

RIGHT TO FOOD

Making it Happen

Progress and Lessons Learned
through Implementation



THE
RIGHT
TO
FOOD



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The Food and Agriculture
Organization of the United Nations

2011



Reprint 2013

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ISBN 978-92-5-106890-8

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Foreword

Approximately six years have passed since the adoption of the 'Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security' (Right to Food Guidelines). The consensus found at FAO Council in 2004 on these Guidelines represents a milestone in the development of the right to food, reflecting FAO members' vision of a world without hunger, made possible by linking food security instruments to human rights and governance tools tackling the root causes of hunger.

A high number of people persistently suffer from hunger and recurring food crises. In this context, the right to food is an essential element to confront circumstances which have affected so disproportionately the most vulnerable people and deprived them of both access to and the means to procure food. The time has come to bridge the gap between the unacceptable reality of a growing number of starving people and the vision of a world free from hunger.

An approach based on the right to food and good governance can bring about an essential contribution towards bridging this gap. The right to food does not replace existing development efforts towards hunger reduction: it rather brings a new dimension and complements traditional approaches to fight food insecurity. It does this by providing a legal framework and stressing the notions of rights of individuals and obligations of States. It also ensures the establishment of mechanisms to increase accountability of all – citizenry and government as well as development agencies and other stakeholders. By focusing on the most vulnerable, the right to food ensures that targeted action will benefit the hungry without discrimination. By promoting transparency, participation and accountability, it improves the efficiency of measures taken by governments and stakeholders. Finally, by empowering the poor, it ensures that they have a voice, are involved in decision-making and can claim their rights.

In the past few years, FAO has successfully supported several initiatives at country level and has gained considerable experience in promoting the right to food worldwide. This knowledge was brought together during the Right to Food Forum held at FAO headquarters in Rome in October 2008. The Forum provided a platform for over 400 representatives from FAO member countries, civil society organizations, international organizations and academia to share practical experiences and lessons learned from these pilot activities; discuss the progress, constraints and achievements reached so far; and identify new ways to promote the realization of the right to food as a human right. The resulting exchanges contributed to creating a momentum for a strengthened commitment towards promoting the right to food and principles of good governance, particularly at country level.

Recent initiatives have consolidated the right to food both as an objective and as a tool to achieve food security for all. As an objective, the right to food provides an overarching framework that guides efforts at international, national, regional and sub-national levels to address food insecurity and its structural root causes. As a tool, applying human rights principles in policy processes creates a better chance for increased efficiency, effectiveness and impact of policy and operational measures to achieve food security for all. The right to food implies a change of perspective: the hungry cease to be a problem; they become both part of the solution and actors of their own development.

Right to Food – Making it Happen is the first publication that brings together the practical experiences and lessons learned during the years 2006 to 2009 with the implementation of the



right to food at country level, based on the Right to Food Guidelines. It looks at how the right to food has been integrated into policy planning, strategy formulation, programme design and legislative processes throughout Latin America, Africa and Asia. It also highlights successes to be applauded and challenges to be met in five countries that took concrete steps to focus on the right to food when they identified the hungry, conducted assessments, developed strategies, adopted legislation, strengthened coordination and set up monitoring and accountability mechanisms.

These pages shed light on right to food achievements during the period 2006-2009, as well as progress in advancing its legal, political and institutional dimensions. Such progress paves the way to a more all-encompassing adoption of the right to food and good governance principles at the global and national levels, and also in multilateral agencies dealing with food and agriculture like FAO, guiding their work in the fight against hunger and the attainment of the Millennium Development Goal 1.

May the experiences, conclusions and recommendations in this publication serve as an inspiration for further action and an increased commitment towards a human right that is here to stay.

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'D' followed by a horizontal line.

Jacques Diouf

Director-General

Food and Agriculture Organization of the United Nations

Acknowledgements

This volume represents four years of intensive work by FAO and partners throughout the world in assisting countries in the formulation and implementation of legislation, strategies, policies and programmes recommended in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Right to Food Guidelines) approved by FAO Council in 2004. During this time, several right to food initiatives were successfully undertaken and considerable experience gained in advancing the right to food worldwide.

Many people have contributed to the contents of this document, which is a collection of valuable lessons learned and recommendations reflecting the past years of implementation activities based on the different experiences at country level and assisted by the Guidelines.

FAO is proud to acknowledge the groundbreaking work of a very dedicated team of staff and consultants, led by Barbara Ekwall: Mauricio Rosales, Margret Vidar, Andreas von Brandt, Frank Mischler, Isabella Rae, Julian Thomas, Maartin Immink, Cecilia Luna Lopez, Dubravka Bojic Bultrini, Lidija Knuth, Luisa Cruz, Rebecca Kik and Simona Smeraldi. Gabriele Zanolli, Daniela Verona and Tomaso Lezzi were responsible for the layout and presentation of the many quality publications issued during the four-year period and the present publication. The very efficient and affable administrative and secretarial assistance provided by Patricia Taylor, Federico Patimo, Tiziana Tarricone, Sonia Santangelo, and Sophia Mann was also instrumental in ensuring an excellent series of outputs.

The important contributions of our colleagues and partner institutions, as well as the actors in the right to food scene who have provided technical support throughout our important mandate, are gratefully acknowledged. Our thanks go to the many FAO departments that contributed to our endeavours. Their inputs to the different right to food publications, as well as their collaboration with regard to integrating the right to food into FAO's work were of paramount importance in the realization of this work.

FAO wishes to acknowledge the important contribution of institutions such as FIAN International, Germany; and Prosalus, Spain; and is especially grateful for the very fruitful partnership with institutions such as the Technical Secretariat for Food Security and Nutrition (SETSAN) in Mozambique; the Brazilian Action for Nutrition and Human Rights (ABRANDH); the Office of the High Commissioner for Human Rights in Geneva; ESCR-Asia in the Philippines; the Human Rights Commission in Uganda; the International Budget Partnership in Washington, DC, USA; the University of Mannheim in Germany; Akershus University College in Norway; and Makerere University of Uganda. A special word of appreciation is due for the support from and excellent collaboration with the UN Special Rapporteur on the Right to Food, Olivier De Schutter and the former Special Rapporteur, Jean Ziegler.

