



Food and Agriculture Organization  
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RIGHT TO FOOD  
GUIDELINES

**+10**

RENEW  
THE COMMITMENT



# INSTITUTIONAL FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD

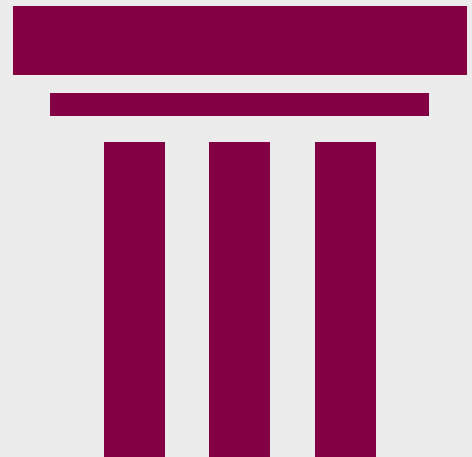
THEMATIC STUDY 2

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## Foreword

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To celebrate the 10th anniversary of the adoption of the *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* (hereinafter “Right to Food Guidelines”), the FAO Right to Food Team has prepared seven thematic studies that document and highlight progress made over the last ten years, while also capturing the challenges ahead in relation to major issues covered by the Right to Food Guidelines (RtFG). The studies are helpful in reflecting upon current gaps and areas of improvement for future implementation of the guidelines and valuable for every person or organization that works in the context of national food security and is interested in realizing the right to adequate food by implementing the RtFG.

The thematic studies<sup>1</sup> cover the following topics:

- 1. THE CURRENT STATUS OF THE RIGHT TO ADEQUATE FOOD IN FOOD SECURITY AND NUTRITION POLICY DESIGNS**  
Guidelines 2, 3, 5, 6 and 13
- 2. INSTITUTIONAL FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD**  
Guidelines 5, 18
- 3. LEGAL DEVELOPMENTS IN THE PROGRESSIVE REALIZATION OF THE RIGHT TO ADEQUATE FOOD**  
Guidelines 7
- 4. NATURAL RESOURCES GOVERNANCE AND THE RIGHT TO ADEQUATE FOOD**  
Guideline 8
- 5. SOCIAL PROTECTION AND AN ENABLING ENVIRONMENT FOR THE RIGHT TO ADEQUATE FOOD**  
Guidelines 8, 14
- 6. NUTRITION, EDUCATION AND AWARENESS RAISING FOR THE RIGHT TO ADEQUATE FOOD**  
Guidelines 10, 11
- 7. INTERNATIONAL DIMENSIONS OF THE RIGHT TO ADEQUATE FOOD**  
Guideline 19, Part III

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<sup>1</sup> The views expressed in these thematic studies are those of the authors and do not necessarily reflect the views or policies of FAO. The conclusions given are considered appropriate at the time of preparation. They may be modified in the light of further knowledge gained.

## Acknowledgment

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The author would like to express his gratitude to the following experts, which have provided useful insights and recommendations: Shoghag Ajemian, Luisa Cruz, Juan Carlos García y Cebolla, Barbara Ekwall, Maarten Immink, José María Medina Rey, Frank Mischler, Serena Pepino, Mauricio Rosales, Mark Smulders, Margret Vidar and Sisay Yeshanew. The author wishes to thank Andrew Park, who edited this Thematic Study.

## List of acronyms

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<b>ACHPR</b>	African Commission on Human and Peoples' Rights
<b>APF</b>	Asia Pacific Forum of National Human Rights Institutions
<b>CESCR</b>	Committee on Economic, Social and Cultural Rights
<b>CFS</b>	Committee on World Food Security
<b>ECOWAS</b>	Economic Community of West African States
<b>FAO</b>	Food and Agriculture Organization of the United Nations
<b>FSN</b>	Food Security and Nutrition
<b>ICC</b>	International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>IEH</b>	Institute of Hunger Studies
<b>NHRI</b>	National Human Rights Institution
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>SAHRC</b>	South African Human Rights Commission
<b>SETSAN</b>	Technical Secretariat for Food and Nutrition Security
<b>SISAN</b>	National Food and Nutrition Security System
<b>UN</b>	United Nations





## 1. METHODOLOGY

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While definitions of an institutional framework can vary substantially, this Thematic Study focuses solely on institutions as organizations “with defined functions on food security, with a final objective of turning food and nutrition security into a national strategy with means and resources for its implementation” (FAO and IEH, 2012). As a general rule, an institution “can be regarded as an agent performing a specific function that is foreseen in a public policy, strategy or programme, or for executing a law or regulation” (FAO, 2009a). Hence, these functions will be explored through the organizational aspects of such institutions.

