation to protect rights holders is stressed as is the state responsibility, *inter alia*, to prevent uncompetitive market practices and to seek the commitment of all market players to realize the right to food through policies that foster food security.

**GUIDELINE 5**

**Institutions:** stresses the importance of public institutions at all levels and suggests entrusting a specific institution to coordinate the application of the VGs.

**GUIDELINE 6**

**Stakeholders:** encourages a multistakeholder approach to national food security with full participation of civil society and the private sector.

**GUIDELINE 7**

**Legal framework:** focuses on legal measures and instruments to support implementation of the progressive realization of the right to food and judicial remedies when this right is violated.

**GUIDELINE 8**

**Access to resources and assets:** discusses the obligation of the state to respect and protect the rights of individuals regarding access to natural resources, and facilitate sustainable, non-discriminatory and secure access to such resources, if need be by undertaking land reform. The guidelines make recommendations on labour, land, water, genetic resources, sustainability and services.

**GUIDELINE 9**

**Food safety and consumer protection:** focuses on both legal and institutional arrangements to ensure food safety and consumer protection, whether through domestic production or imports.

**GUIDELINE 10**

**Nutrition:** promotes strengthening dietary diversity and healthy eating habits and food preparation to prevent malnutrition. Changes in availability and access to food should not negatively affect dietary composition or intake. Cultural values as well as dietary and eating habits should be taken into account when making policy and programme decisions.

**GUIDELINE 11**

**Education and awareness raising:** focuses on strengthening education and training opportunities, especially for girls and women, to support sustainable development. Human rights education should be integrated into school curricula and officials and members of civil society trained to participate in the progressive realization of the right to food.

**GUIDELINE 12**

**National financial resources:** encourages allocation of budgetary resources to anti-hunger and poverty programmes. Basic social programmes and expenditures should be protected from budget reductions.

**GUIDELINE 13**

**Support for vulnerable groups:** emphasizes the need to identify the food insecure, along with reasons for their food insecurity, and to devise measures to immediately and progressively provide access to adequate food. Discrimination against specific groups should be overcome and assistance should be targeted effectively.

**GUIDELINE 14**

**Safety nets:** recommends that safety nets be established and maintained to provide for the weakest segments of society. Safety nets should be accompanied by complementary measures, such as access to clean water and sanitation, health care and nutrition education, in order to promote sustainable food security in the long run.

**GUIDELINE 15**

**International food aid:** stresses that food aid should be safe and take into account dietary and cultural food consumption patterns. Food aid programmes should not disrupt local food production or markets and should avoid creating dependency by having a clear exit strategy. Humanitarian agencies should be guaranteed safe and unimpeded access to needy populations. Emergency food aid should also take into account long-term relief and rehabilitation objectives.

**GUIDELINE 16**

**Natural and human-made disasters:** recalls certain provisions of international humanitarian law with regard to the destruction or withholding of food as a method of warfare. It also emphasizes the importance of comprehensive early warning systems and effective natural disaster response mechanisms.

**GUIDELINE 17**

**Monitoring, indicators and benchmarks:** points to the need to establish systems to monitor and evaluate the realization of the right to food, especially with regard to vulnerable groups such as women, children and the elderly.

**GUIDELINE 18**

**National human rights institutions:** suggests that national human rights institutions be independent and autonomous and include the right to food in their mandates. States without such institutions are encouraged to establish them.

**GUIDELINE 19**

**International dimension:** encourages states to fulfil measures, actions and commitments that have been endorsed at the international level, as listed under Section III of the VGs.

**SECTION III**

Contains language stemming from text agreed in various international fora and covers the following topics:

- > International cooperation and unilateral measures
- > Role of the international community
- > Technical cooperation
- > International trade
- > External debt
- > Official development assistance
- > International food aid
- > Partnerships with NGOs/CSOs/private sector
- > Promotion and protection of the right to adequate food
- > International reporting



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*Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security.* 2005. Rome, FAO. 44 pp. ISBN 92-5-105336-7.

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 Publications-Sales@fao.org  
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# BRIEF ①

## INTRODUCTION TO THE VOLUNTARY GUIDELINES

Prepared by  
**Frank Mischler**, Economist, Agricultural and Development Economics Division, FAO  
**Margret Vidar**, Legal Officer, General Legal Affairs Service, FAO  
**Michael Windfuhr**, Secretary General, FIAN International

**E**nsuring humanity's freedom from hunger is a critical global challenge confronted in the World Food Summit (WFS) and the Millennium Development Goals (MDGs) on hunger reduction.

Given the persistent high numbers of undernourished people, however, neither target is likely to be met even though the causes of poverty and hunger and instruments to address them are well known.



Photo: FAO/17687/A. Conti

Consequently, the Food and Agriculture Organization of the United Nations (FAO) attributes insufficient progress primarily to the lack of political will. The Voluntary Guidelines (VGs) aim to redress this situation by emphasizing the human right to adequate food and recommending ways in which its implementation can be strengthened at national levels. The VGs assist states and government officials wishing to effect changes in favour of implementing the right to food. They also empower civil society to demand that food security be addressed as a priority.

The right to food was formally recognized as a universal human right by the United Nations in its 1948 Universal Declaration of Human Rights. Nearly two decades later, the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by 152 states, made the right to food binding international law for those states.

In 1996, the WFS elevated the right to food on the political agenda of FAO and its Member Nations. Attention was drawn to what states can do to end hunger and malnutrition. Furthermore, the WFS Plan of



# INTRODUCTION TO THE VGS

Action called for clarification of the content of the right to food and ways to implement this right as recognized in international law. The normative clarification was largely achieved with General Comment 12, adopted by the Committee on Economic, Social and Cultural Rights in 1999. General Comment 12 was, and still is, important for the development of international law. Many states and civil society organizations, however, called for a more operational tool to guide the implementation of the right to food.

At the World Food Summit: *five year later* (WFS:*fyl*) in June 2002, states adopted the decision to develop “voluntary guidelines to support Member states’ effort to achieve the progressive realization of the right to adequate food in the context of national food security”. An Intergovernmental Working Group (IGWG) was established by the FAO Council for this purpose. After 20 months of intensive negotiations, the IGWG submitted the VGs to the FAO Committee on World Food Security. The VGs were adopted unanimously by the Hundred and Twenty-seventh Session of the FAO Council in November 2004.

## THE IMPORTANCE OF THE VOLUNTARY GUIDELINES

Can the VGs really help to combat hunger? In a word, “Yes.” The VGs focus on state policies that can contribute to the realization of the right to food. They encourage states to review and recognize inadequate policies that contribute to food insecurity or that violate human rights.

According to the findings of the Hunger Task Force for MDG 1, hunger is largely a rural phenomenon that affects politically and geographically marginalized individuals or groups. The majority of these people are smallholder farmers or landless rural workers, who often lack access to sufficient productive resources as well as the knowledge and means to utilize available resources. While natural and human-made disasters can contribute to insufficient food production and lack of access to food, chronic hunger and malnutrition usually result from discrimination and marginalization in securing access to and utilization of productive resources or other income opportunities.



Photo: FAO/17355

In this context, the importance of the VGs becomes clear. The rights-based approach to hunger advocated in the VGs holds states accountable to all persons living within their territories. The VGs recommend an approach that includes both access to productive resources and assistance for those unable to provide for themselves. They also highlight the importance of independent human rights monitoring, complaint mechanisms and administrative recourse. Furthermore, the VGs offer guidance to

legislators seeking ways to improve current legal systems and to administrators wishing to ameliorate government policies and monitor the performance of these policies.

The VGs recognize that only States Parties to the ICESCR are accountable for compliance with it. Nevertheless, the VGs are addressed to all states, including those that have not ratified the ICESCR.

The VGs do not contain or create new binding legal obligations; their

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value lies in their ability to help translate a right into recommendations for concrete actions, and in their usefulness as an important reference for the orientation of national policies and programmes.

The VGs is the first document negotiated by states that uses the obligations to respect, protect and fulfil the right to food, long advocated by leading human rights experts (see General Comment 12). The guidelines span the main areas relevant to the implementation of the right to food. Thus, the VGs can be a forceful, practical tool for states and civil society to design and influence national policies.

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## WHAT'S DIFFERENT ABOUT THE RIGHT TO FOOD?