Achievements in relation to the implementation of the Right to Food Guidelines, aimed at the progressive realization of the right to food, have been remarkable. None of this would have been possible without the support of our donors – in particular Germany, Norway, the Netherlands, Switzerland and Spain.

An important milestone in the generation of information based on concrete country experiences was the Right to Food Forum 2008, held in Rome. FAO is grateful to all those who took part and,



in particular, the panellists, speakers and experts, for their presence and for the many important papers and testimonies provided.

Experiences from country implementation were shared by:

Brazil – Rosilene Cristina Rocha, Ministry of Social Development and Fight Against Hunger; Albaneide Peixinho, Ministry of Education; and Elisabetta Recine, National Food and Nutrition Security Council.

Guatemala – Lorena Pereira, Presidential Commission on Human Rights; Luis Enrique Monterroso, FAO Right to Food Project.

India – Colin Gonsalves, Human Rights Law Network; Biraj Patnaik, Office of the Commissioners to the Indian Supreme Court on the Right to Food Case; and Aruna Sharma, National Human Rights Commission.

Mozambique – Francisca Cabral, Technical Secretariat for Food Security and Nutrition (SETSAN); Aida Libombo, Ministry of Health; and Ali Bachir Macassar, Ministry of Justice.

Philippines – Leila de Lima, Human Rights Commission; Dolores B. de Quiros Castillo, National Anti-Poverty Commission; Cecilia Florencio, NGO Liaison Committee for Food Security and Fair Trade (PNLC).

Uganda – David O.O. Obong, Ministry of Water and Environment; Aliro Omara, Uganda Human Rights Commission; and Gerald Tushabe, Human Rights Network, Hurinet.

FAO wishes to give special thanks to the following persons for their contributions as facilitators of the Forum's five panels: Marcos Arana-Cedeño, National Institute of Nutrition, Mexico; Vincent Calderhead, Nova Scotia Legal Aid, Canada; Charlotte McClain-Nhlapo, World Bank, USA (formerly with the South African Human Rights Commission); Sandra Ratjen, FIAN International, Germany; and Michael Windfuhr, Bread for the World, Germany.

Lively and fruitful discussions emerged thanks to the following panellists:

Wenche Barth Eide, University of Oslo, Norway; Anne C. Bellows, Hohenheim University, Germany; Asbjorn Eide, University of Oslo, Norway; Christophe Golay, The Graduate Institute of International Development Studies (IHEID), Switzerland; Colin Gonsalves, Human Rights Law Network, India; Asako Hattori, Office of the High Commissioner for Human Rights (OHCHR); Julio Cesar Guerrero Araya, National Council for Food and Nutrition (CONAN), Bolivia; Leila de Lima, Human Rights Commission, Philippines; Aida Libombo, Ministry of Health, Mozambique; Guido Lombardi, Presidential Commission on the Millennium Development Goals and Sustainable Development, Peru; Duciran van Marsen Farena, Federal Public Prosecutor, Brazil; Carlota Merchán, Prosalus, Spain; Khalid S. Mohammed, Ministry of Agriculture, Livestock and Environment, Zanzibar; Arne Oshaug, Akershus University, Norway; Lorena Pereira, Presidential Commission on Human Rights, Guatemala; Dolores de Quiros Castillo, National Anti-Poverty Commission, Philippines; Elisabetta Recine, Brazilian Action for Nutrition and Human Rights (ABRANDH), Brazil; Eibe Riedel, Committee on Economic, Social and Cultural Rights, Switzerland; Myrna Romero Arana, National Council for Food and Nutrition (CONAN), Bolivia; A. Byaruhanga Rukoko, Makerere University, Uganda; Carole Samdup, Rights and Democracy, Canada; Francisco Sarmiento, ActionAid International, Brazil; Flavio Valente, FIAN International, Germany; Martin Wolpold-Bosien, FIAN International, Germany; and Dora Zeledon, National Assembly, Nicaragua.

A special word of appreciation goes to Marc Cohen, Forum Rapporteur, who provided an in-depth report of the meeting which is included in the Annex to this document.

The detailed case studies contained in Part THREE indicate how selected countries have included the right to food in their assessment, strategy development, legislation and coordination procedures, in keeping with FAO's 'seven-step process'. These studies are based on papers developed for the Forum. The authors of these papers are acknowledged as follows: Elisabetta Recine and Frank Mischler for Brazil; Mauricio Rosales and Luis Enrique Monterosso for Guatemala; Aruna Sharma and Margret Vidar for India; Lazaro dos Santos and Cecilia Luna Lopez for Mozambique; and Peter Rukundo for Uganda.

Right to Food – Making it Happen was developed under the overall guidance of Barbara Ekwall, the Coordinator of the Right to Food Team, along with contributions from Margret Vidar, Mauricio Rosales, Frank Mischler and Isabella Rae. Maartin Immink, Rebecca Kik and Sherry Ajemian brought together the different contributions linking the threads to bring coherence and structure to the text which was edited by Barbara Rae.



Acronyms and Abbreviations

ABRANDH	Ação Brasileira para Nutrição e Direitos Humanos (Brazilian Action for Nutrition and Human Rights)
AJEHR	African Journal on Ethics and Human Rights
AIDS	Acquired Immune Deficiency Syndrome
APL	Above poverty line (India)
BPL	Below poverty line (India)
CESCR	UN Committee on Economic, Social and Cultural Rights
CICSAN	Centro de Información y Coordinación de Seguridad Alimentaria y Nutricional (Food Security and Nutrition Information and Coordination Centre – Guatemala)
CIIDH	Centro Internacional de Investigación en Derechos Humanos (International Centre for Human Rights Research)
COMAN	Consejo Municipal de Alimentación y Nutrición (Municipal Council for Food and Nutrition – Bolivia)
CONAN	Consejo Nacional de Alimentación y Nutrición (National Council for Food and Nutrition Security – Bolivia)
CONASAN	Consejo Nacional de Seguridad Alimentaria y Nutricional (National Food and Nutrition Security Council – Guatemala)
CONASSAN	Comisión Nacional de Soberanía y Seguridad Alimentaria y Nutricional (National Commission for Food and Nutrition Security and Sovereignty)
CONSAN	Conselho Nacional de Segurança Alimentar e Nutricional (National Council for Food and Nutrition Security – Mozambique)
CONSEA	Conselho Nacional de Segurança Alimentar e Nutricional (National Council on Food and Nutrition Security – Brazil)
COPREDEH	Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos (Presidential Commission on Human Rights – Guatemala)
CPI	Consumer price index
CPR	Civil and political rights
CSO	Civil society organizations
DDPR	Department of Disaster Preparedness and Refugees (Uganda)
DES	Dietary energy supply
ECA	Essential Commodities Act (India)
ECLAC/CEPAL	Economic Commission for Latin America and the Caribbean (Comisión Económica para América Latina y el Caribe)

