



General Assembly

Distr.: General
16 February 2011

Original: English

Human Rights Council
Sixteenth session
Agenda item 5
Human rights bodies and mechanisms

Study of the Human Rights Council Advisory Committee on discrimination in the context of the right to food*

* The present document was submitted late owing to the holding of the sixth session of the Advisory Committee from 17 to 21 January 2011.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–5	3
II. International legal framework on the right to food and non-discrimination.....	6–12	4
III. Discrimination in the context of the right to food.....	13–48	6
A. Discrimination in terms of regions, markets, prices, subsidies, resources and infrastructure services.....	13–22	6
B. Discrimination against people working in rural areas.....	23–24	8
C. Right to food and the urban poor.....	25–28	9
D. Discrimination against women.....	29–35	10
E. Discrimination against children.....	36–39	11
F. Discrimination against refugees.....	40–43	12
G. Other vulnerable groups.....	44–48	13
IV. Anti-discriminatory policies and strategies.....	49–69	14
A. Increased congruence of development efforts and trade with human rights law.....	49–51	14
B. Concepts and instruments promoting the right to food of people working in rural areas.....	52–54	15
C. Legal and social protection of the urban poor.....	55–58	15
D. Legal and social protection of women.....	59–64	16
E. Legal and social protection of children.....	65–67	17
F. Legal and social protection of other vulnerable groups.....	68–69	18
V. Good practices.....	70–84	18
A. People working in rural areas.....	70–74	18
B. The urban poor.....	75	20
C. Women.....	76–79	20
D. Education systems, school meals and other practices for combating hunger and malnutrition in children.....	80–84	21
VI. Conclusion.....	85–86	22

I. Introduction

1. While governments have pledged to fulfil the Millennium Development Goals, notably to reduce extreme poverty and hunger, the bleak reality shows that an infamous record was broken in 2009: 1 billion people were found to suffer from undernourishment.¹ Many of the hungry are unable to realize their right to food because of underlying patterns of discrimination: for example, article 139 of the Labour Code of Guatemala describes rural women as “helpers” of the male agricultural workers rather than as workers entitled to receive their own salary.² Such de jure discrimination of rural women in Guatemala has a significant impact on their capacity to feed themselves and their families. At the same time, many children living in extreme poverty throughout sub-Saharan Africa, in parts of Asia and Latin America are affected by noma, a disease that devours the face and is fatal in up to 90 per cent of cases. This dreadful disease, last encountered in Europe in Nazi concentration camps, has malnutrition and poor sanitation as key risk factors. Children with noma are victims of de facto discrimination in the context of the right to food.

2. In its resolution 10/12, the Human Rights Council mandated the Advisory Committee to undertake a study on discrimination in the context of the right to food, including identification of good practices of anti-discriminatory policies and strategies.

3. At its first session, the Advisory Committee established a drafting group on the right to food, consisting of José Bengoa Cabello, Chinsung Chung, Latif Hüseyinov, Jean Ziegler and Mona Zulficar³ and mandated it to draft a study on discrimination in the context of the right to food. The drafting group had several drafting meetings and prepared working papers. The preliminary study on discrimination in the context of the right to food was endorsed by the Committee at its fourth session and submitted to the Council for its consideration (A/HRC/13/32).

4. In its resolution 13/4, the Human Rights Council welcomed the above-mentioned preliminary study and requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to collect the views and comments of all States, all relevant United Nations special agencies and programmes and all other relevant stakeholders on the good practices of anti-discriminatory policies and strategies set out in the preliminary study so that the Advisory Committee could take them into account for the conclusion of the study.

5. The present study is the outcome of a thorough research process and consultations among the members of the Advisory Committee and was endorsed by the Committee at its sixth session, for submission to the Human Rights Council at its sixteenth session. The study takes into consideration the comments and suggestions made by States, United Nations special agencies, international organizations and other relevant stakeholders, including national human rights institutions and non-governmental organizations.

¹ Food and Agricultural Organization of the United Nations (FAO), “1.02 billion people hungry”, Rome, 19 June 2009.