The right to food and food security are not contradictory or conflicting concepts. The right to food strengthens food security initiatives by adding obligations, recourse, non-discrimination and the rule of law. Access to sufficient, adequate and safe food for all individuals has to be realized at all times. States, as the primary duty bearers, are obliged to create a legal, institutional and policy environment that enables all people to feed themselves, either by producing food or by earning a living. When people are unable to care for themselves (e.g. because of age, sickness or times of crisis), states should provide support directly.

The main difference between the right to food and food security is the legal dimension. Under the new paradigm, food security is acknowledged as a right and cannot be treated as a non-binding policy goal. States cannot choose to care for the hungry and vulnerable; they have an obligation to do so. Individuals are no longer perceived as objects of state policies, but as subjects who legitimately claim effective government response to their plight. Appropriate judicial and quasi-judicial mechanisms have to be in place to deal with possible violations of the right to food.

In a rights-based approach to food security, human rights standards and principles should guide all programming and implementation. Human rights, such as freedom of expression, opinion, assembly, association and non-discrimination, must be respected at all times.

## Characteristics of a human rights approach to food security

- > Recognizes access to food as a human right.
- > Puts people at the centre of development.
- > Recognizes that all individuals are rights holders, not mere beneficiaries.
- > Makes the progressive realization of the right to food a duty, not a matter of choice.
- > Makes states aware of their obligations and draws attention to responsibilities of other stakeholders.
- > Supports avoiding harmful policies and actions in violation of the obligation to respect and protect the right to food.
- > Prioritizes the fight against hunger at national levels.
- > Applies human rights principles:
  - > Non-discrimination & Equity
  - > Transparency & Participation
  - > Accountability & Rule of Law
- > Recognizes that all human rights are universal, indivisible, interdependent and interrelated (see Vienna Declaration of Human Rights).
- > Introduces complaint and redress mechanisms to deal with alleged violations of the right to food.
- > Ensures that duty bearers can be held accountable for their actions and omissions.

## RELEVANCE OF THE VGs FOR DEVELOPMENT PRACTITIONERS

Although the VGs were elaborated by states for government officials, they can be a useful tool for all development practitioners no matter their responsibility. The VGs represent the agreement of states on actions required to realize the human right to food. They should thus be used by United Nations agencies, bilateral development cooperation organizations and non-governmental organizations.

The VGs introduce the principles of the indivisibility, interdependence and interrelatedness of all human rights into development thinking and policies. Human rights-based development interventions should include:

1. the realization of human rights as the final objective;
2. compliance with human rights principles; and
3. strengthening the capacity of rights holders to claim their rights and of duty bearers to meet their obligations,



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and recognizing the responsibilities of the development agency.

In practice, development interventions formulated under the umbrella of a human rights-based approach will determine the relationship between individuals and groups with valid claims (rights holders) and state and non-state actors with associated obligations and responsibilities (duty bearers). They will identify rights holders (and their entitlements) and duty bearers (and their obligations). The VGs provide

ideas for new policies or corrective action useful for development practitioners from different fields.

The VGs are already being used to implement the right to food in some countries.

It is hoped that they will foster dialogue among government and civil society organizations and international and domestic government entities, in this way becoming a source of inspiration for the major policy changes needed in many countries to eradicate hunger.

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## BRIEF ②

# ECONOMIC DEVELOPMENT POLICY

Prepared by  
**Lynn Brown**, Policy Adviser, Strategy Policy & Programme Support Division, WFP  
**Carlos Lopez**, Human Rights Officer, Economic and Social Department, FAO

**U**nder international law, states are obliged to take all appropriate steps to ensure the realization of the right to adequate food and other human rights. Ultimately, states and their decentralized levels of government choose an array of economic policies to foster national and local economic development, forming the foundation for realizing the right to food.

Economic and financial policies, *per se*, are not human rights or right-to-food policies. However, the economic goals that are chosen, combined with the process used for goal and policy selection and implementation, are critical to achieving human rights in general and the right to food in particular.



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## PRO-POOR ECONOMIC POLICIES AND PARTICIPATORY POLICY-MAKING

Given scarce financial resources, whether domestic or from international cooperation, most aspects of the right to food can only be realized progressively over time. However, immediate realization is paramount when no additional resources are required (e.g. eliminating all forms of discrimination).

Sustained economic growth generates both fiscal resources to fund appropriate public food security programmes and livelihood opportunities that enable the poorest to climb out of poverty. A pro-poor economic growth strategy is essential to achieving the right to food.



Photo: FAO/19662/G. Bizzarri

In order to construct a pro-poor growth strategy, the Voluntary Guidelines (VGs) recommend that states use disaggregated data to gain intimate knowledge of who the poor are, where they are located and why they are poor. This information is vital to creating an effective poverty-reduction strategy. Right-to-food impact assessments can then be used to design policies that empower participation of all stakeholders, particularly the food insecure; increase policy transparency; and raise accountability of states to their electorates.

Participatory policy-making that includes all stakeholders without discrimination can be used at all levels of governance, including macro and monetary policies, both of which are key elements of a pro-poor growth development strategy.

Participation can ensure that coherent policy goals and benchmarks are established with regard to both poverty reduction and fulfilment of the right to food, and can enhance ongoing implementation in the face of tight resource constraints. When participation, full information and transparency are present, different stakeholders are less likely to derail

potentially positive policies.

Participation was critical to the success of the social partnership adopted by Ireland in the late 1980s to address a macroeconomic crisis. The process has evolved into a three-year cycle of negotiation and agreement between government and private, civil society and voluntary organizations. While cause and effect are difficult to isolate, this social partnership was an important factor in Ireland's strong economic performance after 1987. The Irish economy produced robust results between 1987 and 1999: a budget surplus of over 1.1 billion Irish pounds allowed expenditures on health to be increased by 150 percent, on education by 84 percent and on welfare by 70 percent, and unemployment fell from 17.5 percent to less than 5 percent. Additionally, the average annual inflation of up to 20 percent in the early 1980s has not risen above 3 percent since 1987.

Participatory decision-making at the city level in Porto Alegre, Brazil, in 1989 was also driven by fiscal crisis. When de-industrialization, indebtedness, a poor revenue base and significant population increases left municipal services badly stretched and the budget close to the breaking point,

### FOCUS

#### What is pro-poor growth?

There has been much debate about what constitutes pro-poor growth. Growth with increasing inequality would generally be considered not to be pro-poor, whereas economic growth with reduced inequality would be seen as pro-poor. However, if the former generates higher gains for the poor than the latter despite rising inequality, the distinction becomes less clear cut. Thus, discussions of a pro-poor growth strategy should encompass issues of inequality, recognizing that excessive increases in inequality are damaging in the long term. For this reason, it is crucial that poverty and social-impact assessments include right-to-food impact assessments.



the local government introduced a participatory approach to budgetary expenditures. Since then, remarkable progress has been achieved: the number of households with access to water services has risen from 80 to 98 percent, the percent of the population served by the municipal sewage system has risen from 46 to 85 percent, and the number of children enrolled in public schools has doubled in poor districts.

### SPECIAL MEASURES FOR THE RURAL POOR

In many countries the majority of the poor, often more than 70 percent, live in rural areas and are directly or indirectly dependent on agriculture for their livelihoods. A pro-poor economic growth strategy must focus on agriculture and rural development, combined with programmes targeted to enhance direct and immediate access to food for the poor and hungry.

Infrastructure development, including roads, schools and clinics, is a cornerstone for rural development. The VGs realize that well-functioning transportation and distribution systems facilitate diversified trade and enable the poor to take advantage of new market

opportunities. Education, in particular for girls, and health services can help ensure that poor children in both rural and urban areas are able to fulfil their true potential in life and break the transmission of poverty and hunger to succeeding generations.

The VGs suggest that investments in agriculture emphasize increased productivity in both food and commercial crops in order to support a vibrant rural economy, which, in turn, can lead to income generation and diversification in both rural and urban areas. To realize poverty reduction and the right to food from these investments, states should invest in complementary rural industries, institutions and services, including the following:

- information and communication systems that enable farmers to make the best decisions regarding timeframes for buying inputs and services and selling produce;
- financial services that enable saving and provide access to loans and insurance products that protect livelihoods (e.g. weather-based and commodity risk instruments); and
- land registration systems that recognize the complexity of traditional systems but ensure secure property rights.