The types of institutions to be detailed are limited in scope and fall under the following categories: (i) **executive and legislative bodies**, described by Guideline 5; (ii) **human rights institutions**, as provided for in Guideline 18; and (iii) **judicial or quasi-judicial bodies**, referred to in Guideline 7. The dimensions of these institutions will be discussed and analysed according to the guidance provided by the Right to Food Guidelines. Although the length of the study restricts the depth with which each component can be discussed, the intent is to cover important structural aspects of these institutions. Thus the methodology will be guided by the following dimensions: **capacity**, which includes responsibility, authority and resources; active and empowered **participation**; **accountability**; and **transparency**.<sup>2</sup> Moreover, since the types of institutions to be discussed are not all similar, the emphasis may be placed on different dimensions from one type of institution to another. Throughout the analysis, global, regional and national examples of good and innovative practices will be highlighted, while general challenges will be discussed. Questions related to global-level awareness, regional coordination and national actions on institutional frameworks for the right to adequate food shall also be addressed. By no means does it intend to be a comprehensive documentation of all the developments worldwide.

Altogether, this methodology will serve as a basis for discussing advances and challenges in institutional frameworks over the past decade, while providing a broad picture of current conditions, and identifying ways in which the contributions of these institutions to the realization of the right to adequate food can be strengthened over the coming years.

## 2. EXECUTIVE AND LEGISLATIVE BODIES

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The first category of institutions serves to act upon or coordinate the implementation of policies and programmes on the right to adequate food. At the national level, Guidelines 5.1 and 5.2 provide the general vision for the two main types of executive and legislative bodies: food security and nutrition councils, and coordination institutions. While there are many instances where one institution comprises both functions, the benefits of “separate bodies for internal government coordination and for dialogue on policies, participation and coordination of stakeholders’ efforts” have been documented (FAO, 2013a). Based on Guideline 19, the role of regional and global bodies in facilitating the coordination of national efforts to realize the right to adequate food will then be illustrated.

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2 Participation, accountability and transparency are part of the PANTHER principles used by FAO, which are an interpretation of the human rights principles put forth in the human rights-based approach to development. PANTHER stands for: Participation, Accountability, Non-discrimination, Transparency, Human dignity, Empowerment and Rule of law.

## 2.1 National

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The Right to Food Guidelines mainly focus on the implementation of the right to adequate food at the national level. In order for this to be achieved, several elements should contribute to the process. From an institutional point of view, a central role has to be played by food security and nutrition councils and coordination institutions. These institutions can “ensure the concerted implementation, monitoring and evaluation of policies, plans and programmes” from relevant government ministries, agencies and offices (FAO, 2005: 5.2).

Clarity must be a key feature when establishing the different capacity aspects of an institution. An important component is the establishment of a clear and broad mandate, preferably through a framework law,<sup>3</sup> which allows the institution to carry out its work on areas vital to the realization of the right to adequate food (FAO, 2005: 5.1). In 2006, the Federative Republic of Brazil clearly stated the mandate of its National Food and Nutrition Security System (SISAN), which is to “formulate and implement policies, plans, programs, and actions which seek to guarantee the human right to adequate food” (Brazil, 2006). Other than this example, however, there are still too few institutions to date that can act on a mandate that explicitly covers the right to adequate food.

Although different countries may confer different forms of authority on their institutions, it is vital to entrust them with the highest possible credibility (FAO, 2009b). In doing so, the institutions are able to provide recommendations that give birth to concrete actions by decision-makers, rather than mere suggestions that are not then taken into account in concrete legislative or executive actions. An interesting example of this component arises from the Plurinational State of Bolivia with its National Council for Food and Nutrition (CONAN), which was reformed in 2006 while under the coordination of the Ministry of Health. It is supported by the leadership of the President in carrying out its mandate, which encompasses the coordination of various stakeholders involved in interventions aimed at the realization of the right to adequate food (Bolivia, 2006).