² FIAN, “The right to adequate food of rural and indigenous women in Guatemala”, written submission to the Committee on the Elimination of Discrimination against Women. See also E/CN.4/2006/44/Add.1.

³ The members of the drafting group on the right to food thank Christophe Golay and Ioana Cismas from the Geneva Academy of International Humanitarian Law and Human Rights for their important contribution during the drafting of the present study.

II. International legal framework on the right to food and non-discrimination

6. The right to adequate food is a human right that protects the right of all human beings to live in dignity and be free from hunger. It is recognized under international humanitarian law and human rights, including in the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (arts. 6 and 59), the Protocol Additional I to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (arts. 54 and 69), the Protocol Additional II to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (arts. 5.1 (b), 14 and 17.1), the Convention on the Elimination of All Forms of Discrimination against Women (art. 12), the Convention on the Rights of the Child (arts. 24 and 27) and the Convention on the Rights of Persons with Disabilities (arts. 25 (f) and 28.1).

7. Being protected by such a vast array of international documents not only confirms the status of the right to food as unequivocally universal in times of peace as much as in times of armed conflict, but also speaks to its interdependence with other civil, political, economic, social and cultural rights. To state the obvious, the right to water and sanitation, the right to health, the right to education and indeed the right to life are intimately bound to the realization of the right to food (A/HRC/12/24).

8. The international instrument most often cited as the main legal source of the right to food is the International Covenant on Economic, Social and Cultural Rights (art. 11). The Committee on Economic, Social and Cultural Rights, the treaty body monitoring implementation by States of the Covenant, authoritatively defined in its general comment No.12 (1999), 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 (para 6). Food should be available in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture (paras. 8, 12). In connection to both economic and physical accessibility, the Committee highlighted the importance of giving particular attention to vulnerable groups (para. 13), an approach embraced by States in the Rome Declaration on World Food Security and the World Summit Plan of Action, of November 1996, and renewed in the five Rome Principles for Sustainable Global Food Security. Under international law, Governments are bound to respect, protect and fulfil the right to food. As part of their obligations to protect people's resource base for food, States must ensure that activities of the private business sector and civil society organizations are in conformity with the right to food (para. 27).

9. In elaborating the obligations relating to the right to food, the Committee on Economic, Social and Cultural Rights draws on one of the cardinal principles of international law, the prohibition of discrimination. Stipulated in the Charter of the United Nations, the principle of non-discrimination was set out in 1945 to govern the post-second-world-war world.⁴ The all-encompassing stipulation "without any discrimination" of the Universal Declaration of Human Rights is strongly echoed in virtually all human rights instruments at the international and regional levels. The non-discrimination principle has been enshrined in identical provisions in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. According to article 2, paragraph 2 of the latter Covenant, each State party is obliged to guarantee that

⁴ Manfred Nowak, *UN Covenant on Civil and Political Rights: CCCP Commentary*, 2nd ed. (Strasbourg, NP Engel, 2005), p. 599.

the rights enunciated in the Covenant are exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In article 14(2) of the Convention on the Elimination of Discrimination against Women, States bound themselves to take measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development.

10. In its general comment No. 20, on non-discrimination in economic, social and cultural rights, the Committee on Economic, Social and Cultural Rights defined discrimination as any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights (para. 7). The Committee insisted on the obligation for State parties to eliminate all discrimination, both formally and substantively. In the context of the right to food, it obliges States to revise their legislation, in particular laws dealing with access to food, social assistance or productive resources, to ensure that they do not include any discriminatory provision.⁵

11. Merely addressing formal discrimination will not ensure substantive equality as envisaged and defined by article 2(2) of the International Covenant on Economic, Social and Cultural Rights. The effective enjoyment of Covenant rights is often influenced by whether a person is a member of a group characterized by the prohibited grounds of discrimination. Therefore, strategies addressing discrimination, including in respect to the right to food, ought to take a vulnerable and disadvantaged groups approach, as the Committee points out.⁶ Eliminating discrimination in practice requires paying sufficient attention to groups of individuals who suffer historical or persistent prejudice instead of merely comparing the formal treatment of individuals in similar situations. States parties must therefore immediately take the measures necessary to prevent, diminish and eliminate the conditions and attitudes that cause or perpetuate substantive or de facto discrimination.