Photo: FAO/12560/I. de Borhegyi

The VGs recognize the important role of states in designing and implementing regulatory policies that support market development and functioning; ensure non-discriminatory access to markets; protect people against uncompetitive and fraudulent market practices; promote the development of local, regional and border markets; and ensure access for the poor, women and other disadvantaged groups to resources, including land, financial services, information and technology.

Realizing the right to adequate food requires prioritizing domestic resource allocation to the maximum extent possible and taking advantage of resources from the international community, when necessary, in accordance with Article 2 of the International Covenant on Economic, Social and Cultural Rights.



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## SOCIAL PROTECTION: FULFILLING THE RIGHT TO FOOD

Social protection is an integral part of economic policy, facilitating the realization of the right to food. It should comprise a wide array of programmes accessible to all, including safety nets/social assistance. Some argue that welfare payments to the poor are a drag on economic growth, but a well-designed social safety net programme can actually be a springboard for economic growth.

Living on the edge of poverty often forces the poor to adopt low-risk livelihood strategies that are typically associated with low-income returns. Enabling the poor to take prudent risks to secure better livelihoods is an important dimension of creating a pathway out of poverty. Providing good social protection programmes with clearly articulated, transparent and non-discriminatory eligibility and accessibility mechanisms can help the poor to take prudent risks and secure higher incomes.

One temptation in pro-poor safety net policies, however, is to institute generalized subsidy systems, either to



economic sectors in which the poor are concentrated, such as agriculture, or for priority goods for the poor, such as food. Generalized subsidies, on the whole, result in the majority of public spending accruing to the non-poor, despite their being advocated for the good of the poor. To support the poor, the VGs suggest that more creative schemes are needed in order to meet the needs of the poor while minimizing leakage to the non-poor.

The VGs recommend that budget cuts should not adversely affect access to adequate food among the poorest sections of society. When economic and financial policies that

may lower existing levels of food access and consumption, particularly among the most vulnerable and hungry, must be adopted in the short run, these policies should be accompanied by well-designed safety nets, including direct food transfers when appropriate.

A pro-poor growth strategy is necessary, but not sufficient, to achieving the right to food because poverty reduction and increased food security do not move in lockstep. To tackle the problem effectively, a good poverty reduction strategy should be accompanied by a sound food security policy.

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# BRIEF ③ LEGAL AND INSTITUTIONAL ISSUES

Prepared by  
**Christophe Golay**, Legal Adviser to the UN Special Rapporteur on the Right to Food,  
Graduate Institute of Development Studies

**In order to guarantee the universal human right to adequate food, people must be empowered to claim this right and states must be held accountable for establishing and implementing policies for the immediate and progressive realization of the right to food.**

The Voluntary Guidelines (VGs) – in particular, Guidelines 5 (Institutions), 7 (Legal framework), 17 (Monitoring, indicators and benchmarks) and 18 (National human rights institutions) – offer states practical guidance for developing effective institutional and adequate legal frameworks to provide the right to adequate food and for establishing independent monitoring mechanisms to implement these frameworks. In summary, the VGs recommend that:

- > states recognize their responsibility to ensure non-discriminatory physical and economic access to adequate food and to build an effective institutional framework to do so;
- > states construct an adequate legal framework that ensures access to justice for all individuals and groups who have their right to adequate food violated; and
- > states establish independent and autonomous mechanisms to monitor the progressive realization of the right to adequate food.



Photo: Guto Bussab



## BUILDING AN EFFECTIVE INSTITUTIONAL FRAMEWORK

Guideline 5 provides recommendations for building an effective institutional framework. It recommends that a state assess the performance of public institutions to establish or improve their ability to promote the right to adequate food, notably by ensuring the coordinated efforts of government agencies and the full and transparent participation of all relevant parties, in particular representatives of groups most affected by food insecurity. This guideline also recommends that a state entrust a specific institution with the overall responsibility for implementing the VGs and take measures to combat corruptive policies in the food sector, particularly with regard to emergency food aid.

Brazil provides a model for building an effective institutional framework that respects and implements these recommendations. In January 2002, the Brazilian Government adopted a national food



Photo: FAO/IT860/A. Conti

security policy (the Food and Nutritional Policy) and established a national food security programme (the Zero Hunger Programme) recognizing the state's responsibility to ensure access to adequate food for the entire Brazilian population. The National Council for Food and Nutritional Security (CONSEA) was created as a discussion forum between the government and civil society. It reports directly to the presidency. It plays a vital role in coordinating the policy-making agendas of several government institutions in conjunction with the participatory efforts of civil society and observers (see Example 1).

## CONSTRUCTING AN ADEQUATE LEGAL FRAMEWORK

In addition to an effective institutional framework, an adequate legal framework is essential if a state is to respect, protect and fulfil the right to adequate food without discrimination. Guideline 7 recommends that states include provisions in their domestic law, possibly at the constitutional level, that facilitate the progressive realization of the right to adequate food. These provisions should include legal mechanisms to allow vulnerable individuals and groups prompt access to effective remedies when their right to adequate food is violated. Additionally, states should disseminate information regarding available entitlements and remedies and consider strengthening laws to accord access for women heads of households to poverty-reduction and nutrition-security programmes and projects.

An adequate legal framework allows individuals and groups to claim their right to adequate food and to

### EXAMPLE 1

#### Composition of the Brazilian National Council for Food and Nutritional Security

##### 17 representatives of the Brazilian Government

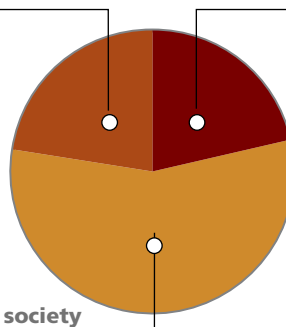
including the Ministries of Social Development and the Fight Against Hunger; Agriculture, Fisheries and Supply; Agrarian Development; Education; Environment; Planning; Health and Labour, as well as specialized secretariats, including the Secretariats for Women and Human Rights.

##### 16 observers, including representatives of municipalities

FAO, United Nations Children's Fund (UNICEF), International Labour Organization (ILO), United Nations Development Programme (UNDP), United Nations Education, Scientific and Cultural Organization (UNESCO) and the World Bank, as well as a National Rapporteur on the human rights to food, water and rural land.

##### 42 representatives of civil society

including representatives of peasant organizations, agricultural workers, minorities, churches, universities, human rights organizations and food industries.



seek remedies for violations of this right before administrative, quasi-judicial and judicial bodies. All people, but especially the most vulnerable, must have access to justice if their right to adequate food is not respected, protected or fulfilled. For example, women and indigenous people must have access to justice if discriminatory practices inhibit or prevent their access to resources. Likewise, small farmers should be able to claim their rights if arbitrarily evicted from their land. The lack of resources, education and information for such groups and other marginalized people may make it difficult for them to access legal mechanisms, even if such mechanisms are available by law. Public legal assistance and help from civil society organizations may be critical to enable access to legal remedies in the face of such problems. An independent judiciary capable of exercising its responsibility impartially is also crucial to guarantee the right to adequate food.

India has made great strides in constructing an adequate legal

framework. In 2001, many people in the State of Rajasthan were starving although food stocks from the Food Corporation of India were available. In response to this situation, the People's Union for Civil Liberties, a domestic human rights non-governmental organization (NGO), appealed to the Supreme Court. This NGO argued that the constitutional right to life and, thus, to food, was being denied. In a number of interim orders the Supreme Court ruled that all individuals in India

have the right to food and that this right should be fulfilled by the state. The Court then directed all state governments of India to implement numerous assistance programmes quickly to help enforce the right to food (see Example 2). Today, a national right-to-food campaign led by domestic human rights NGOs is working to inform the most vulnerable groups, as well as the general public, about their rights and entitlements to adequate food.



Photo: FAO/19229/P. Lowrey

## EXAMPLE 2

**Assistance programmes transformed into enforceable entitlements by the Supreme Court of India**

**Ration Shops / Below Poverty Line (BPL) Cards:** entitle card holders to receive 25 kg of grain per month at a subsidized price.

**National Old Age Pension:** entitles all destitute persons 65 years and over to receive 75 rupees (Rs) per month in addition to entitlements due under the State Pension Scheme.

**Mid-day Meals:** entitle all children in government and government-assisted primary schools to be provided free, hot, cooked mid-day meals for at least 200 days per year.

