“No longer a forgotten right” – UN expert hails a decade of right to food progress

NEW YORK / GENEVA (25 October 2013) – In his final report to the UN General Assembly, United Nations Special Rapporteur on the right to food, Olivier De Schutter, today welcomed “the rights resurgence” he has seen across the world over the past decade.

“At a time when multiple, conflicting visions for food security have been put on the table, it is impressive to see so many States adopting laws, policies and strategies to realize the right to food, and so many people driving forward what is now a global right to food movement,” he stressed.

Mr. De Schutter said: “Treating food as a human right brings coherence and accountability. It helps to close the gaps by putting food security of all citizens at the top of the decision-making hierarchy, and making these decision-making processes participatory and accountable.”

“What I have seen is that food security laws and policies based on rights and entitlements – to productive resources, to accessing foodstuffs, to social protection – is ‘food security-plus’. It can transcend changes in the political, economic and agricultural landscape and make lasting inroads against hunger,” he stressed.

Mr. De Schutter used his final report to the UN General Assembly, after six years as Special Rapporteur, to identify where and how progress had been made in implementing the right to food, and to outline further steps that must be taken to make it a fully operational right.

His report was based on eleven country missions, submissions from a range of States from all regions, and regional right to food consultations in Latin America and the Caribbean (2011), Eastern and Southern Africa (2012) and West Africa (2013).

“Where progress has been made in realizing the right to food, it is down to the multiple interlocking contributions of different State and non-State actors who make each other accountable,” the UN expert said.

Governments

“The first step is for Governments to give the right to food legal grounding, by writing it into constitutions and into law. Over the past decade, countries in Latin America and Africa have blazed a trail that others can now follow.”
South Africa, Kenya, Mexico, the Ivory Coast and Niger have already given direct constitutional protection to the right to food, while reform processes are underway in El Salvador, Nigeria, and Zambia.

Right to food framework laws, often taking the shape of ‘Food and Nutrition Security’ laws, have been adopted in Argentina, Guatemala, Ecuador, Brazil, Venezuela, Colombia, Nicaragua, and Honduras, with several other Latin American countries in the process of adopting similar measures.

Countries including Uganda, Malawi, Mozambique, Senegal and Mali have adopted, or are in the process of adopting, framework legislation for agriculture, food and nutrition that enshrines rights-based principles of entitlements and access to food.

However, the UN expert explained that giving the right to food legal protection is not an end in itself for Governments, who must put national right to food strategies in place.

Courts

“Often we labor under the misconception that the right to food is not like political rights such as freedom of speech. But economic and social rights – to food, water, housing, social protection – are just as real, just as binding, and can be upheld just as legitimately in court.”

“By further upholding this right, national and regional courts can help to set important precedents and make the right to food fully justiciable,” Mr. De Schutter stated, highlighting some landmark rulings for the right to food:

- The South African High Court ordered a revision of the Marine Living Resources Act and the creation of the Small-Scale Fishers Policy to ensure the socio-economic rights of small-scale fishers (2012).
- The African Commission on Human and Peoples' Rights and the ECOWAS Court of Justice ECOWAS ruled that Nigeria violated the right to food of the Ogoni people by failing to protect their land from environmental damage in the Niger delta (2012).
- Following public interest litigation, the Indian Supreme Court ruled that various social programmes should be expanded and implemented to provide a basic nutritional floor, based on the constitutionally protected 'right to life' (2001).
- In Nepal, the Supreme Court issued an interim order in 2008 for the immediate provision of food in a number of districts which food distribution programs were not reaching, in line with constitutional requirements.

National Human Rights Institutions (NHRIs)

“NHRIs, such as national Human Rights Commissions, Ombuds Institutions, or Human Rights Procurators, are a crucial part of the apparatus. They can play a leading role in monitoring compliance with the right to food, examining complaints filed by aggrieved individuals, seizing judicial authorities or triggering action by food and nutrition security councils.”

- In Argentina, the National Ombudsman requested in 2007 that the Supreme Court order the national State and the Government of Chaco Province provide food and drinking water to the province’s indigenous Toba communities.
- In Guatemala, the Human Rights Procurator’s Office has a mandate to monitor the implementation of national FNS policy, and has flagged up coordination failures and funding deficiencies.
The Human Rights Commission in Uganda helped to influence the country's 2011-16 Food and Nutrition Policy by recommending a rights-based approach.

Civil-society

“Civil society has an indispensable role to play at every level: driving forward right to food movements, participating in the design of policies, taking part in monitoring, and developing new forms of accountability.”

The 2011 reform to insert the right to food into the Mexican constitution followed 20 years of advocacy from civil society groups, under the “Frente por el Derecho a la Alimentación.”

Brazilian civil society established its own National Rapporteur for Human Rights in Land, Territory and Food, whose legitimacy allows him/her to become an interlocutor to the authorities.

The Indian Right to Food Campaign uses social audits and right to information laws to assess compliance with Court-mandated decisions, e.g. the distribution of subsidized foodstuffs and the delivery of school meals.

Parliamentarians

“The dedication of parliamentarians to the right to food has helped to inspire and drive forward right to food movements, particularly in Latin America,” the Special Rapporteur said.

The Frente Parlamentario contra el Hambre serves as a network for sharing best practices between Latin American parliaments to encourage the adoption of legislation protecting the right to food, and has sparked the creation of national parliamentary fronts.

In 2014, the Committee on World Food Security will review the first decade of the implementation of the Right to Food Voluntary Guidelines adopted in Rome in 2004. Countries will be invited to reflect on progress made and obstacles met. The report of the Special Rapporteur is also a contribution to this review.


ENDS

Olivier De Schutter was appointed the Special Rapporteur on the right to food in May 2008 by the UN Human Rights Council. He is independent from any government or organization. Learn more about the mandate and work of the Special Rapporteur: http://www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx or www.srfood.org

For more information and media requests, please contact:
Olivier De Schutter (+32 488 482 004 / srfood@ohchr.org / olivier.deschutter@uclouvain.be)
Ulrik Halsteen (+41 22 917 9323 / srfood@ohchr.org)
Nenad Vasic (+1 212 963 5998 / vasic@un.org)

For media inquiries related to other UN independent experts:
Xabier Celaya, UN Human Rights – Media Unit (+ 41 22 917 9383 / xcelaya@ohchr.org)

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