ESAN	Estratégia de Segurança Alimentar e Nutricional (Food Security and Nutrition Strategy – Mozambique)
ESCR	Economic, social, and cultural rights
FAO	Food and Agriculture Organization of the United Nations
FIAN	FoodFirst Information and Action Network
FSN	Food security and nutrition
GDP	Gross domestic product
GIA	Grupo de Instituciones de Apoyo (Institutional Support Group – Guatemala)
GIISAN	Grupo Inter-Institucional de Seguridad Alimentaria y Nutricional (Inter-Institutional Group for Food and Nutritional Security – Guatemala)
HIPC	Highly Indebted Poor Countries
HIV	Human immunodeficiency virus
HSSP	Health Sector Strategic Plans (Uganda)
IBGE	Instituto Brasileiro de Geografia e Estatística (Brazilian Institute of Geography and Statistics)
IBSA	Indicators, Benchmarks, Scoping and Assessment
ICDS	Integrated Child Development Scheme (India)
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDP	Internally displaced persons
IFAD	International Fund for Agricultural Development
INCOPAS	Instancia de Consulta y Participación Social (Social Participation and Consultation Authority – Guatemala)
INR	Indian Rupees (India)
IPRFD	International Project on the Right to Food in Development
JLOS	Justice Law and Order Sector (Uganda)
LAP	Legal Aid Project (Uganda)
LOSAN	Lei Orgânica de Segurança Alimentar e Nutricional (Federal Law on Food and Nutrition Security – Brazil)
LRA	Lords Resistance Army (Uganda)
LRC	Law Reform Commission (Uganda)
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries (Uganda)
MDGs	Millennium Development Goals
MDS	Ministry of Social Development and Fight Against Hunger (Brazil)
MFPEP	Ministry of Finance, Planning, and Economic Development (Uganda)



MOH	Ministry of Health (Uganda)
MTCS	Medium Term Competitiveness Strategy (Uganda)
NAADS	National Agricultural Advisory Services (Uganda)
NGO	Non-governmental organization
NHRC	National Human Rights Commission (India)
NREGA	National Rural Employment Guarantee Act (India)
OHCHR	Office of the High Commissioner for Human Rights
PANTHER	Participation, Accountability, Non-discrimination, Transparency, Human Dignity, Empowerment and Rule of Law
PARPA	Plano de Acção para a Redução da Pobreza Absoluta (Plan of Action for a Reduction in Absolute Poverty – Mozambique)
PDS	Public Distribution System (India)
PEAP	Poverty Eradication Action Plan (Uganda)
PMA	Plan for the Modernization of Agriculture (Uganda)
PPP	Private Public Partnership (Uganda)
PROCADA	Proyecto de Promoción y Capacitación para la Implementación Progresiva del Derecho a la Alimentación en Guatemala (Promotion and Training Project for the Progressive Realization of the Right to Food in Guatemala)
PRSP	Poverty Reduction Strategy Paper
PUCL	People’s Union for Civil Liberties (Rajasthan – India)
ROSA	Rede de Organizações para a Soberania Alimentar (Network of Food Sovereignty Organizations – Mozambique)
SESAN	Secretaría de Seguridad Alimentaria y Nutricional (Secretariat for Food and Nutrition Security – Guatemala)
SETSAN	Secretaria Técnica de Segurança Alimentar e Nutricional (Technical Secretariat for Food Security and Nutrition – Mozambique)
SINASAN	Sistema Nacional de Seguridad Alimentaria y Nutricional (National Food and Nutrition Security System – Guatemala)
SINASSAN	Sistema Nacional de Soberanía y Seguridad Alimentaria y Nutricional (National System for Food and Nutrition Security and Sovereignty)
SISAN	Sistema Nacional de Segurança Alimentar e Nutricional (National Food and Nutrition Security System – Brazil)
UBOS	Uganda Bureau of Statistics
UDHS	Uganda Demographic and Health Survey
UEM	Universidade Eduardo Mondlane (Eduardo Mondlane University – Mozambique)

UFNC	Uganda Food and Nutrition Council
UFNP	Uganda Food and Nutrition Policy
UFNSIP	Uganda Food and Nutrition Strategy and Investment Plan
UHRC	Uganda Human Rights Commission
ULS	Uganda Law Society
UN	United Nations
UNBS	Uganda National Bureau of Standards
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
USAID	US Agency for International Development
VAT	Value Added Tax
WFP	World Food Programme
WHO	World Health Organization
WTO	World Trade Organization



Introduction

The right to food is an integral part of a vision of a world without hunger, where every child, woman and man can feed himself or herself in dignity. It is a human right formally recognized by the great majority of States. While there is consensus about the vision, States have been slow in putting this human right into practice. And yet, the right to food is far from being a slogan or an academic theory of development. It is about concrete actions and practical solutions. These cover several domains and, in addition to governments, involve key actors ranging from individuals to non-governmental organizations, academia, media, UN human rights institutions, and the private sector.

Since the adoption of the *Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security* (Right to Food Guidelines) by FAO Council in 2004, a number of countries, associations, individuals and organizations embarked on putting the right to food into practice through advocacy, policy making, legislation, monitoring, assessment and the strengthening of institutions. These insights, experiences and lessons learned were presented and discussed at the Right to Food Forum held at FAO from 1st to 3rd October 2008. The case studies from five different countries were discussed in more detail on that occasion.

