Sheet 7 - Special Rapporteur on the right to food

Mandate:

At its fifty-sixth session, the Commission on Human Rights adopted resolution 2000/10 of 17 April 2000, in which it decided, in order to respond fully to the necessity for an integrated and coordinated approach in the promotion and protection of the right to food, to appoint, for a period of three years, a special rapporteur on the right to food. It defined the Special Rapporteur’s mandate as follows:

- To seek, receive and respond to information on all aspects of the realization of the right to food, including the urgent necessity of eradicating hunger;
- To establish cooperation with Governments, intergovernmental organizations, in particular the Food and Agriculture Organization of the United Nations, and non-governmental organizations, on the promotion and effective implementation of the right to food, and to make appropriate recommendations on the realization thereof, taking into consideration the work already done in this field throughout the United Nations system;
- To identify emerging issues related to the right to food worldwide.

What does the SRRF do?

- Presents annual reports to the Commission and the General Assembly on the activities and studies undertaken under his mandate
- Undertakes Country Visits¹
- Transmits communications to States with regard to alleged violations of the right to food.

Submitting Communications:

Communications usually take the form of either:

- Urgent action letters which are used to communicate information about a violation that is allegedly ongoing or about to occur. The intention is to ensure that the appropriate State authorities are informed as quickly as possible of the circumstances so that they can intervene to end or prevent a violation.
- “Allegation” letters are used to communicate information about violations that are said to have already occurred.

The following minimum information must be provided for all special procedures in order for the complaint to be assessed:

- Identification of the alleged victim(s);
- Identification of the alleged perpetrators of the violation;
- Identification of the person(s) or organization(s) submitting the communication (this information will be kept confidential);
- Date and place of incident

¹ Bolivia (May 2007), Lebanon (September 2006), Niger (July 2005), India (August 2005), Guatemala (February 2005), Mongolia (August 2004), Ethiopia (February 2004), Occupied Palestinian Territories (July 2003), Bangladesh (October 2002).
- A detailed (clear and concise) description of the circumstances of the incident in which the alleged violation occurred.
- As a general rule, communications that contain abusive language or that are obviously politically motivated are not considered.

The Special Rapporteur is open to receiving communications under any format (he has not yet developed a model questionnaire). In this connection the Special Rapporteur would find it helpful if communications could contain, among other, information relevant to the definition of the right to food and the obligations of States.

### Definition of the right to food

For the Special Rapporteur the right to food is 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 the people to which the consumer belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear.

This definition is in line with the core elements of the right to food as defined by General Comment No. 12 of the United Nations Committee on Economic, Social and Cultural Rights (the body in charge of monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights in those states which are party to it). The Committee declared that “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. The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients. The right to adequate food will have to be realized progressively. However, States have a core obligation to take the necessary action to mitigate and alleviate hunger even in times of natural or other disasters.

### Obligations of States

The Committee on Economic, Social and Cultural Rights in General Comment No. 12 also defined the obligations that States parties have to fulfill in order to implement the right to adequate food at the national level. These are as follows:

- The obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access;
- 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 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;
- Whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters.

### SRRF and Indigenous Peoples:

The SRRF has paid considerable attention to indigenous peoples’ rights in the context of the right to food. He has especially focused on effective protections for indigenous peoples’ rights to lands, territories and resources as an integral part of protecting the right to food. In his xxx eprot to the CHR (A/60/350), he explained that

The right to food of indigenous peoples is frequently denied or violated, often as a result of systematic discrimination or the widespread lack of recognition of indigenous rights. The levels of hunger and malnutrition among indigenous peoples are often disproportionately higher than among
the non-indigenous population, and yet they often do not benefit from programs designed to fight hunger and malnutrition or to promote development (paras 18-21);

and,

The realization of indigenous peoples’ right to food often depends crucially on their access to and control over the natural resources in the land and territories they occupy or use. Only then can they maintain traditional economic and subsistence activities such as hunting, gathering or fishing that enable them to feed themselves and preserve their culture and distinct identity (paras 23 - 25).

He thus denounced the attempts to break collective control of land and to allow for the privatization of land and its subsequent transfer onto the market as he believes they undermine indigenous peoples’ right to food. He has also noted with deep concern that development projects such as mining for minerals, oil or gas, logging, building dams and highways, or expanding industrial agriculture on indigenous lands, were often carried out without the free, prior and informed consent of those affected, and can threaten the right to food through the destruction or loss of ancestral territories and resources or displacement.

**SRRF and Biofuels:**

In October 2007, the SRRF called for a five-year moratorium on biofuel production, and a ban the conversion of land for the production of biofuels. He explained that increased conversion for biofuels was causing dramatic increases in food prices, especially affecting the poorest, and the loss of lands and productive resources.