**Food for Work Programme:** entitles every person needing work in famine-, drought- or scarcity-affected areas to be given work in accordance with the terms of the State Famine/Relief/Scarcity Codes.

**National Maternity Benefit Scheme:** entitles every woman with a BPL card to be given 500 Rs 8–12 weeks prior to the delivery of her first two children.

## ESTABLISHING INDEPENDENT AND AUTONOMOUS MONITORING MECHANISMS

National human rights institutions (NHRIs), e.g. national human rights commissions or ombudspersons, provide a key mechanism to promote and monitor human rights, including the right to adequate food. Guideline 18 recommends establishing NHRIs and including the progressive realization of the right to adequate food in their mandates. This guideline also recommends that NHRIs establish

partnerships and strengthen cooperation with civil society organizations. Minimum guidelines for the establishment, competence, responsibilities and composition of NHRIs are provided in the Paris Principles.

Where they exist, NHRIs typically have very broad mandates: they examine the compatibility of national legislation with international human rights standards; they monitor the implementation of legislation and policies; they create awareness programmes and disseminate education to vulnerable individuals and groups;

and they assist these individuals and groups in protecting their rights through legal channels by means of mediation, conciliation and judicial procedures.

In an increasing number of countries, NHRI mandates include the promotion and protection of all economic, social and cultural rights. In South Africa, for example, the mandate of the national Human Rights Commission includes various monitoring procedures for the progressive realization of the right to adequate food (see Example 3).

However, many NHRIs have limited capacities to work on all human rights.

### EXAMPLE 3

#### South African Human Rights Commission mandate on the right to food

- > Develop awareness and understanding of the right to food among the people of South Africa.
- > Make recommendations to the State to improve fulfilment of the right to food.
- > Undertake studies and report to Parliament on matters relating to the right to food, including an annual report on the progressive realization of this right.
- > Receive and investigate complaints of violations of the right to food and seek appropriate remedies.

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## BRIEF ④

# AGRICULTURAL AND FOOD POLICY

Prepared by  
**Kerstin Mechlem**, Legal Officer, Development Law Service, FAO  
**Julian Thomas**, Coordinator, Right to Food Unit, Economic and Social Department, FAO

**A**gricultural and food policy are important for national prosperity. This is particularly the case for countries in which agriculture provides livelihoods for the majority of the population and represents the main economic activity in rural areas where most hungry and malnourished people live. In many poor countries the potential for agriculture to contribute to economic and social development and, thus, the realization of the right to food, is relatively untapped because of underutilization of farming resources, compounded by weakly developed human capacity and lack of appropriate technology.

The Voluntary Guidelines (VGs) view agricultural policy from a broad food security perspective that includes availability, stability of supply, access and utilization. They emphasize the human rights principles of equality, non-discrimination, participation and accountability. Furthermore, the VGs stipulate that the needs of the hungry and most vulnerable be central to all government actions, including the design and implementation of agricultural and food policies aimed at achieving food security for all.



Photo: FAO/17452/A. Odoul



Photo: FAO/17574/A. Conti



Photo: FAO/16383/R. Faidutti

## DESIGNING, IMPLEMENTING AND MONITORING AGRICULTURAL FOOD POLICIES

### Identifying the hungry

As reflected in the VGs, the design of policies to achieve the right to food should begin by **identifying the hungry** and understanding the reasons for their food insecurity. Sufficient data to identify and characterize food insecure and vulnerable groups may not always be available or, more often, may not be adequately analysed for this purpose. Rather than looking at national aggregates of food availability and average household expenditures on food, a right-to-food approach examines households and individuals disaggregated by sex, age, ethnicity, geographic location and/or other potential causes of vulnerability or discrimination.

### Increasing participation

The VGs emphasize that representatives of all hungry and malnourished groups should **participate** in policy design. This process can be facilitated when organizations are representative and accountable and freedom of expression, association and assembly are respected. The general public and, in particular, members of vulnerable groups, should be provided with information to strengthen their ability to participate in policy matters that may affect them. Broader and more effective participation of all stakeholders in policy formulation and implementation will lead to better prioritization of government action and resource use in favour of the hungry and vulnerable. It could also lead to increased state accountability, accelerated decline of poverty and a decrease in the number of people requiring state assistance to survive.

### Following a twin-track approach

Agricultural and food policies should be implemented with the aim of eliminating hunger while enabling agriculture to contribute to overall growth and development. These policies can contribute to the elimination of rural and urban hunger by following a twin-track approach: income generation and diversification, and augmentation of available food supplies supported by social safety nets. Improving agricultural production can contribute to poverty reduction and, indeed, to overall growth and development, provided that appropriate measures are put in place to target the poor and vulnerable effectively in households with different asset endowments. For example, strengthening research, extension, marketing, transportation and communications infrastructure, as well as credit and other financial services, may be needed to improve the productivity of food-insecure, resource-poor farmers. At the same time, skills training programmes, employment creation and measures to protect adequate working conditions and minimum wages would benefit landless rural and urban workers. Additionally, governments would ensure that public investment in

## FOCUS

### Who are the hungry?

In many developing countries, about 75 percent of the hungry and poor live in rural areas. Many of them are small-scale or subsistence farmers with few income sources other than agriculture and few opportunities for income diversification. Others are landless rural workers. All depend largely on agriculture and natural resources for their food, income and livelihoods. Nevertheless, most rural people, including many small-scale farmers, are net purchasers of food. Thus, economic security, affordable food prices and, as needed, agricultural support programmes are important to poor consumers in rural as well as urban areas.



**FOCUS****Interdependency of human rights**

Realizing the right to food requires recognition of the interdependency of all human rights. The VGs recommend that, together with the revitalization of agriculture and the rule of law, parallel and complementary social services (e.g. basic health care and sanitation, education, clean drinking water) are needed to overcome hunger and poverty. Agricultural and food policy implementation must be coordinated at all levels and linked to policies in other sectors in order to reflect the multiple causes of food insecurity and vulnerability.



Photo: Courtesy of SSE

agriculture and the rural sector – in many cases a precursor to complementary private investment – complements the potential of these sectors to reduce hunger and poverty.

**Monitoring**

As indicated in the VGs, progress towards eliminating hunger among the poor and vulnerable needs to be monitored in order to track whether national policies are conducive to this goal, even when overall economic growth and development have been



Photo: FAO/21109/R. Faidutti

achieved. Verifiable benchmarks, such as objectives, targets and programme timeframes that support different policies, can be used to monitor progress. Benchmarks could be used by individuals and society as a whole to hold the state accountable to its policy commitments when progress is slow. Benchmarks also provide a powerful incentive for decision-makers to design good policies and to implement these policies effectively.

Policies should be carefully examined ex ante or ex post implementation to determine if their benefits are equitably



Photo: FAO/20750/J. Spaul

distributed, and to detect any deterioration in the socio-economic conditions of the poor that may require compensatory measures. For example, the liberalization of agricultural markets changes the prices received by small-scale and subsistence farmers for their produce, while simultaneously changing food prices. The result might be that the poor's right to food is affected in a negative manner. Should this be the case, government policies, e.g. safety nets, would need to be designed and implemented to counter such effects.

**FOCUS****Access to resources**

Guideline 8 addresses access to resources and assets. Its key messages are listed below.

- States should facilitate sustainable, non-discriminatory, secure access to and utilization of resources and protect the assets that are important for people's livelihoods.
- States should pay particular attention to the specific problems of access to natural resources by women and vulnerable, marginalized and traditionally disadvantaged groups.
- States should take steps to provide women and members of vulnerable groups with the opportunities and economic resources they need to participate fully and equitably in the economy.



## ACCESS TO AND UTILIZATION OF NATURAL RESOURCES TO ENABLE PEOPLE TO FEED THEMSELVES

Access to natural resources (e.g. land, water, genetic resources, fisheries, forests) is vital to ensure that people are able to feed themselves adequately either directly through the production of food, or indirectly through the generation of income from non-food production activities. States have the obligation through laws, policies and strategies to respect existing access to resources, to protect individuals against others who may interfere with their access in an unjustified manner and to facilitate access where it is lacking.

The poorest are most affected by floods, droughts, deforestation, desertification, over-fishing and deterioration of water quantity and quality. Natural resources need to be managed in a sustainable manner. At stake is the right to food of current populations and future generations.