The publication *Right to Food – Making it Happen* is a summary of three days of exchange on different issues related to country level implementation of the right to food that took place at FAO's Right to Food Forum, including a more in-depth discussion on five countries. It is an effort to share real and practical experiences in a human rights-based approach to combat food insecurity with a particular focus on one fundamental human right – the right to food – as recognized by the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

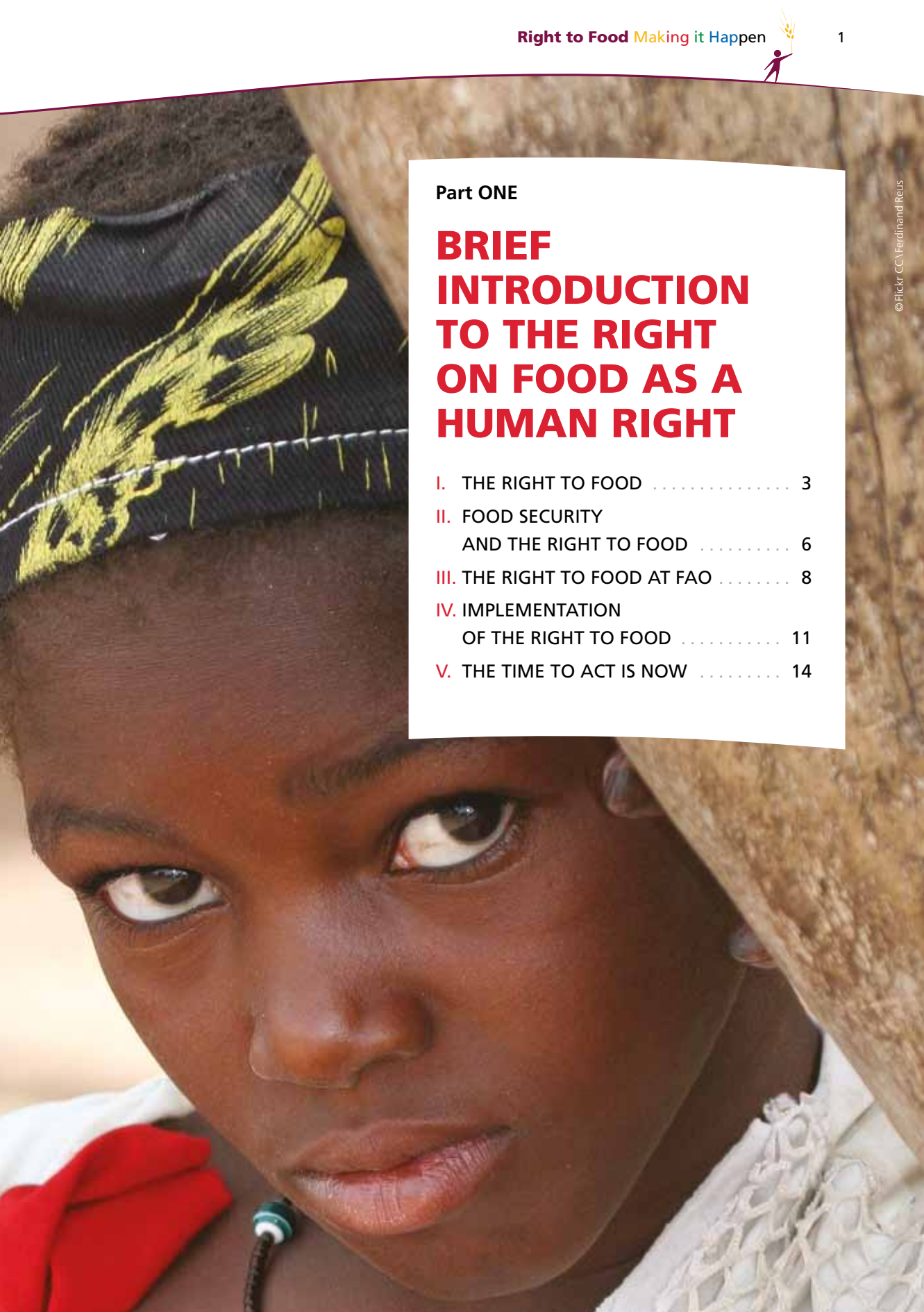
The relevance of promoting right to food as a strategy to fight hunger, as opposed to simply promoting provision of food and development aid, is clearly reflected in FAO's mandate and strategic objectives. Through its efforts to support the formulation of better policy and strategy options on a global scale, FAO plays a key role on the common agenda. It aims to reduce hunger by creating platforms for sharing technical expertise, strategic policy alternatives, and outcomes of implementation of food security strategies adopted by member nations. The Right to Food Forum represented one of these platforms.

This publication is intended to disseminate the lessons learned from discussions that occurred during the event. The overall theme was right to food as a strategy promoted within a human rights-based approach and implemented throughout development assistance programs. It thus links right to food to the overall objective achieving global food security.

The target audience for this publication are development specialists that provide food security policy advice to member nations; UN and non-governmental agencies promoting human rights; official policymakers and legislators of donor as well as developing countries; non-profit organizations involved in food aid and food assistance; and finally all stakeholders involved in country level projects and programmes with the aim of reducing hunger. The intent of the publication is to show that responding to hunger and food insecurity requires coordination of national food security initiatives and increased policy coherence. One must also stress the

importance of strengthening the actual institutions, mechanisms, partners and sectors that promote or support the right to food.

Right to Food - Making it Happen comprises three parts. Part ONE clarifies concepts related to the human right to adequate food, shows how it can strengthen efforts to reduce world hunger, describes implementation steps and FAO's work in this area. Part TWO offers a synthesis of the Right to Food Forum. It reflects the rich deliberations, outputs and lessons learned from panels that dealt with advocacy and training, legislation, targeting and assessment, monitoring, strategy and coordination, supplemented by best practice examples in different countries worldwide. Part THREE provides five country case studies, describing the lessons learned and indicating the way forward to a progressive realization of the right to food in Brazil, Guatemala, Mozambique, India and Uganda. The Appendix to this publication contains the full texts of the Opening speeches and the report by the Forum Rapporteur.



Part ONE

BRIEF INTRODUCTION TO THE RIGHT ON FOOD AS A HUMAN RIGHT

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I. THE RIGHT TO FOOD

“Striving to ensure that every child, woman and man enjoys adequate food on a regular basis is not only a moral imperative and an investment with enormous economic returns; it also signifies the realization of a basic human right.”