A third component of capacity which is important for the efficiency of institutions is the provision and guarantee of resources. Both financial and human resources have to be adequate, identifiable and planned for long-term (FAO, 2009b) so that they are not vulnerable to fluctuations in the national political scene. In the Republic of Mozambique, a 2012 decree strengthened the Technical Secretariat for Food and Nutrition Security (SETSAN) on several fronts, one of which was the assurance that human and financial resources be managed by SETSAN's administrative and finance department, so as to support the coordination of the right to food agenda entrusted in the Secretariat (Mozambique, 2012). Meanwhile, since 2007, the Kingdom of Cambodia has demonstrated an interesting way in which human resources can be empowered. Through an “approach [that] mainly consists of capacity building for decision makers and key stakeholders of policy dialogue on national and sub-national levels, strengthening coordination among different systems of collection, analysis and dissemination of FSN-related information, and on piloting the mainstreaming of food security and nutrition in the decentralized planning process”, the Council for Agricultural and Rural Development (CARD) of Cambodia has established a National Trainer Pool on Food Security and Nutrition, which provides a national source of empowerment (Government of Cambodia, 2014). Such an approach, applied in light of Guideline 11.9, offers an innovative way of ensuring that practitioners are adequately educated on the right to adequate food.

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<sup>3</sup> Please refer to the Thematic Study on legal frameworks for further details on framework laws.

The participation of all relevant stakeholders, as indicated in Guideline 3.8 and recommended by Guidelines 5.4 and 6, is another key component for the efficiency and sustainability of institutions.

For example, by way of an organic law on the food sovereignty regime in 2009, the Republic of Ecuador has provided a clear provision on social participation within its Food Sovereignty and Nutrition System for all matters related to food sovereignty laws and policies (Ecuador, 2009: Art.31). Another clear provision touches upon the representation of non-governmental actors in its Plurinational and Intersectoral Conference on Food Sovereignty (Ecuador, 2009: Art. 33). Such provisions, coupled with capacity building activities on the right to adequate food (as promoted by Guideline 11.11), can increase the likelihood of realizing this right.

Finally, the basis of effective actions to realize the right to adequate food partially resides in strong accountability and transparency features, a component detailed in Guideline 3.9. As per the Right to Food Guidelines, “in order to ensure transparency and accountability, the functions and tasks of [the] institution would need to be clearly defined, regularly reviewed and provision made for adequate monitoring mechanisms” (FAO, 2005: 5.3). Consequently, for executive and legislative bodies to be effective and as efficient as possible in their contribution to the realization of the right to adequate food, there must be a continuous commitment by the authorities to constantly identify shortcomings and adopt necessary corrective measures (FAO, 2005: 17.2).

## 2.2 Regional

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Following the recommendation of Guideline 3.10, recent years have witnessed an increase in innovative regional institutional methods to coordinate state strategies and actions for the realization of the right to adequate food. One approach has been to establish parliamentary fronts as platforms conducive to the exchange of experiences, challenges and recommendations among various countries. One such example is the Parliamentary Front against Hunger in the Latin America and Caribbean region, created in 2009, with the objective of assisting in the realization of the right to adequate food at all levels, notably by promoting institutional frameworks conducive to this goal. The front promotes several methods to achieve this, such as discussions among the various stakeholders; awareness raising campaigns; collaboration with civil society; and the creation of national parliamentary fronts (FAO, 2014). Consequently, since the declaration of its intentions in 2010, several national parliamentary fronts have been established, with a total of 14 as of 2014 (FAO, 2014). More recently, another approach has been for regional institutions to join the UN Secretary-General's Zero Hunger Challenge. Since 2003, the Comprehensive Africa Agriculture Development Programme (CAADP) has served to promote coordination among the various regional stakeholders on issues having an impact on the realization of the right to adequate food. Dialogue and coordination through such a regional platform have helped pave the way for subregional initiatives. This year West Africa, under the auspice of the Economic Community of West African States (ECOWAS and FAO, 2014), has launched the Zero Hunger Initiative to ensure that every man, woman and child enjoys the right to adequate food, by collectively strengthening the exchanges and actions for its national and regional implementation (ECOWAS and FAO, 2014).

