

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

ISHR'S SUMMARIES OF DOCUMENTS FOR THE 5TH SESSION OF THE COUNCIL

Report of the Special Rapporteur on the right to food¹

Mandate holder

Jean Ziegler.

Mandate

The mandate was established in 2000² to identify emerging issues related to the right to food; to seek out and respond to information about the eradication of hunger; and to coordinate and help establish cooperation between governments and other organizations. Adequate food is recognised as forming part of the right to an adequate standard of living included in Article 11 of the *International Covenant on Economic, Social and Cultural Rights*. The Special Rapporteur defines the right to food as the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of people, and which ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear. To fulfill this mandate, the Special Rapporteur cooperates effectively with United Nations agencies, funds and programmes, treaty bodies, as well as non-governmental organizations.

Annual Report³

Scope:

The report covers the period from January to December 2006. It includes the Special Rapporteur's assessment of developments as based in his reporting, while incorporating information from other UN bodies, non-governmental organizations, and other information sources.

Activities:

- The Special Rapporteur initiated requests for missions to Governments such as the Central African Republic, the Democratic Republic of the Congo, the Philippines, and the Sudan.
- He issued 46 communications to Governments, asking them further information on specific allegations of violations of the right to food.

¹ Summary prepared by Alison Leon, Intern, ISHR, supervised and edited by Gareth Sweeney, Information Program, ISHR.

² Commission on Human Rights *Resolution 2000/10*

³ A/HRC/4/30; 19 January 2007.

- He collaborated his work with WFP and FAO programs and hunger advocacy work.
- He worked on the implementation of the International Code of Marketing of Breastmilk Substitutes as it correlated to the rights of children to food.

Summary and key conclusions:

- **The Special Rapporteur wished to bring attention to positive efforts in the realization for the right to food, including:** **Bolivia** passed a land reform bill (September 2006), which proposed to redistribute unused land, or that which has been corruptly obtained. This could lead to the redistribution of 20 million hectares of land for use by indigenous people and could help the 41% of the population who live in poverty; in **Venezuela**, the Mission Mercal subsidized grocery program has improved access to food; the Government of **South Africa** has produced a National Food Security Draft Bill that seeks to ensure the right to food guaranteed by their constitution through their Bill of Rights. Civil society initiatives, such as NGO activities in **Columbia** and **Malawi**, have promoted awareness about the right to food and encouraged government action securing such a right; and initiatives by the global farmers' organization **Via Campesina** and the non-governmental organization FIAN and CETIM (Centre Europe - Tiers Monde) have worked to improve the situation for subsistence farmers.
- **The Special Rapporteur wished to draw attention to serious concerns relevant to the reporting period:** In **Darfur, Sudan**, the situation continues to deteriorate, inhibiting access to food for IDPs and other people in urgent need; the security situation in the **Democratic Republic of the Congo** is affecting food security and access, especially to children and IDPs; floods have ravaged the lands comprising the Horn of Africa since 10 November 2006, damaging or destroying food supplies; in **Somalia**, the food supply of 900,000 people has been affected, in Kenya, 500,000, and in Ethiopia, approximately 360,000; **food budgets have been cut by the WFP**, leading to 70% or even 80% decreases in rations in Swaziland, Malawi, and Namibia; in **Mozambique**, 70% funding cuts decreased food rations by half, resulting in the unacceptable result that people will only receive food to provide for half of their calories needed; and aid to the **Democratic Republic of North Korea** was cut following their nuclear test, with negative consequences for the population's access to food.
- The Special Rapporteur outlined that rights of children are an important aspect of the human right to food, noting that children are vulnerable to food scarcity; many suffer from **undernutrition** or die young. He believes that the Millennium Goal to halve the number of undernourished children by 2015 is not on its way to being met. Furthermore, **children are discriminated in respect to food**; in South Asia, girls are more likely underweight than boys. Also, child hunger relates to **child soldiering** as many enlist to support themselves or their families.
- **'Fleeing from hunger':** the Special Rapporteur identified the concept of a '**refugee from hunger**', where the fear of starvation has driven people across borders. He urged that the status of refugees from hunger not be considered illegal; as the Office of the High Commissioner for Human Rights rightly stated, "there is little to distinguish between a person facing death through starvation and another threatened with arbitrary execution because of her political beliefs."

Key recommendations:

- The Special Rapporteur urged Governments to **adopt an adequate legal framework to ensure the right to food for all**, including and in particular, for the most vulnerable. This should include a clear definition of the right to food and the obligations of the Government to respect, protect and fulfill the right to food, as well as monitoring and funding mechanisms.
- He urged that Governments should **take immediate steps to eliminate child hunger** without discrimination, including school lunch programs and nutritional deficiency initiatives.
- The Special Rapporteur asked that **relief assistance be ensured** that meets the specific food and nutrition needs of families and their children during emergency situations.
- He urged Governments and groups to **stop recruiting child soldiers**, and take measures to help children who enlist because of hunger.

- He urged that hunger must be addressed as a **root cause in migration**.
- The Special Rapporteur noted that States should **refrain from deporting people** who have fled from their own countries as a result of hunger and violations of the right to food.
- Finally, the Special Rapporteur affirmed that States, having the responsibility to respect the right to food, must also **respect the principle of non-refoulement** for people whose lives will be at risk if they are deported. Governments should not expel, return or extradite a person to another State where there are substantial grounds for believing that he/she would be in danger of suffering from hunger, chronic undernutrition or violations of the right to food.

COUNCIL MONITOR STAFF

Gareth Sweeney, Human Rights Officer, Information Program

Michael Ineichen, Fellow, Information Program

Tony Morris, Information Program

Eléonore Dziurzynski, Communications Officer, Information Program

Contributor

Alison Leon, Intern

ABOUT THE PUBLICATION

The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Daily Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at www.ishr.ch/hrm/council

SUBSCRIPTION

If you wish to receive Council Monitor reports by e-mail during the Council session, please e-mail information@ishr.ch with 'subscribe' in the subject line. Your e-mail address and personal information will not be shared or sold to any third parties. We may from time to time send you a notification about other publications in the Human Rights Monitor Series that you may be interested in downloading or subscribing to.

COPYRIGHT AND DISTRIBUTION

Copyright © 2007 International Service for Human Rights

Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders.

DISCLAIMER

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on or any use of this publication. We are however happy to correct any errors you may come across so please notify information@ishr.ch.