12. For example, States must ensure that all individuals, including women and girl children, landless people or indigenous people, have equal access to adequate food and to the means of its procurement.⁷ While one of the comments received recommended the elimination of peasant farmers or the urban poor⁸ from the list of vulnerable groups, the current study clearly shows that these are categories that suffer substantive and de facto discrimination. This is hence the appropriate locus to address the underlying causes of and factors contributing to discrimination – including socio-economic ones – affecting these groups and the existing best practices on how to eliminate or mitigate discrimination. Moreover, numerous States and non-governmental organizations have commended the inclusion of the mentioned categories and/or the attention paid to structural causes.⁹

⁵ See E/C.12/1999/5, para. 18.

⁶ *Ibid.*, paras. 13 and 28.

⁷ *Ibid.*

⁸ Comments by Canada on the preliminary study (14 July 2010).

⁹ See for instance the views and comments on the preliminary study by Mauritius (8 October 2010), Portugal (4 August 2010), Switzerland (6 July 2010), the Human Rights Advocates (not dated), FIAN (4 October 2010), as well as the speech by Henry Saragih, general coordinator of Via Campesina, at the fourth session of the Advisory Committee (27 January 2010).

III. Discrimination in the context of the right to food

A. Discrimination in terms of regions, markets, prices, subsidies, resources and infrastructure services

1. Regional inequalities and the increasing marginalization of the most vulnerable groups

13. There is little, if any, improvement in the situation of the poorest regions of the world in terms of poverty and hunger reduction. Overall, prior to the economic and food crisis peaking in 2008, the number of people in developing regions living in extreme poverty, on less than \$1.25 a day at 2005 prices, decreased from 1.8 billion in 1990 to 1.4 billion in 2005. Once the data have been disaggregated by region, this encouraging development reveals less ground for optimism. The decline in the number of people living in extreme poverty is largely attributable to China.¹⁰ More than half of the population of sub-Saharan Africa remains below the poverty line. Similarly, according to the United Nations report on the Millennium Development Goals for 2009, Southern Asia, while registering certain progress, still has 39 per cent of its population living in extreme poverty.

14. Although an improvement over the record hunger statistics of 2009, the figure for 2010 remains staggering: a total of 925 million people are still estimated as undernourished today.¹¹ The Asia and Pacific region had the largest number of hungry people (578 million), followed by sub-Saharan Africa (239 million).¹² The latter had the largest prevalence of undernourishment relative to its population size (30 per cent).¹³ According to the above-mentioned report on the Millennium Development Goals, as an effect of the escalating food prices, which peaked in 2008, four regions of the world have seen percentage increases in undernourishment in relation to the period 2004-2006: sub-Saharan Africa, Oceania, Southern Asia (India excluded) and Eastern Asia.

15. A new spike in food prices has been witnessed since July 2010. The FAO Food Price Index has reached its highest level since September 2008 and prices of wheat on international markets have increased by 70 per cent since 2009. Food riots, such as the one in Mozambique in the third quarter of 2010, illustrate food insecurity and the utter despair of people.¹⁴

16. The environmental crisis cannot be neglected from any discussion relating to food security. Climate change is expected to affect the poorest regions with the highest level of chronic hunger worst.¹⁵ It is asserted that climate change and biofuel development will affect the four dimensions of food security - availability, accessibility, stability and utilization - in particular in sub-Saharan Africa and Southern Asia.¹⁶

¹⁰ World Bank / International Monetary Fund, *Global Monitoring Report 2009: A Development Emergency* (Washington, D.C.), p. 19.

¹¹ Food and Agriculture Organization of the United Nations (FAO), *The State of Food Insecurity in the World 2010* (Rome, 2010), p. 4.

¹² *Ibid.*, p. 9.

¹³ *Ibid.*, p. 10. See also FAO, "More people than ever are victims of hunger", background note, 2009.

¹⁴ Food riots: "Predictable crisis, unprepared governments"- UN expert, press release, Geneva, 7 September 2010; see also www.fao.org/worldfoodsituation/FoodPricesIndex/en/.