## 2.3 Global

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Following the 2008 rise in food prices, issues related to food and nutrition gained political attention at the global level, with bodies such as the High-Level Task Force on the Global Food Security Crisis being established. An important sign of progress for the realization of the right to adequate food came with the reform of the Committee on World Food Security (CFS) in 2009, with the Committee striving to become “the foremost inclusive international and intergovernmental platform for a broad range of committed stakeholders to work together in a coordinated manner and in support of country-led processes towards the elimination of hunger and ensuring food security and nutrition for all human beings” (CFS, 2012). Since the adoption of the Right to Food Guidelines in 2004, there has been a sharp increase in the priority given to the right to adequate food within this platform. For instance, two recently adopted documents feature the realization of the right to food as a cornerstone piece. The Global Strategic Framework for Food Security and Nutrition, which is the central guiding framework of the CFS, notably reiterates the obligations of states towards the realization of the right to adequate food; uses the right to adequate food definition stipulated by the Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment 12 of 1999; and emphasizes human rights principles for strategies at the country level (FAO, 2013b). And the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGT),<sup>4</sup> among their various similarities and linkages with the Right to Food Guidelines, have the realization of the right to adequate food as an overarching objective (FAO, 2012: 1.1). In all, Guideline 19 requires states to create an international enabling environment for the implementation of the right to adequate food; bodies such as the aforementioned Committee and the High-Level Task Force greatly contribute to this end.

In conclusion, over the past decade, examples at different levels show the evolution in mainstreaming the right to adequate food as a central element of development practices related to food security and nutrition institutions.

## 3. HUMAN RIGHTS INSTITUTIONS

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Fundamental actors in monitoring the realization of the right to adequate food and providing recommendations so as to better guarantee its implementation, “[n]ational human rights institutions are State bodies with a constitutional and/or legislative mandate to protect and promote human rights. They are part of the State apparatus and are funded by the State. However, they operate and function independently from government” (ICC, 2014). Guideline 18 provides the overarching vision for the contribution of national human rights institutions to the realization of the right to adequate food, while the contribution of regional and global bodies are also discussed.

### 3.1 National

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Although there are currently over 60 human rights institutions worldwide that comply with the 1991 Paris Principles (UN General Assembly, 1993), thus earning the “A” status in the latest revision of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights

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4 Please refer to the Thematic Study on natural resources for further details on the VGGT and the right to food.

(ICC, 2013), not all of them have a clear mandate on the right to adequate food (FAO, 2005: 18.1). As reaffirmed in the 1993 Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, “[a]ll human rights are universal, indivisible and interdependent and interrelated” (UN World Conference on Human Rights, 1993). Bearing this in mind, human rights institutions have a pivotal role to play, particularly through education and monitoring for the realization of all human rights, including the right to adequate food. To that end, there are a number of countries that have indeed provided their human rights institutions with a clear mandate that includes the right to adequate food. Three such examples come from the United Mexican States, the Republic of South Africa, and Mongolia. Provided for in the Constitution of Mexico, the National Commission on Human Rights (CNDH) of Mexico is an agency that has administrative and budgetary autonomy as well as legal personality and patrimony (Government of Mexico, 2014). The Commission has for its mandate the “protection, enforcement, promotion, study and dissemination of human rights provided by Mexican law” (Mexico, 1992: Art. 26), which explicitly include the right to adequate food since 2011, as stated in the Constitution. While the Constitution of the Republic of South Africa guarantees the right to adequate food for all, the South African Human Rights Commission (SAHRC) has the following mandate:

1. The South African Human Rights Commission must –
  - a) promote respect for human rights and a culture of human rights;
  - b) promote the protection, development and attainment of human rights; and
  - c) monitor and assess the observance of human rights in the Republic.
  
2. The Commission has the powers, as regulated by the national legislation, necessary to perform its functions, including the power [to] –
  - a) investigate and report on the observance of human rights;
  - b) take steps and secure appropriate redress where human rights have been violated;
  - c) carry out research; and
  - d) educate.
  
3. Each year, the Commission must require relevant organs of state to provide the Commission with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment.