**Access to land** is particularly relevant. Guidelines 8 and 8b recommend that states provide women with the right to inherit and possess

land and other property. Policy should favour appropriate use of agricultural land, promote and protect the security of land tenure and, as appropriate, enhance access to land, particularly by the poor and by women.

**Water** – a resource under serious threat in many parts of the world – needs to be managed in a manner that preserves, protects and, where possible, restores both quantity and quality and facilitates equitable and sustainable allocation of access to surface- and groundwater by different users for different uses (Guideline 8c). In the case of competing demands, drinking water and water for domestic uses should take priority. The water needs of subsistence farmers and pastoralists also need special consideration.

The preservation and protection of **genetic diversity** among and within species are also important for the realization of the right to food (Guideline 8d). A wide array of life forms with unique traits provides the genetic pool for developing new crops. These crops can lead to higher productivity to meet increases in food demand or contain features that suit local requirements for resistance to

drought or disease, making farm economies more resilient. Diversity, traditional crops and new varieties play complementary roles in protecting against starvation and contributing to a nutritious diet.



Photo: SSP00301MON/5. Sprague/Panos Pictures

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## BRIEF ⑤

# NUTRITION, FOOD SAFETY AND CONSUMER PROTECTION

Prepared by

**Kerstin Mechlem**, Legal Officer, Development Law Service, FAO

**Ellen Muehlhoff**, Senior Officer, Nutrition and Consumer Protection Division, FAO

**Franz Simmersbach**, Consultant on the Right to Food and Nutrition

**T**oday, there are approximately 852 million people who are undernourished and many more who do not receive enough vitamins and minerals to ensure proper growth and development and to maintain basic health. Millions more are deprived of secure access to safe food and water, and adequate health services. Dirty water and lack of sanitation, unsafe food and inadequate feeding practices, especially of infants and young children, are major causes of diarrhoeal diseases that contribute to undernutrition and can result in death.



Photo: E. Muehlhoff

In contrast to undernutrition, millions of adults suffer from chronic diseases related to obesity, including heart disease, diabetes and some cancers. Dietary changes associated with urbanization, such as increased consumption of sugars and fats and declining levels of physical activity, have led to a significant rise in obesity-related diseases worldwide. Contrary to popular belief, obesity and chronic diseases have become problems of poor countries and poor people, putting an additional strain on health care budgets.

A right-to-food approach requires that states recognize their obligation to ensure that safe, nutritionally adequate and culturally acceptable food is available; to respect and protect consumers; and to promote good nutrition for all. The Voluntary Guidelines (VGs), in particular Guidelines 9 (Food safety and consumer protection) and 10 (Nutrition), can guide states in the establishment and maintenance of sound food and nutrition policies and programmes, thereby increasing the protection of the poor and vulnerable from unsafe food and inadequate diets while helping to combat overweight and obesity.

## A RIGHTS-BASED APPROACH TO FOOD AND NUTRITION

Officials and programme planners working in the areas of food safety, consumer protection and nutrition need to identify ways in which policies and programmes can be changed or designed to secure a rights-based approach to the progressive realization of the right to food.

Human rights standards require that states fulfil the right to food by providing all people with sufficient access to production resources, income or support so that they may feed and sustain themselves in a dignified manner. To comply with this obligation, the VGs recommend that states institute a rights-based approach to food. Resources can be used to build and maintain sustainable food systems, and policies and standards can be designed to ensure safe food and to enable healthy eating habits. In addition the VGs emphasize that states empower citizens with the necessary knowledge and skills to secure their right to food. States must be held accountable for measures taken to meet their obligations to respect, protect and fulfil the right to adequate food. Procedures for claiming the right to food must be transparent. When individuals may have been denied benefits unjustly, they should have

access to judicial and non-judicial recourse mechanisms.

A rights-based approach to food and nutrition also requires that policies and programmes specifically protect and promote the rights of the marginalized and most vulnerable (e.g. children, women, indigenous people, the disabled, people living with HIV/AIDS), while also providing all people with opportunities to participate in the design and implementation of decisions that will affect them. When all relevant stakeholders are included in policy-making decisions, public confidence in policies and programmes is increased, thereby improving the likelihood that implementation will be successful. Norway is one country leading the way in efforts to increase consumer participation in national food policy (see Example 1).



## IMPROVING FOOD SAFETY AND CONSUMER PROTECTION

The VGs advocate that states establish comprehensive food control systems to reduce the risk of food-borne diseases and to ensure that all food, whether produced locally or obtained through trade or food aid, is safe and consistent with national food safety standards. States are encouraged to adopt scientifically based food safety standards that comply with maximum permitted levels for pathogens, contaminants from agricultural and industrial processes, residues from veterinary drugs and growth promoters and naturally occurring toxins. Food should remain safe at all times including during its production, processing, storage, transport, distribution, handling and sale.

The VGs also recommend that national food safety standards take into consideration international standards, in particular, Codex Alimentarius. While protecting the health of consumers, such standards should not be used as unjustified barriers to trade. The VGs encourage state cooperation with all stakeholders, including consumer organizations and the private sector, when establishing food safety systems

### EXAMPLE 1

#### Consumer participation in national food policy in Norway

In 2003, Norway established food policy consumer panels in 7 of 19 counties to incorporate citizen opinions and preferences into the formulation of food policy and to increase state knowledge of consumer opinions, attitudes and behaviour in relation to the food market.

Each panel consists of nine people representing both genders, and various ages and social and educational backgrounds. The panels are scheduled to meet at least twice a year. Reports on panel findings and recommendations are published and presented to responsible cabinet ministers at biannual meetings, which are open to stakeholders and the media.





Photo: FAO/21406/J. Spaul



Photo: FAO/G. Kennedy



Photo: Naumann/Panos Pictures

to ensure the provision of safe and good quality food. When states do not have sufficient capacity to implement agreed-upon food safety standards or to build effective food safety systems, developed countries and international organizations are encouraged to provide technical assistance.

Given that most food is commercially produced, regulations and standards should protect consumers against deception and misrepresentation in the packaging, labelling, advertising and sale of food. Individuals should be protected against harm caused by unsafe or adulterated food, including food offered by street vendors. Food packaging and labelling should provide consumers with accurate information that is sufficient to enable them to make well-informed food choices. States also need to provide consumers with information and education on safe storage, handling and utilization of food, as well as ways to prevent food-borne diseases.

In addition to promoting corporate social responsibility and industry self-controls, states are encouraged to consider regulations for the marketing and sale of food to children and adolescents in order to protect against unbalanced diets and the growing problem of obesity (see Example 2).

### STRENGTHENING NUTRITION PROGRAMMES

Good nutrition and health depend, in large part, on the consumption of adequate amounts of good quality, safe food. The VGs recommend that states maintain or strengthen dietary diversity (e.g. through the production of nutritious and culturally appropriate foodstuffs, including indigenous varieties); take measures to ensure the fair distribution of food within communities and households; and

promote safe food preparation and healthy eating habits, including appropriate infant- and breastfeeding practices.

The VGs also encourage states to provide people with access to reliable nutrition information through education, information and labelling regulations. Consumers should be able to choose foods that are appropriate for their individual health needs and to prevent insufficient or unbalanced diets that can lead to undernutrition, obesity or chronic diseases. States may also need to address the issue of food advertising aimed at children.

Food and nutrition programmes should be guided by a rights-based approach and include all vulnerable individuals and groups on a non-discriminatory basis. Programmes should be aimed at improving the production and/or consumption of a variety of nutritious foods, and include

#### EXAMPLE 2

##### Protecting children from marketing and sale of low-nutrition foods in the United States of America and the United Kingdom

**United States of America:** Legislation banning or restricting advertisement and sale of fatty and sugary foods and soft drinks to children in schools have been enacted or are under way in various states.

**United Kingdom:** The Children's Food Bill Campaign calls for a ban on marketing and vending-machine sale of junk foods and fizzy drinks at schools, for mandatory quality guidelines regarding school meals, and for providing food and nutrition education.

home and school gardens, combined with nutrition education and the provision of healthy school meals. Food-based approaches contribute to household food security and to the prevention and control of micronutrient deficiency diseases. The fortification of foods with iodine, iron and vitamin A – another food-based approach – requires government regulation. Special attention should be given to the chronically vulnerable, including people suffering from HIV/AIDS. The VGs also encourage states to include all relevant stakeholders in the design, implementation and monitoring of these programmes to ensure that

vulnerable people benefit from them (see Example 3).