(Jacques Diouf, Director-General, FAO)¹

The right to adequate food² as a basic human right was first recognized in the Universal Declaration of Human Rights in 1948, as part of the right to a decent standard of living (Art. 25):

‘Everyone has the right to a standard of living adequate for the health and well being of himself and his family, including food...’ It became legally binding when the International Covenant on Economic, Social and Cultural Rights (ICESCR) entered into force in 1976. Since then, many international agreements have affirmed the right to food, among them the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, and the Convention on the Rights of the Child (CRC), 1989.

To date, 160 states have ratified the ICESCR and are legally bound by its provisions. In Article 11, the ICESCR stipulates that the States Parties *‘recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food’* and affirms the existence of *‘the fundamental right of everyone to be free from hunger.’*

Freedom from hunger is considered to be the minimum level that should be secured for all, independent of the level of development of a given State. But the right to food not only implies being free from hunger: the Committee on Economic, Social and Cultural Rights (CESCR) defined the right to food in General Comment No. 12 as follows: *‘The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement.’*³ Furthermore, the Committee stresses that the right to adequate food *‘shall not be interpreted in a narrow and restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients.’*⁴ Thus, important elements of food practices, education on hygiene, training on nutrition, and concerns such as provision of health, care and breastfeeding can enter the realm of discussion on right to food policy design, implementation and monitoring.

This means that each person has the right to have access to the resources necessary to produce, earn and purchase adequate food, not only to prevent hunger but also to ensure good health and well-being. General Comment No. 12 considers that the core content of the right to adequate food implies two elements. The first is *‘the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within*

1 FAO. 2005. Jacques Diouf in Foreword to the *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*, p. iv. Rome.

2 This publication frequently uses the shortened form ‘Right to Food’ meaning, in all cases, the human right to adequate food as enshrined in the ICESCR, Art. 11, and described in *General Comment 12* of the CESCR.

3 CESCR. *General Comment 12, The right to adequate food*. E/C.12/1999/5, par. 6.

4 *Ibidem*, par. 6.

a *given culture*⁵ and the second element is *'the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.'*⁶

The international human rights instruments place the primary responsibility for the realization of the right to food on the State, and identify three categories of State obligations: the obligations to respect, protect and fulfil (facilitate and provide). As stated in General Comment 12, *'the obligation to respect existing access to adequate food requires State parties not to take any measures that result in preventing such access.'*⁷

*'The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means that the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security.'*⁸ This means that the State has to create a legal, policy and institutional environment that enables people to access safe and nutritious food in ways that fully respect human dignity – either through procurement or production. Fulfil (provide) means that *'whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by means at their disposal, States have the obligation to fulfil (provide) the right directly,'*⁹ an example of which could be supplying food aid.

Furthermore, the States Parties to the ICESCR are obliged to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to achieving progressively the full realization of the right to food.¹⁰ The progressive realization of the right to food implies that full realization of this human right requires time and, therefore, cannot be achieved immediately. It also implies the principle of non-retrogression in implementing human rights whereby once a commitment is made to protect a human right such as the right to food it can not subsequently be withdrawn. Therefore, the standard of protection of a human right in effect can not be lowered and must be progressively and actually realized. However, as a minimum immediate core obligation, States must ensure freedom from hunger in their territory.

The international community confirmed its political will and the need to fully respect, protect and fulfil the right to food on several occasions like the World Food Summits of 1996 and 2002. During the World Food Summit 2002 the idea emerged of developing a voluntary instrument on the right to food; as a result, that same year the FAO Council created the Intergovernmental Working Group (IGWG) on the right to food, to design, discuss and negotiate this voluntary instrument. The outcome of that process led to the *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Right to Food Guidelines)*, which were adopted by consensus at the FAO Council meeting

5 CESCR. *General Comment 12, The right to adequate food.* E/C.12/1999/5, par. 8.

6 *Ibidem*, par. 8.

7 CESCR. *General Comment 12, The right to adequate food.* E/C.12/1999/5, par. 15.

8 *Ibidem*, par. 15.

9 *Ibidem*, par. 15.

10 CESCR. *General Comment 12, The right to adequate food.* E/C.12/1999/5, par. 36.



in 2004. States are encouraged to apply these Guidelines when developing their strategies, policies, programmes and activities, and to do so with no discrimination of any kind.

The experience gained during the past few years shows that the Right to Food Guidelines are a valuable instrument for helping States to promote the right to food. Although States showed their political commitment in the year 2000 to halve the proportion of people who suffer from hunger by 2015 as agreed in the Millennium Summit, the number of hungry and undernourished people rose to more than 1.02 billion people worldwide in 2009.¹¹ This shows the still existing gap between the standards set in international treaties and the prevailing situation in many parts of the world. Considering the continuing existence of and current increase in food insecurity, implementation of the Guidelines is more pertinent today than ever before.

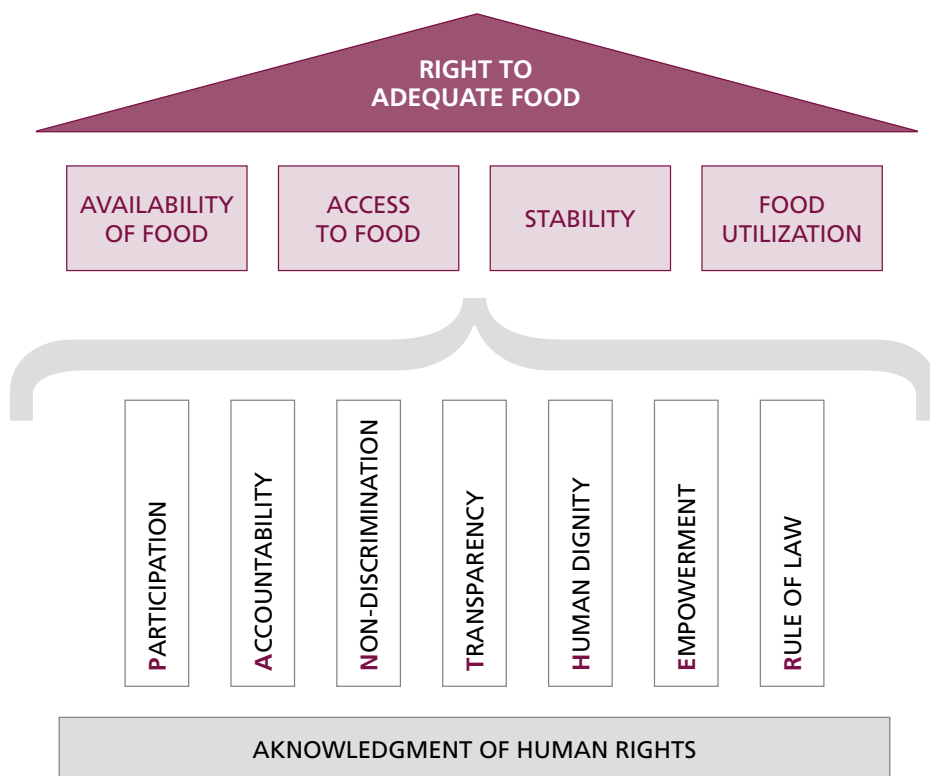
11 <http://www.fao.org/news/story/en/item/20568/icode>