Moreover, in 2013, the Commission embarked on a national right to food campaign to promote this nationally and internationally guaranteed human right (SAHRC, 2014). In Mongolia, the National Human Rights Commission of Mongolia was established in 2000 with a mandate for the “promotion and protection of human rights and freedoms, provided for in the Constitution of Mongolia, Mongolian laws and international treaties to which Mongolia is a party” (Mongolia, 2000: Art. 3.1). As a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) as well as its Optional Protocol in force since 2013, the National Human Rights Commission of Mongolia is thus entrusted with the promotion and protection of the right to adequate food. With economic guarantees provided for by its constitutive Act that allow for the independent conduct of its activities, the Commission can carry out its mandate through the powers it

is conferred as well as several activities at its disposal, such as close collaborations with international, regional and other national human rights institutions (Mongolia, 2000: Arts. 13 and 22).

Besides a clear and strong mandate, several other facets of human rights institutions are important. For instance, the resources and participation of various stakeholders need to be clearly provided for to promote independence and autonomy, as indicated in Guideline 18 as well as in the Paris Principles. Such independence is key for these institutions to efficiently monitor the implementation of the right to adequate food, thus contributing to accountability and transparency. An interesting example comes from the Federal Republic of Germany. Established in 2001, the German Institute for Human Rights is an independent non-profit association that has the mandate to “inform on the situation of human rights in Germany and abroad and contribute toward the prevention of human rights violations and towards the promotion and protection of human rights” (Deutsches Institut für Menschenrechte, 2013: § 2.1). Its budget comes from the German federal government through several ministries. Broad participation is guaranteed at the highest level where the board of trustees, which sets out the terms of reference of the Institute’s work, is composed of representatives from civil society, academia, and the media and politics (Deutsches Institut für Menschenrechte, 2014). Moreover, its independence and the participation of various stakeholders are both guaranteed in its Statutes (Deutsches Institut für Menschenrechte, 2013: § 3):

The Association is politically independent. It acts on its own initiative and independently of any requirements and instructions from the German Federal Government or other public and private agencies. The majority of members of its governing bodies will be representatives of civil society. They are to reflect the plurality of views of government and non-government agencies concerned with human rights issues and the Institute’s comprehensive remit.

Over the past decade, National Human Rights Institutions – such as those in Colombia, El Salvador, Guatemala, Mozambique and Nepal, together with FAO and other stakeholders, have strengthened their capacities on the right to adequate food applying elements from the Right to Food Guidelines. Such experiences can prove helpful for other countries in the future.

### 3.2 Regional

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At the regional level, several actions can be taken to offer institutional support to the realization of the right to adequate food. One such action is to establish a regional forum of human rights institutions. Established in 1996 by the Larrakia Declaration, the Asia Pacific Forum of National Human Rights Institutions (APF), which initially only consisted of Australia, the Republic of India, the Republic of Indonesia, and New Zealand, has grown considerably in importance over the years and is now a prime example of regional collaboration for the realization of human rights. The Forum, which aims “to protect and promote the human rights of the people of the Asia Pacific region”, currently has 15 full members, consisting of 15 national human rights institutions in compliance with the Paris Principles, and six associate members, which are institutions that have not yet received the “A status” from the ICC (APF, 2014). Such a forum can be a great regional tool for coordinated regional and national actions towards the realization of the right to adequate food, as long as all human rights including the right to adequate food are promoted and protected.



Another interesting practice emerges from the African Commission on Human and Peoples' Rights (ACHPR), which invites national human rights institution representatives to submit communications and take part in its public sessions. This was the case with the Network of African National Human Rights Institutions in the last Ordinary Session of the Commission in Angola (ACHPR, 2014). Such a platform can provide national human rights institutions with a great venue to raise important matters related to the realization of the right to adequate food in their national or regional contexts.

### 3.3 Global

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At the global level, several important institutions for the realization of human rights exist. One such body is the Human Rights Council, an intergovernmental body made up of 47 States responsible for the promotion and the protection of all human rights. The Human Rights Council has several means at its disposal to carry out its mandate, among which: the Complaint Procedure to address consistent patterns of gross and reliably attested violations of human rights; the Universal Periodic Review which reviews the human rights records of all UN Member States; as well as a mechanism referred to as Special Procedures which comprises a variety of independent experts and working groups on a broad range of rights. Initially established by Resolution 2000/10 in 2000 and extended most recently by Resolution 13/4 of the Human Rights Council in 2010, the Special Rapporteur on the Right to Food is entrusted with a mandate to promote the realization of the right to food and the adoption of measures at national, regional and international levels, most notably by working in close cooperation with all states, intergovernmental and non-governmental organizations, the CESCR, and other relevant stakeholders (OHCHR, 2014). Through the submission of annual reports on the right to adequate food and relevant thematic issues to the Human Rights Council and the United Nations General Assembly, as well as through country missions and communications with governments, the Special Rapporteur contributes greatly to the promotion of the implementation of the Right to Food Guidelines and the realization of the right to adequate food (FAO, 2005: 19.15).