¹⁵ FAO, "2050: Climate change will worsen the plight of the poor", 30 September 2009. Available from www.fao.org/news/story/0/item/35831/icode/en/.

¹⁶ FAO, High-level Expert Forum: How to Feed the World in 2050, Climate change and bioenergy challenges for food and agriculture, Rome, 12-13 October 2009.

2. Markets, prices, resources and infrastructures services

17. According to the market economy model, higher food prices should represent an incentive for farmers, including those from the developed world, and trigger an increase in production. In reality, the developing world increased cereal production by less than 1 per cent in 2008, and production actually decreased in most developing countries.¹⁷

18. As FAO and the International Fund for Agricultural Development pointed out in recent studies, higher output prices are not sufficient to trigger an expansion in food supplies.¹⁸ Smallholders, the majority of farmers in developing countries, have limited market participation. Decades of structural adjustment policies and declining investment in agriculture have resulted in a lack of access to resources – agricultural inputs and credit, marketing and transport infrastructure, technology, rural services and institutions – thus posing serious limitations to the market participation of small farms. In addition, while higher food prices do not trickle down to the farm gate where smallholders often have to sell their products, higher input costs do. Those that reap the benefits of higher food prices are large commercial farmers in developed and food-exporting countries.¹⁹

3. The role of agricultural trade, subsidies and international companies in the context of the right to food

19. It would appear that the international trade regime as it functions today favours developed countries and creates disadvantages for developing States, particularly in the agriculture sector.²⁰ A report by the International Assessment of Agricultural Knowledge, Science and Technology for Development, for example, asserts that “small-scale farmers and rural livelihoods are negatively affected by agricultural trade” and that “the poorest developing countries are net losers under most trade liberalization scenarios”.²¹

20. The World Trade Organization (WTO) noted in its comments on the preliminary study that a reform process had been launched during the Uruguay Round of the General Agreement on Tariffs and Trade and furthered in the Doha negotiations aimed at reducing “trade-distorting domestic agricultural subsidies”, in addition to the existing flexibilities for the agriculture sector of developing countries. In its feedback, Argentina pointed out that the long-term goal of WTO was the establishment of an equitable and market-oriented system of agricultural trade.²²

21. In Organization for Economic Cooperation and Development (OECD) countries, support for producers remains high: in 2008, it was estimated at EUR 182 billion, equal to 21 per cent of aggregate gross receipts of OECD farm producers.²³ Subsidized food and agriculture products arrive on the markets of developing States as cheap imports, with

¹⁷ FAO, *The State of Agricultural Commodity Markets 2009* (Rome, 2009), p. 29.

¹⁸ See *ibid.* and International Fund for Agricultural Development (IFAD), “Food prices: smallholder farmers can be part of the solution”, 9 July 2009. Available from www.ifad.org/operations/food/farmer.htm.

¹⁹ Molly D. Anderson, “A Question of Governance: To Protect Agribusiness Profits or the Right to Food?”, *Agribusiness Action Initiatives*, November 2009. Available from www.agobservatory.org/library.cfm?refID=107086.

²⁰ GTZ, “The human right to food and agricultural trade”, German Federal Ministry for Economic Cooperation and Development, Eschborn, 2008.

²¹ International Assessment of Agricultural Knowledge, Science and Technology for Development, *Agriculture at a Crossroads: Synthesis Report* (Washington, D.C., 2009), p. 65.

²² Comments of Argentina to the preliminary study (14 June 2010).