For infants, breastmilk is the cheapest and most nutritionally valuable food, facilitating good physical and mental development. Protection of breastfeeding and attention to the special needs of pregnant and breastfeeding women are crucial to realize the right to food for infants. States should take measures to promote and encourage breastfeeding in line with the International Code of Marketing of Breastmilk Substitutes and World Health Organization recommendations on infant and child feeding.

Recognizing that nutritional status is influenced by a wide range of factors, the VGs suggest that states take parallel action to improve health, education and hygiene infrastructures, and promote intersectoral collaboration to ensure optimal nutritional outcomes. In efforts to address and prevent problems of malnutrition, priority attention must be given to the most vulnerable groups in society. States should take particular care to overcome gender disparities and discriminatory practices against women and girls. Empowering women is key to achieving food security and ensuring adequate nutrition within households.

## EXAMPLE 3

### School meal councils promote schoolchildren's right to adequate food in Brazil

The National School Meal Programme provides meals for 37 million children. A major component of the programme is that civil society participate as a partner in guaranteeing its adequate execution. For example, through the School Meals Council, elected citizens ensure that school meals meet required nutritional standards and reach all children from preschool to 14 years.

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# BRIEF ⑥

## EDUCATION AND AWARENESS RAISING

Prepared by  
**Ellen Muehlhoff**, Senior Officer, Nutrition and Consumer Protection Division, FAO  
**Margret Vidar**, Legal Officer, General Legal Affairs Service, FAO

**T**he right to food and the right to education are closely interrelated; each is important for the realization of the other. But these rights are far from being realized for millions of people.

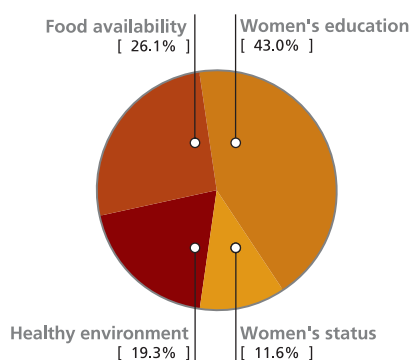
The vast majority of the world's 852 million chronically undernourished people, as well as the world's 860 million illiterate adults (mainly women) and 130 million non-educated children (mainly girls), live in rural areas in the developing world where access to nutritious, safe food and basic education is most difficult.

Infants and young children are most vulnerable to malnutrition. Poor health and growth stunting, which are caused by lack of adequate nutrition, often prevent or delay enrolment in school. Hunger and malnutrition impair children's learning abilities and educational achievements even when they do attend school.

The education of women is key to improving child nutrition. A study of 63 countries found that

women's education was the most significant contributor to declines in malnutrition during 1970–95 (see figure). Even a few years of education helps mothers to improve the nutrition and health of their children. Children who are well-nourished learn better than those who are not. As children grow, greater educational achievements translate into increased earning opportunities, better enabling them to obtain adequate food and nutrition for themselves and their future families.

In order to carry out their obligations to respect, protect and fulfil the right to adequate food, states should adopt policies and programmes aimed at human development in the areas of health, nutrition and education and provide literacy and skills training, all of which are essential for reducing poverty, hunger and malnutrition on a sustainable basis.



**Estimated contribution of major determinants to reductions in child malnutrition (1970–95)**  
*Smith and Haddad, 2000*





Photo: AV00327/INDIA. Vitale/Panos Pictures



Photo: FAO/19734/G. Bizzarri

## STRATEGIES FOR EDUCATIONAL POLICY DEVELOPMENT

The VGs recognize that capacity building among government and judiciary professionals, as well as personnel in civil society organizations, universities, primary and secondary schools, the business community and the media, is a crucial prerequisite to realizing the right to adequate food. The VGs also stress that the public requires information and training in order to recognize and understand their right to food, and ways in which they may participate in food-related decisions that affect them.

The VGs offer practical suggestions for states to realize the right to food progressively through investment in human resources to ensure good health, sustainable resource development and increased educational opportunities at all levels, with a particular focus on girls, women and other underserved groups. Human rights education and training constitute important aspects of the right to food in order to disseminate information, raise awareness and encourage implementation of this right and its associated entitlements. Education and awareness-raising programmes and campaigns should target professionals,

the general public and, in particular, those affected by food insecurity. Public awareness is a prerequisite for successful public campaigns (see Example 1).

## FORMAL AND NON-FORMAL EDUCATION

Education is a powerful instrument to build a food secure world and to foster sustainable development. Implementing effective right-to-food policies requires expanding quality formal education, particularly for girls at primary and secondary levels. It also requires non-formal education, such as basic nutrition and literacy training for women and other poor and underserved people. Programmes that address malnutrition and illiteracy simultaneously have achieved notable gains. For example, programmes in Bangladesh, India and Mexico have shown that incentives such as cash, food transfers or school meals encourage families to send children to school instead of putting them to work. These programmes have led to increased school attendance, especially for girls, and increased literacy rates.

Guideline 11 encourages the integration of agriculture, food safety,

### EXAMPLE 1

#### Mobilizing public and state action to provide school meals in India

Organizations around the country successfully campaigned for the introduction of nutritious school meals for all schoolchildren in India using public awareness and legal action. A 2001 court order issued by the Supreme Court obliged all state governments to introduce free, hot, cooked mid-day meals at least 200 days per year. Today these meals are served to 50 million children and have been shown to protect children from hunger, boost school attendance and help break caste prejudices, thereby fostering greater social equity.



Photo: FAO/17495



Photo: FAO/17552

nutrition, environmental and health education into school curricula at all levels. Teaching these relevant subjects at school will enable children to acquire the knowledge and skills they need to develop into healthy, self-reliant and productive citizens. It may also improve their future work capacity and help increase food production, generate income and achieve food security. Such a multifaceted, integrated approach to education, combined with related school services (e.g. nutritious school meals, clean water, adequate sanitation), can help to promote essential life skills, including safe food handling, healthy eating and disease prevention.

Education and skills training in both formal (i.e. schools) and non-formal settings (communities, farms, etc.) can assist in the acquisition of food and nutrition information as well as the protection of indigenous knowledge and skills. This is vital in HIV/AIDS-affected communities where orphaned children and youths need to acquire the knowledge and skills that further their development and enable them to build a future livelihood. One way of meeting this challenge is through the use of school gardens, which can serve as “living laboratories” where children learn how

to grow fruits and vegetables, raise livestock and conserve water and natural resources. Together with other community-based efforts, such as junior farmer field and life schools, schools can reach out and act as catalysts for improved food safety and nutrition security in homes and communities.

### **EDUCATION AND AWARENESS RAISING ABOUT THE RIGHT TO ADEQUATE FOOD**

The greatest resource of any state is the intellectual capacity of its people. Knowledgeable and aware individuals and communities are better able to engage in social and political activities that affect their livelihoods. Education about the right to food and other human rights at all levels, including professional and technical training programmes, is essential to enable the implementation of a right-to-food approach, to foster intellectual development and to respect the dignity of all persons.

Right to food education and training should be provided to nutritionists, dieticians, food safety experts and other professionals working in food and nutrition. Training should also be given

to officials who are primarily responsible for implementing the right to food, including civil servants, policy-makers and administrators of relevant programmes, as well as lawyers and judges who may be called upon to take judicial action on violations.

Once trained, these officials will understand the obligation to provide the general public with access to complete, updated and unbiased information regarding food security, the right to adequate food and its associated entitlements, including the state's obligations to respect, protect and fulfil this right. This information should be disseminated widely and effectively in appropriate formats and languages, particularly to the most food insecure.

While states bear the primary responsibility for raising awareness, other stakeholders, such as civil society organizations, consumer organizations and human rights bodies, should also



Photo: FAO/18697/G. Bizzarri

accept responsibility for providing appropriate information regarding the implementation and monitoring of right-to-food policies and programmes. Similarly, individuals such as community leaders and parents should accept responsibility for passing on information, knowledge

and skills on sound food security and nutrition practices.

A comprehensive plan of action using different methods and media will ensure that all people, especially those who are deprived of the right to adequate food, are informed of their rights and empowered to address their situation.