II. FOOD SECURITY AND THE RIGHT TO FOOD

“Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.”

(World Food Summit Plan of Action – 1996)¹²

The Right to Food Guidelines reflect the consensus among FAO member countries on what needs to be done in all critically relevant policy areas in order to promote food security through a human rights based approach. Governments agreed on the full meaning of the right to food, on what it entails in practice and what needs to be done in areas such as food aid, nutrition, education strategies, access to resources, and legal frameworks and institutions, in order to realize this right.



The right to food strengthens **the four pillars of food security** – availability, access, stability of supply, and utilization – with human rights principles. The areas of action outlined in the Right to Food Guidelines are fully consistent with the ‘twin-track’ approach to food security as developed by FAO, jointly with IFAD and WFP. Track One aims at creating opportunities for the food insecure and vulnerable to improve their livelihoods by promoting development, particularly agricultural and rural development, through policy reforms and investments in agriculture and related sectors.

12 FAO. 1996. *Rome Declaration on World Food Security and World Food Summit Plan of Action*. Rome. (Available at <http://www.fao.org/docrep/003/w3613e/w3613e00.HTM>).



Track Two involves direct action to fight hunger through food and non-food programmes that provide the hungry with immediate access to food. Through its human rights based approach to food security, the right to food puts *the people* at the centre of development, so that they are recognized as right holders and not as mere beneficiaries.

The right to food offers a coherent framework within which to address critical **governance** dimensions in the fight against hunger and malnutrition. Whereas many food security policies and programmes deal with essential technical issues, still both governance and human rights have to be addressed in order to ensure the effectiveness and sustainability of food security work.

The right to food provides a voice to a wide array of relevant stakeholders; moreover, it establishes the seven 'PANTHER' principles that should govern decision-making and implementation processes: **P**articipation, **A**ccountability, **N**on-discrimination, **T**ransparency, **H**uman dignity, **E**mpowerment and the **R**ule of law (the first letters of each together forming the acronym).

Originating from different human rights treaties, these principles relate to the process that should be followed in addressing the right to adequate food.

This right to food approach contributes to strengthening relevant public institutions and coordination mechanisms with regard to implementation. It integrates partners such as civil society organizations, human rights commissions, parliamentarians and government sectors, besides those dealing with agriculture, and provides further justification for investment in hunger reduction. In addition, the right to adequate food provides a legal framework, the concept of rights and obligations, and the relevant mechanisms needed to achieve **accountability** and to promote the **rule of law**.

As to the content of food security work, the right to adequate food concept introduces additional – mainly legal – instruments that ensure access by the most vulnerable people to, among other things, income earning opportunities and social protection in particular. It uses the power of law to strengthen the means of implementation. It also enhances governmental action by introducing administrative, quasi-judicial and judicial mechanisms to provide effective remedies, by clarifying the rights and obligations of right holders and duty bearers, and by strengthening the human rights mandate of relevant institutions.

III. THE RIGHT TO FOOD IN FAO

“...the international community, and the UN system, including FAO, as well as other relevant agencies and bodies according to their mandates, are urged to take actions in supporting national development efforts for the progressive realization of the right to adequate food in the context of national food security.”

(Right to Food Guidelines – Part III: International Measures, Actions and Commitments)

The right to food requires political commitment at the highest level. Heads of State and Governments participating in the World Food Summit of 1996 reaffirmed *‘the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger.’*¹³

The right to food has been part of FAO’s mandate since its inception and is firmly embedded within FAO’s Strategic Framework adopted in 2009. In fact, it is a key component of the Organizational Result H2 that contributes to achieving FAO’s Strategic Objective H – Improved Food Security and Better Nutrition.

An important milestone towards the practical implementation of the right to food was achieved with the adoption of the Right to Food Guidelines by the FAO Council in 2004. The Council also asked FAO to support interested member countries in putting the Guidelines in practice. This led to the establishment of the Right to Food Unit at FAO. The main functions of the Unit are to raise awareness of right to food, to develop tools and mechanisms for implementation and to provide technical expertise and policy advice to countries in their efforts to formulate and implement legislation, strategies, policies and programmes based on the Guidelines. Its mandate also includes facilitating the integration of right to food principles and approaches in FAO’s normative and technical assistance work.

The work of the Right to Food Team is broken down into the following strategic areas:¹⁴

- **Advocacy and training:** to promote awareness and understanding of the right to food among right holders and duty bearers; to increase right holders’ capacity to demand accountability of public actions and claim their rights; and to increase the capacity of duty bearers to fulfil their obligations and responsibilities;
- **Legislation and accountability:** to promote and facilitate the incorporation of the right to food into national constitutions and laws; to ensure conformity of domestic legislation with State obligations contained in international human rights instruments related to the right to food; and to assist countries in the implementation of adequate recourse mechanisms;
- **Information and assessment:** to assess existing legal, institutional and policy frameworks for the purpose of finding more conducive ways to implement measures that promote the right to food; to identify the hungry and the root causes for their food insecurity; and to assist in the analysis of food security and nutrition vulnerability with a view to developing targeted policies and programmes for the most needy;

13 FAO. 1996. *Rome Declaration on World Food Security and World Food Summit Plan of Action*. Rome. (Available at http://www.fao.org/wfs/index_en.htm).