## 4. JUDICIAL AND QUASI-JUDICIAL BODIES

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The third and last category of institutions represents the main venue for providing victims of right to food violations with access to "adequate, effective and prompt remedies" (FAO, 2005: 7.2). In fact:

"[a]ny person or group that is victim of a violation of the right to adequate food should have access to effective judicial or other appropriate remedies [and] are entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition [while] recourse mechanisms can include courts, administrative tribunals, complaint mechanisms through administrative procedures as well as complaint mechanisms provided by NHRIs" (OHCHR and FAO, 2010).

In the following sections, the national emphasis shall be placed on courts, the regional perspective will address human rights courts, and the global outlook will present United Nations Treaty bodies.

## 4.1 National

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In the case of courts, the focus of the analysis resides on two main components that contribute to the realization of the right to adequate food: mandates and human resources. One general weakness has been the lack of expertise on human rights, particularly socio-economic rights which include the right to adequate food, by national judges and practitioners. This can be addressed through capacity strengthening on international law and, more specifically on the international commitments that a country has made. As for mandates, a clear mandate enabling courts to hear and rule on all the human rights found in constitutions and national laws, as well as international instruments to which a country is party, is fundamental. The Republic of Kenya offers one such example. Entered into force in 2010, the Constitution of Kenya provides both an explicit guarantee of the right to adequate food to every citizen and a clear mandate to the court to enforce it:

Article 20 – (4) In interpreting the Bill of Rights, a court, tribunal or other authority shall promote:

- (a) the values that underlie an open and democratic society based on human dignity, equality, equity and freedom; and
- (b) the spirit, purport and objects of the Bill of Rights.

Article 21 – (1) It is a fundamental duty of the State and every State organ to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights.

(2) The State shall take legislative, policy and other measures, including the setting of standards, to achieve the progressive realization of the rights guaranteed under Article 43.

(4) The State shall enact and implement legislation to fulfil its international obligations in respect of human rights and fundamental freedoms.

Article 23 – (1) The High Court has jurisdiction, in accordance with Article 165, to hear and determine applications for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the Bill of Rights.

Article 43 (1) – Every person has the right:

- (a) to the highest attainable standard of health;
- (c) to be free from hunger, and to have adequate food of acceptable quality.

Although a clear mandate to act upon the right to adequate food is essential, the national experiences presented below show alternative ways in which a court can nonetheless contribute to the protection and the realization of the right to adequate food.<sup>5</sup>

In the Republic of Colombia, the Constitutional Court has referred to the interdependence of human rights and the rights provided for by the Constitution, interpreted together with the ICESCR, to argue for a guarantee of the right to adequate food (Colombia, 2004). In India, the Supreme Court has interpreted the right to life as comprising a right to food (India, 2001). A similar approach was used in

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5 For further details on jurisprudence, please refer to the Thematic Study on legal framework.



the Swiss Confederation by the Federal Tribunal, which interpreted the right to be free from hunger as being tributary of the right to live in dignity (Switzerland, 1995). Finally, in the Argentine Republic, where the Constitution provides for the direct applicability of international instruments, the Supreme Court has further reaffirmed the direct applicability for the right to adequate food (Argentina, 2007).

## 4.2 Regional

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At the regional level, following the principle of subsidiarity, regional human rights courts can provide an important venue if violations of the right to adequate food have not been properly redressed at the national level. Bearing this in mind, the African continent offers an interesting example. Established in 2006 by virtue of Article 1 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, the African Court on Human and Peoples' Rights has a jurisdiction that "extend[s] to all cases and disputes submitted to it concerning the interpretation and application of the Charter, this Protocol and any other relevant Human Rights instrument ratified by the States concerned", and can arguably "apply the provision of the Charter and any other relevant human rights instruments ratified by the States concerned", which includes the ICESCR to which most African countries are States Parties (ACHPR, 2004). Although quite recent, it illustrates a potentially valuable venue for the protection of the right to adequate food at the regional level.