Awareness-raising strategies may include the diffusion of educational materials and activities through official reports, seminars, public meetings, radio and television programmes, newspaper articles, Web sites, promotional events, school lessons, theatre and popular music (see Example 2).

## EXAMPLE 2

### Raising awareness about the right to food

**The South African Human Rights Commission** publishes annual reports on progress towards the implementation of the economic and social rights recognized in the South African Constitution.

**Governments and civil society organizations in Africa and Latin America** have participated in national seminars on the right to food in Guatemala, Honduras, Mali, Sierra Leone, South Africa and Uganda.

**NGOs in India** run a right-to-food campaign that disseminates information via a comprehensive Web site; they have also organized public demonstrations and hearings, conducted social audits, initiated legal actions and conducted many other awareness-raising activities.

**The Right to Food Secretariat in Sierra Leone** has commissioned a song on the right to food aimed at the general public and distributed over the radio.

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- ⑦ SOCIAL SAFETY NETS**
- ⑧ EMERGENCIES

# BRIEF ⑦

## SOCIAL SAFETY NETS

Prepared by  
**Frank Mischler**, Economist, Agricultural and Development Economics Division, FAO  
**Bernd Schubert**, Social Protection Expert, former Director of Berlin Center for Advanced Training in Rural Development  
**Margret Vidar**, Legal Officer, General Legal Affairs Service, FAO

**T**he right to food calls on states to engage proactively in activities that facilitate economic and physical access to adequate food. States are obliged to provide food directly or provide the means for its purchase to individuals who are unable, for reasons beyond their control, to provide for themselves and their families. Budgetary limitations, however, may mean that a state is not able to provide for everyone in need. In these cases, the obligation is to move towards that

goal as expeditiously as possible, using the maximum available resources, including those from external sources. By doing so, states live up to their core obligation to provide the minimum assistance required to be free from hunger.

Social safety nets refer to cash or in-kind transfer programmes that seek to reduce poverty by redistributing wealth and/or protecting households against income shocks. Food safety nets are a subset of social safety nets that aim to assure a minimum amount of food consumption and/or to protect households against shocks to food consumption.

The Voluntary Guidelines (VGs) provide practical suggestions for using a right-to-food approach when designing, implementing and financing social safety nets. Guidelines 13 and 14 focus on support to vulnerable groups and safety nets, respectively. Guideline 15, which covers international food aid, also contains relevant principles.



Photo: FAO/17491

## DESIGN OF SOCIAL SAFETY NETS

The first step in the process of designing a rights-based food security strategy is an assessment of the nature of food security in a given context. This assessment disaggregates the heterogeneous mass of a country's food-poor households into more homogenous groups to allow identification of degrees of, and reasons for, vulnerability (see example).

Before designing a specific safety net, the following information about the overall environment must be gathered.

- > Geography, political situation and climatic conditions
- > Role of local food production, markets, employment opportunities and assets
- > Need for parallel measures in health, education, infrastructure, agriculture and financial services
- > Budget constraints to establishing, running and maintaining a safety net
- > Administrative capacity of duty bearers to deliver services
- > Preferences of rights holders



When designing a programme, there is a need to determine key constraints facing households, e.g. lack of assets or employment or lack of labour power.

In the former, conditional transfer programmes might be more appropriate, i.e. those that assume the form of food or cash for work or food or cash for education or training programmes.

Other households, however, may not have an able-bodied adult who can provide the necessary labour. Such households need assistance without the condition that recipients make active contributions. However, certain conditions may be appropriate, such as requiring that children attend school.

While ideally no one in need should be left without assistance, in practice many governments and international

agencies must prioritize their assistance programmes because of resource constraints. Prioritizing is often done on a geographical basis, targeting areas where food insecurity is more prevalent. From a human rights perspective, such an approach is second best. To assist those most in need, programmes should target individuals who are physically vulnerable, such as children, expectant and nursing mothers, people impoverished by HIV/AIDS and disabled people with inadequate support.

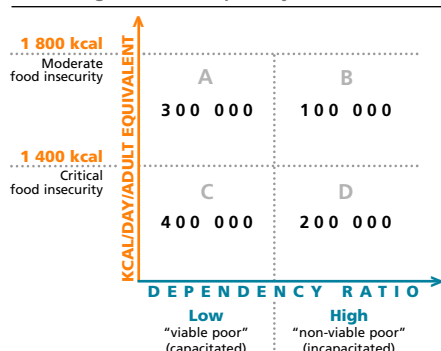
## RIGHT-TO-FOOD-RELATED PRINCIPLES FOR SOCIAL SAFETY NETS

A social safety net is part of a state's obligation to fulfil the right to food. Human rights do not prescribe any particular programme as obligatory and give states a margin of discretion to choose policies and programmes. However, in order to contribute effectively to realizing the right to food, those in charge of social protection interventions should bear in mind the following principles.

### EXAMPLE

#### Basic social protection interventions in Zambia

Number of households suffering from different categories of food poverty in Zambia (2003)



In Zambia, an assessment of the degree of food insecurity and the main reasons for food insecurity in the one million food-poor households (50 percent of all households) was undertaken.

The assessment first divided households according to how far caloric intake fell below the minimum and then divided them by their dependency ratio (i.e. the number of able-bodied adults to others in the household).

Direct transfers without conditions were subsequently made to households that had both a high level of food insecurity and lacked labour power (Group 'D' in the diagram). Programmes aimed at those with labour power included access to employment, assets and markets in order to make more productive use of their human resources (Group 'C' in the diagram).

## Targeting

- > Principles of non-discrimination must be respected.
- > Priority should be given to the most vulnerable and food insecure and traditionally disadvantaged groups.
- > Eligibility criteria should be transparent and ensure that those in need are included and those who are not are excluded.
- > Priority should be given to channelling assistance through women to enhance their decision-making roles and to ensure that household requirements are best met.

## Administration

- > Effective accountability and administrative systems are essential to prevent leakage, corruption and political abuse.
- > Assistance should be provided in a regular, reliable, timely and transparent way and must take full account of the needs and priorities of the rights holders.
- > The existing administrative capacity should be respected and strengthened, if necessary.

- > In order to maximize the benefits enjoyed by food insecure households from available social budgets, programmes have to be efficient (low transfer costs) and cost-effective (high and sustainable impact); at the same time, states should protect social protection programmes from budget cuts.

## Participation

- > Those affected by food insecurity should participate in the fullest possible way in the design, implementation and monitoring of programmes.
- > People eligible for assistance should be informed about their entitlements and legal guarantees in order to be able to exercise their rights, when necessary, in court or through other complaint mechanisms.
- > Assistance should be designed for local circumstances, taking into account the interests of local producers and the functioning of local markets.
- > Delivery of assistance should be designed to respect the human dignity and autonomy of rights holders.



Photo: FAO/17030/G. Bizzarri



GTZ/DSC00919 - www.socialcasshtransfers-zambia.org

## Holistic approach

- > Social policy should use multisectoral strategies that provide direct assistance as well as promote food security in the long term. These strategies should include access for the poorest to primary education, basic health care, clean drinking water, adequate sanitation and justice.

## ASSISTANCE IN CASH OR IN KIND?

A hotly debated issue is whether food assistance should be provided in cash or in kind.

A cash-based transfer is appropriate to foster local market development when food markets work and lack of access to food is the root cause of hunger. Unrestricted cash transfers allow poor households to invest in and spend on what they consider most important. Studies have shown that even the



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Photo: GTZ/DSC01004 - www.socialcasshtransfers-zambia.org



Photo: FAO/19538/G. Bizzarri



poorest of the poor invest some portion of a cash-based transfer in self-employment or agricultural production activities. Food-access-based transfers, such as food stamps or restricted cash transfers, can also foster local market development, though they may hinder savings and investment.

A food-supply-based approach is most appropriate when an insufficient supply of food is the root cause of hunger. In these cases, cash leads to inflation if food markets are not functioning well or not at all, as is the case in the worst emergencies.

Guideline 15 provides guidance to states with regard to international food aid. Among its provisions is that “donor States should provide assistance in a manner that takes into account

food safety, the importance of not disrupting local food production and the nutritional and dietary needs and culture of recipient populations”.

## CONCLUSION

The fundamental right to be free from hunger obliges all states, rich and poor alike, to establish safety nets for those most in need. Both the VGs and Article 2 of the International Covenant on Economic, Social and Cultural Rights acknowledge that inadequate resources are the limiting factor to establishing safety nets.