14 FAO. 2006. *The Right to Food in Practice: Implementation at the National Level*. Rome.

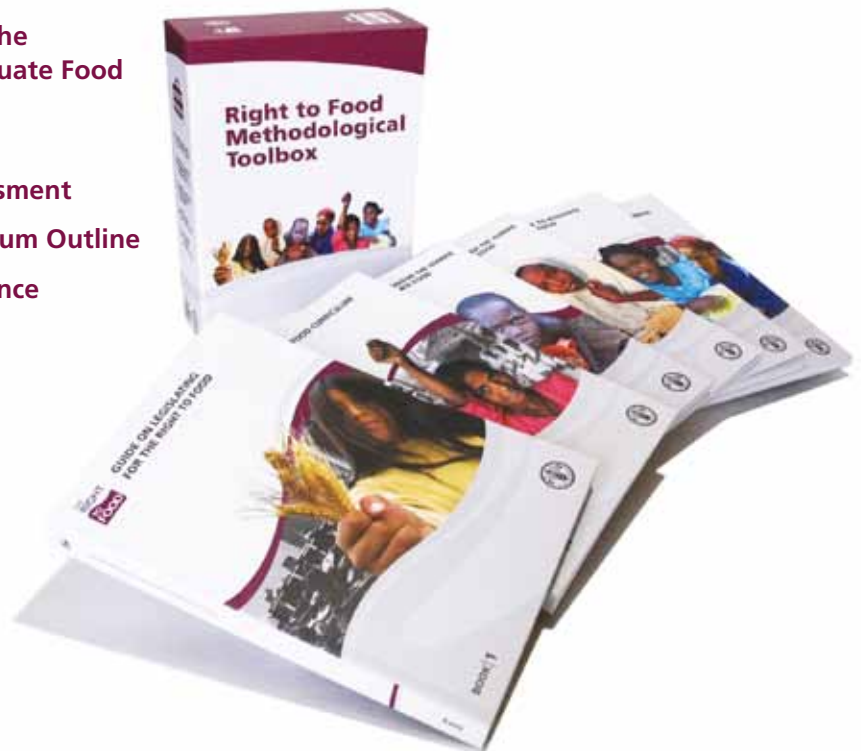


- **Benchmarks and monitoring:** to develop and implement monitoring systems that focus on progress in the realization of the right to food; to analyze the positive or negative impacts of policies and programmes on achieving the right to food; and to examine whether public action is implemented in accordance with human rights principles.
- **Strategy and coordination:** to develop and implement policies and programmes as part of a national strategy to achieve the right to food for all; and to ensure that such policies and programmes are properly coordinated and involve all relevant sectors while promoting broad-based participation by civil society and grass roots organizations.

During the past four years, the Right to Food Team has also facilitated interaction between different actors and is engaged in documenting and analyzing much of the experience of governments, NGOs and academic institutions throughout the world. Furthermore, as human rights are at the core of the UN mandate, work on the right to food provides additional entry points for strengthening collaboration between FAO and the UN system.

Furthermore, in order to give strong support for the implementation of the Right to Food Guidelines at country level, the Right to Food Team has developed a **Methodological Toolbox on the Right to Food** which was launched in October 2009. This Toolbox comprises a series of analytical, educational and normative tools in five manuals, providing guidance and hands-on advice to countries on the practical aspects of the implementation of the right to adequate food. It is also an essential contribution to strengthening in-country capacity to implement this human right. The Methodological Toolbox on the Right to Food contains the following manuals:

1. **Guide on Legislating for the Right to Food**
2. **Methods to Monitor the Human Right to Adequate Food (Volume I/ II)**
3. **Guide to Conducting a Right to Food Assessment**
4. **Right to Food Curriculum Outline**
5. **Budget Work to Advance the Right to Food.**



The first manual, **Guide on Legislating for the Right to Food**, provides assistance to legislators and lawyers on how to integrate the right to food into different levels of national legislation. It describes various ways of protecting the right to food in State constitutions, provides step by step guidance on drafting a framework law and a methodology for reviewing the compatibility of sectoral laws with the right to food. Several country examples and experiences are included. This manual also includes a CD of a Legal Database that contains the full text of relevant national legislation on right to food. The second manual, **Methods to Monitor the Human Right to Adequate Food**, provides different methodologies for monitoring the right to adequate food. It is addressed to technical staff in public sector institutions and civil society organizations responsible for planning and monitoring food security, nutrition and poverty reduction policies and programmes. The third manual, **Guide to Conducting a Right to Food Assessment**, provides assistance to governments, civil society and other stakeholders in the assessment of the right to food situation at national level. The fourth manual, **Right to Food Curriculum Outline**, provides a unique basis for education, training and advocacy on the right to food. It aims to contribute to strengthening in-country capacity to implement this human right and can be used as a reference guide for university lecturers, technical assistance experts, instructors and trainers in developing special courses or full training programmes on the right to food. The fifth manual, **Budget Work to Advance the Right to Food**, is a valuable tool for civil society, human rights defenders, interested legislators and government institutions, exploring the complex ways that government budgets relate to the realization of the right to food. It gives a 10-step guide to the process of building a right to food case and also examines three related case studies.

This Toolbox is available in digital version on FAO's Right to Food website at: <http://www.fao.org/righttofood>. This site also comprises the aforementioned Legal Database as well as a Virtual Library, numerous publications, information items, tools, reports and e-learning materials.



IV. IMPLEMENTATION OF THE RIGHT TO FOOD

“Developed and developing countries should act in partnership to support their efforts to achieve the progressive realization of the right to adequate food.”