## 4.3 Global

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One of the better known protections for the right to adequate food in international law is that conferred by the ICESCR. The Committee on Economic, Social and Cultural Rights provides an example of a global body that can take action regarding the right to adequate food. The Committee, which is entrusted with monitoring the implementation by states of the various treaty provisions, has seen its power broadened over the past few years. After a wait of more than 40 years, the Optional Protocol to the ICESCR was finally adopted and opened for ratification in 2008, and later entered into force in 2013, three months after the tenth ratification by a State Party. This important milestone entrusts the Committee with additional capacities for the international justiciability of the rights guaranteed in the ICESCR, in cases where proper justiciability is not accomplished at the national level. For instance, the Committee is able to receive and consider communications from individuals or groups, under the jurisdiction of States Parties, claiming to be victims of a violation of any of their economic, social and cultural rights, including the right to adequate food (UN General Assembly, 2008: Art. 2). In the consideration of a communication, it can request a State Party to take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violations (UN General Assembly, 2008: Art. 5). Moreover, States Parties are required to take all appropriate measures to ensure that claimants will not be subjected to any form of ill treatment or intimidation as a consequence of communicating with the Committee (UN General Assembly, 2008: Art. 13). Finally, with the consent and cooperation of a State Party, the Committee can conduct a confidential inquiry which may include a visit to the country in cases indicating grave or systematic violations of any of the economic, social and cultural rights set forth in the ICESCR (UN General Assembly, 2008: Art. 11). Thus, this important development offers an international mechanism for victims of right to food violations to resort to if they are not satisfied with the domestic judicial outcome of their claim.

## 5. LESSONS LEARNED

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As the awareness of the right to adequate food has grown since the adoption of the Right to Food Guidelines, a wide range of institutions have been established or strengthened at national, regional and global levels to contribute to the realization of the right to adequate food. At the global level, through examples from the CFS, the Human Rights Council special procedures and the Committee on Economic, Social and Cultural Rights, the increased awareness, dissemination of information and overall gain in momentum has been underlined. At the regional level, examples such as the Parliamentary Front against Hunger in the Latin America and Caribbean region, the ECOWAS Zero Hunger Initiative, the Asia Pacific Forum of National Human Rights Institutions, the African Commission on Human and Peoples' Rights, and the African Court on Human and Peoples' Rights have demonstrated a wide array of platforms and forums through which regional institutions can provide places for discussion and coordination on experiences, challenges and opportunities. At the national level, an abundance of state experiences from different perspectives has shown the ways in which their commitment to the realization of the right to adequate food can be manifested through institutional frameworks.

While acknowledging and praising such advances and the potential that they offer, we cannot stay blind to the fact that much more still needs to be done in order to eradicate hunger and malnutrition, and to guarantee the realization of the right to adequate food for all. Institutional frameworks having an important role to play in this regard; based on recent progress, some of the main findings are as follows:

- Whether they be executive bodies, human rights institutions or judicial bodies, one recurring central element is the necessity for these institutions to have a clear mandate to effectively and efficiently act on the realization of the right to adequate food for all. Without such a mandate, the contribution of these institutions can only be limited.
- Adequately funded and empowered human resources on human rights matters can efficiently carry out their activities aimed at contributing to the realization of the right to adequate food.
- Increasing the accountability and transparency of institutions can ensure the active and effective participation of all relevant stakeholders.
- Active and effective participation of non-governmental actors in global, regional and national institutions has greatly contributed to highlighting the daily struggle of the most vulnerable and has contributed to the progressive realization of the right to adequate food.
- Recent years have seen an increase in supra-national actions and forums, illustrated by the increasing number of states that have signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

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The Food and Agriculture Organization of the United Nations (FAO) would like to thank the Governments of Norway and Spain for the financial support which made possible the development of this report.



### For further information

Visit the Right to Food website [www.fao.org/righttofood](http://www.fao.org/righttofood)  
and the thematic page on FAO's role in the fulfilment of the Right to Food  
[www.fao.org/human-right-to-food](http://www.fao.org/human-right-to-food)  
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