²³ Organization for Economic Cooperation and Development, *Agricultural policies in OECD countries 2009: Monitoring and Evaluation* (2009), p. 5.

which local products cannot compete. As a consequence of dumping practices, smallholders have less income and fewer resources to buy seeds and fertilizers, which in turn affects their agricultural production and consequently their livelihood. Subsidies also produce long-term sectorial distortions in developing countries. Given the availability of cheap subsidized products obtainable through trade, there is a general disincentive to invest in agriculture. Undeniably, the past 30 years have witnessed serious underinvestment in the agricultural sector of developing countries owing to the growing perception that agriculture is unprofitable.²⁴

22. Linked to the serious human rights challenges posed by dumping practices is the market domination of a few large transnational corporations in all sectors of the food chain: production, trade, processing, marketing and retail (E/CN.4/2004/10). For example, in the United States of America, the beef and the pork packing industries are dominated by four firms (Tyson, Cargill, Swift & Co., the National Beef Packing Co. and Smithfield Foods, Tyson Foods, Swift & Co. and Cargill) with a market concentration ratio of 83.5 per cent and 66 per cent respectively.²⁵ There is a trend towards the reproduction in the markets of developing countries of the oligopoly structure observable in the United States and the European Union.²⁶ The Special Rapporteur on the right to food stresses that only competition law regimes, which are designed in compliance with States' obligations to protect the right to adequate food can combat abuses of buyer power, and outlines accordingly a set of recommendations for both States and the agribusiness sector (A/HRC/13/33).²⁷

B. Discrimination against people working in rural areas

23. Hunger, like poverty, is still predominantly a rural problem, and among the rural population it is the peasant farmers, small landholders, landless workers, fisherfolk, hunters and gatherers who suffer disproportionately. The United Nations Millennium Development Project Task Force on Hunger has shown that 80 per cent of the world's hungry live in rural areas. Some 50 per cent of the world's hungry are smallholder farmers who depend mainly or partly on agriculture for their livelihoods, but lack sufficient access to productive resources such as land, water and seeds. Another 20 per cent of those suffering from hunger are landless families who survive as tenant farmers or poorly paid agricultural labourers, and often have to migrate from one insecure, informal job to another. Another 10 per cent of the world's hungry live in rural communities from traditional fishing, hunting and herding activities.²⁸

24. People living in the rural areas, including smallholders, landless workers and people living from traditional fishing, hunting and herding activities, face a number of impediments in realizing their right to food, which in turn places them in the above-mentioned situation of vulnerability in respect to hunger. Some impediments are environmental or geographically-related, such as drought, floods or infertile land. Others are of social or human-caused origin, such as an inequitable distribution of land, traceable

²⁴ IFAD, "Food prices: smallholder farmers can be part of the solution".

²⁵ Mary Hendrickson and William Heffernan, "Concentration of agricultural markets", April 2007. Available from www.foodcircles.missouri.edu/07contable.pdf.

²⁶ John Wilkinson, "The globalization of agribusiness and developing world food systems", *Monthly Review*, September 2009.

²⁷ See also Olivier De Schutter, "Addressing concentration in food supply chains: the role of competition law in tackling the abuse of buying power", Briefing note 3, December 2010.

²⁸ Pedro Sanchez and others, *Halving Hunger: It Can Be Done*, UN Millennium Project 2005, Task Force on Hunger (London, 2005).

to colonial times or corrupt regimes of the present. New developments such as the building of dams or the new phenomenon of large-scale land acquisitions by foreign Governments or companies may force smallholders and other rural people to leave their lands and thus lose their primary base of food and their way of life. Other causes of vulnerability include difficulties in acquiring seeds or access to credit; lack of access to markets owing to the centralization of agribusiness chains or lack of investment in infrastructure; restrictions on unionization, including criminalization of such attempts; and vulnerability in the face of powerful third parties, such as private actors or companies. The obstacles and causes for exclusion have been detailed by the Committee in its preliminary study (A/HRC/13/32) and in a background paper on peasant farmers and the right to food: a history of discrimination and exploitation (AC/3/CRP.5). Acknowledging the importance of the matter, the Human Rights Council mandated the Advisory Committee to undertake a separate study on ways and means to further advance the rights of peasants and other people working in rural areas.