(Right to Food Guidelines – Part III: International Measures, Actions and Commitments)

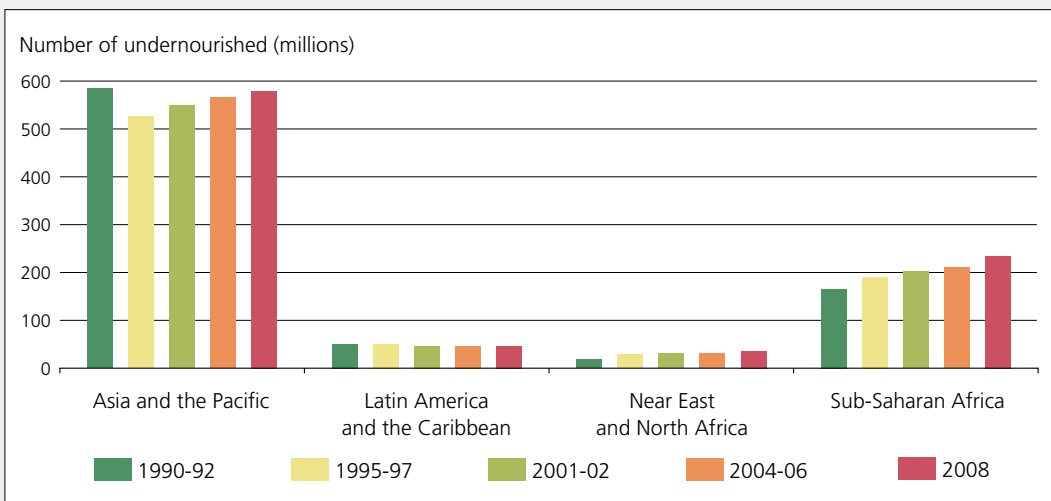
Growing numbers of people worldwide are demanding action on the right to food; many governments are heeding this call and taking initiatives to strengthen the implementation of this right.

In spite of significant efforts to improve the food and nutrition situation in many countries, the number of hungry people in many parts of the world has risen over the last decade. This publication comes at a time when decision makers in FAO member countries, and other stakeholders, are concerned about the effects of climate change, bio-fuel production and sharply rising food prices on the food security of large segments of the world’s population.

Hunger is a human rights issue. Never before has this link been recognized so strongly as in the context of the global food crisis that began in 2007 with soaring food and energy prices, and continues today as a result of the financial crisis and economic slowdown. FAO estimated that by the end of 2008 the number of undernourished people worldwide had increased to 963 million¹⁵, while in 2009 the figure soared to reach 1.02 billion¹⁶.

Undernourishment on the rise throughout the world

Number of undernourished in selected regions, 1990-92 to 2008



Source: FAO, *The State of Food Insecurity in the World*, 2009.

15 <http://www.fao.org/news/story/en/item/8836/icode>

16 <http://www.fao.org/publications/sofi/en>

The poor allocate a large share of their household resources to food purchases. Therefore, in times of rising food costs they become even more vulnerable to the risk of hunger and malnourishment. Achievement of Millennium Development Goal 1, that is, to halve the number of hungry people in the world by 2015, has now become an even greater challenge.

Clearly, it is unrealistic to expect a country to eliminate hunger and malnutrition overnight. The progressive realization of the right to food means that the number of hungry and malnourished people will diminish over time. Most of the action needed in order to implement the right to food takes place at national level. Consequently, countries should allocate as much as possible of their available resources towards achieving the right to food so as to ensure that, within a reasonable period of time, the number of hungry people in their midst will diminish – both effectively and sustainably. Political will and adherence to international standards are the keys to achieve this goal. At national level, the right to food is being increasingly integrated into constitutions and legislation, as well as policies, strategies and programmes. Furthermore, several court cases around the world were upheld and resulted in the enforcement of the right to food – or some aspects of it – as in the examples of India and Brazil.

The implementation and promotion of the right to food at country level is generally conceived as a seven-step process.

The seven steps are:

1. Identification and characterization of the hungry and food-insecure for targeted policies and programmes;
2. Assessment of the legal, policy and institutional environment, and of current budgetary allocations and expenditures, to indicate the need for food security policy change and other measures;
3. Development of human rights based food security strategies with verifiable and time-bound objectives and targets, institutional responsibilities, mechanisms for coordinated action, and adequate monitoring systems;
4. Definition of inter-institutional coordination mechanisms, and participation by non-governmental sectors;
5. Integration of the right to food in national legislation, such as a constitution or a framework law, to establish long-term binding obligations for State actors and other stakeholders;
6. Establishment of a monitoring system to assess the implementation process and the impact of policies and programmes with the eventual goal of holding governments accountable; and
7. Establishment of adequate judicial, quasi-judicial and/or administrative recourse mechanisms that provide effective redress for violations of the right to food.



STEPS TO REALIZE THE RIGHT TO FOOD

1. IDENTIFY THE HUNGRY AND POOR
2. CONDUCT A THOROUGH ASSESSMENT
3. ELABORATE A SOUND FOOD SECURITY STRATEGY
4. ALLOCATE OBLIGATIONS AND RESPONSIBILITIES
5. CREATE A LEGAL FRAMEWORK
6. MONITOR PROGRESS
7. ENSURE RESOURCE MECHANISMS



The Right to Food Team, together with many other units in FAO, is ready and available to provide assistance to member countries in different parts of the world regarding each of the above-mentioned steps. Its partners, such as FIAN International, ActionAid, Prosalus, Right to Food India, ABRANDH and ESCR-Asia, are engaged in right to food campaigns to empower people to claim their rights. Information is key for right holders to be able to claim their rights and for governments to abide by their human rights obligations. Therefore, capacity development is an integral part of taking action at the country level with the seven steps mentioned above.

V. THE TIME TO ACT IS NOW

*“We must build on what was done last year, sustain our successes and scale up our responses, especially as the financial crisis compounds the impact of the food crisis. We must continue to meet urgent hunger and humanitarian needs by providing food and nutrition assistance and safety nets, while focusing on improving food production and smallholder agriculture. This is the ‘twin-track’ approach taken in the Comprehensive Framework for Action. We should be ready to add a third track – the right to food – as a basis for analysis, action and accountability”.*¹⁷

(UN Secretary General Ban Ki-Moon)

Much has been achieved towards the realization of the right to food in the last decade but there is still a lot more to be done. Effective action to implement this right and reverse current food insecurity trends is not only a moral imperative, but it also makes good economic sense: reduced food insecurity and malnutrition contribute to accelerating poverty reduction and enhancing socio-economic development.

It is of the utmost importance to move quickly in implementing the right to food in policies, strategies and laws necessary to ensure the progressive and full realization of this fundamental right. For more than one billion people in the world today, the human right to adequate food is not being met. These people should not have to wait any longer.

17 UN Secretary General Ban Ki-Moon. 26-27 January 2009. Closing ceremony speech at “High Level Meeting on Food Security for All”, hosted by the Government of Spain. Madrid.