Spending on social safety nets has long been seen as unsustainable, expensive and detrimental to economic

growth. Increasingly, however, it is considered as an investment in human capital and part of a pro-poor growth strategy. Developed countries use a number of social protection mechanisms, including unemployment insurance, assistance to vulnerable individuals and pensions. Middle-income countries, such as Brazil, China and South Africa, have expanded their social cash-transfer schemes rapidly and have achieved corresponding improvements in food security. Low-income countries, while more constrained, can also take action to strengthen their social safety nets. For example, Sierra Leone, the United Republic of Tanzania and Zambia are in the process of formulating national social protection strategies and designing the next generation of poverty reduction strategies. According to Schubert, these strategies are affordable to even the poorest countries. In the case of Zambia, a social safety net for the most destitute would cost only five percent of annual official development assistance.

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## BRIEF ⑧

# EMERGENCIES

Prepared by  
**Lorenzo Cotula**, Research Associate, International Institute for Environment and Development

**N**atural and human-made disasters constitute a particularly demanding testing ground for the realization of the right to food. Very often armed conflicts and natural disasters, such as floods, earthquakes and droughts, disrupt agricultural production and thereby reduce the amount of food available in affected countries. These disasters may also undermine the ability of individuals and groups to gain access to available food, either physically (by damaging the transport infrastructure) or economically (by constraining the economic activities through which people produce or buy food). As a result, among the various means to realize the right to food, food aid (i.e. the provision of foodstuffs) and food-related aid (i.e. in-kind transfers of agricultural inputs such as seeds and cash transfers to purchase food) attain a higher level of importance during emergency situations than under ordinary circumstances.



Photo: FAO/M. Falcione

The realization of the right to food in emergencies is governed by a vast body of international law. Human rights law remains applicable in both natural and human-made disasters. While states may suspend most human rights in times of “public emergency”, the right to life, including the right to a minimum food intake to ensure survival, can never be suspended. In armed conflicts, international humanitarian law also applies. International law protects the rights of vulnerable groups such as refugees (1951 Refugee Convention and 1967 Protocol). The Rome Statute of the International

Criminal Court recognizes serious violations of the right to food as crimes punishable under international law. International law also regulates the provision of food aid (e.g. World Trade Organization norms and the Food Aid Convention 1999). International treaties protect the safety of United Nations (UN) and other humanitarian personnel. Finally, internationally recognized principles are embodied in non-binding instruments, such as the 1996 World Food Summit Declaration and Plan of Action, and the UN Guiding Principles on Internal Displacement.

The Voluntary Guidelines (VGs) build on this extensive body of law and principles. While Guidelines 16 (Natural and human-made disasters) and 15 (International food aid) are not binding *per se*, many of the principles they embody reflect and add value to existing international law by analysing human rights and humanitarian and economic law through a right-to-food lens.

## WHAT AFFECTED STATES MUST DO

Even in emergencies, states have a duty to take steps towards the progressive realization of the right to food “to the maximum of their available resources” (International Covenant on Economic, Social and Cultural Rights, Article 2). In particular, states affected by natural or human-made disasters must:

- > refrain from hindering the exercise of (lawful) activities that individuals and groups undertake to produce or procure food and from restricting their access to humanitarian consignments (“obligation to respect”);
- > prevent armed groups or other entities from looting foodstuffs and from depriving civilians of access to food (“obligation to protect”);
- > facilitate the passage of humanitarian consignments and ensure the safety of humanitarian personnel (“obligation to facilitate”);
- > provide support to individuals and groups, such as refugees and internally displaced persons, who are unable to feed themselves (“obligation to provide”).

If an affected state is unable to fulfil these obligations on its own, it must request assistance from the international community.

In armed conflicts these principles are compounded by norms of international humanitarian law that apply both to states and to non-state entities such as militias. For instance, the obligations to respect and protect are inherent in the humanitarian laws that prohibit the starvation of civilians as a method of warfare and prohibit the attack and destruction of items that are indispensable to the survival of the civilian population, such as foodstuffs, cultivated fields, crops, livestock and water infrastructure. Serious violations of these obligations can lead to criminal prosecution before domestic courts or the International Criminal Court (see Example 1).



Photo: FAO/6724/F. Botts

### EXAMPLE 1

#### UN Security Council Resolution on Darfur

With Resolution 1593 of 2005, the UN Security Council decided to refer alleged violations of humanitarian and human rights law in Darfur, the Sudan, to the Prosecutor of the International Criminal Court. These allegations include the destruction of villages and water points, the burning of crops and the looting of civilian property, all of which have led to mass forced displacement of civilians.



Photo: FAO/19939/H. Toros



## HOW THE INTERNATIONAL COMMUNITY SHOULD SUPPORT STATE EFFORTS

The international community should support the efforts of affected states in a variety of ways – from international cooperation on early warning to food aid. Guideline 15 contains several principles on international food aid, which can be grouped into three categories.

First, food aid should not disrupt the local economy and should take account of long-term rehabilitation and development. Literature shows the possible negative effects of international food aid on local food markets (depressing food prices) and production (discouraging agricultural production). Where these effects materialize, food aid may undermine the realization of the right to food in the long term. To minimize these harmful effects, special care must be placed in the design of food and food-related aid programmes (see Example 2).

Effective early warning systems, appropriate emergency preparedness measures and a good understanding of local coping strategies are key to preventing or mitigating the effects of natural and human-made disasters. Guideline 16 calls for state action and international cooperation on these issues. States should take steps such as stocking foodstuffs and establishing adequate food distribution systems to prepare for times of emergency. Implementation of other guidelines would also contribute to effective

early warning systems. For example, Guideline 1 (Democracy, good governance, human rights and the rule of law) calls on states to promote, among other things, freedom of expression, freedom of the press and freedom of assembly and association. Research shows that countries guaranteeing freedom of expression are less likely to experience famines because of the free flow of information and the resulting pressure a free press puts on a government to act (Drèze and Sen, 1991).

### EXAMPLE 2

#### Design of food aid programmes

Aid programmes that minimize harmful effects on local food production:

- > provide aid on the basis of a sound assessment of needs and only “when it is the most effective and appropriate means of assistance” (Food Aid Convention, Article VIII);
- > consider the best options for the provision of aid, including the distribution of foodstuffs, cash transfers to households and combinations of both. Cash transfers have been tried in a variety of settings, including recent relief operations in Ethiopia, the Islamic Republic of Iran and Somalia (Harvey, Slater and Farrington, 2005). In Mozambique, a United States Agency for International Development relief programme for flood victims involved the distribution of cash to women heads of household through a local commercial bank; the programme is reported to have been a cost-effective mechanism to enable households to buy food, livestock and seeds (Hanlon, 2004);
- > where food aid is provided in kind, consider purchasing foodstuffs in a developing country rather than in the North (triangular purchase) or in one part of the affected country for supply in a deficit area of the same country (local purchase);
- > design a clear exit strategy and terminate aid programmes when appropriate.

Photo: FAO/17881/A. Conti



## GENDER DIMENSIONS OF EMERGENCIES

Emergencies affect men and women differently and may also affect the power relations between men and women. This is particularly true of armed conflicts where men and boys are more likely to be recruited to fight and more likely to be injured and killed. As a result, women assume greater responsibility for food production and economic activities. Women and girls become more vulnerable to assault and sexual abuse during periods of armed conflict and may be forced to move from their home and land. When peace is restored, gender relations can be strained as women and men readjust to peace. The VGs encourage food aid to be channelled to women both to empower them and to increase the chances of equitable distribution within the household.

Second, aid programmes must comply with a range of international norms and standards, including the “universally recognised humanitarian principles” determined by international humanitarian law.

These include the principles of impartiality and non-discrimination; that is, aid should be provided solely on the basis of need. Similarly, priority should be given to the most vulnerable

groups, including expectant and nursing mothers and children.

Third, local circumstances, dietary traditions and cultures should be taken into account when providing aid to the extent that the urgency of need and availability of resources allow. Additionally, the assessment of needs and the planning, monitoring and evaluation of aid programmes should be done, as far as possible, in a participatory manner.

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Suggested citation: FAO, GTZ. 2005. “Right to Food – Putting it into Practice”. Rome.  
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