C. Right to food and the urban poor

25. With the size of urban population continuing to rise, the absolute number of urban poor and undernourished also continues to increase. Intra-urban differences reveal levels of inequalities and malnutrition rather than an average that provides one single estimate of poverty.²⁹ Trends have shown that, for the poor living in urban areas, dependence on cash-based incomes increases together with a decrease in reliance on surrounding natural resources.³⁰

26. Countries continue to assume that food security is equivalent to food shortage. African States, for example, continue to spend a large share of resources on meeting the needs of the urban poor rather than investing in productive sectors, such as agriculture and the generation of off-farm and urban employment.³¹

27. The pursuit of social goods should not be separated from the management of public expenditure and the eradication of corruption. It is important to note the responsibility of Governments to distribute food aid in a non-discriminatory manner. In a recent report, an international non-governmental organization alleged that, in Ethiopia, food aid had been channelled towards political supporters of the Government, while groups of the population supporting the opposition were excluded from either subsidized or emergency food.³² Moreover, State provision of food aid through social safety nets rarely addresses discrimination stemming from inequalities within the households.

28. The recent food crisis affected the urban poor disproportionately. The director of SOS Children's Villages Kosovo, Nezahat Salihu-Ramadani, commented that the increase in food prices led to "an unbearable decrease in purchasing power" for the urban poor in Kosovo. "Most products have become unaffordable, especially for those who live on State benefits. People now really have to prioritize their needs. There is a notable shift in what people are buying and eating."³³ Skyrocketing prices have made the tragedy of reduced

²⁹ Marie T. Ruel and others, "Urban challenges to nutrition security: a review of food security, health and care in the cities", International Food Policy Research Institute (Washington, D.C., 1998).

³⁰ Lawrence Haddad, Marie T. Ruel and James L. Garrett, "Are urban poverty and undernutrition growing? Some newly assembled evidence", *World Development*, vol. 27, no. 11 (November 1999).

³¹ Shenggen Fan and others, "Investing in African agriculture to halve poverty by 2015", Regional Strategic Analysis and Knowledge Support System, Working Paper No. 25 (February 2009).

³² Human Rights Watch, *Development without Freedom: How Aid Underwrites Repression in Ethiopia* (19 October 2010), p. 53. Available from www.unhcr.org/refworld/docid/4cbd2fce2.html.

³³ See SOS Children's Villages International, "Kosovo's urban poor hard hit by food crisis", available from www.sos-childrensvillages.org/focus-areas/emergency-relief/children-in-catastrophes/global-

caloric intake and nutritious food, followed by a drop in expenditure on education, health and sanitation, the reality of many households throughout the world.³⁴

D. Discrimination against women

29. The intersection between women's rights and the right to food provides a rich overview of a number of interrelated dimensions of discrimination against women related to access to land, property and markets, which are inextricably linked to access to education, employment, health care and political participation. On a global scale, although women cultivate more than 50 per cent of all food grown, they account for 70 per cent of the world's hungry and are disproportionately affected by malnutrition, poverty and food insecurity. Governments are not living up to their international commitments to protect women from discrimination, as the gap between de jure equality and de facto discrimination continues to persist and resist change.

1. Rural women, access to land, production and markets

30. Women's access to control and ownership of land or property is crucial to the strengthening of their security and livelihoods. It is important to understand the multiple factors – laws, inheritance, marital status and agrarian reform policies – that impede women's equal access to land and the way these affect women by virtue of their gender at the individual, community and national levels.³⁵ FAO estimates that de facto female-headed households account for around 25 per cent of all rural households, reflecting the multiplicity of women, from single parents, widows and wives of migrant workers to women migrant workers.³⁶ Despite representing the majority of the agricultural workforce and production, women are estimated to have access to or control 5 per cent of land globally.³⁷

31. The right to control, have access to and manage land is tied to a woman's right to exercise financial independence, earn a livelihood and subsequently provide a livelihood for herself and her household. Agrarian reform policies that are "gender-blind" continue to exclude women from entitlements to land.³⁸ States undergoing agrarian reform or land redistribution schemes must uphold the equal right of women to land, regardless of marital status.

32. Commenting in 2005 on the situation in Ethiopia, the Executive Director of the Ethiopian Women Lawyers Association stated that women had no right to inherit; the only option for them was to get married and have a husband. But when the husband died, they were also "kicked off their land" (E/CN.4/2005/47/Add.1, para. 22). To date, the reality continues to confirm this appalling observation. Many rural women, documented systematically in sub-Saharan Africa, envisage the legal difficulty that they cannot hold title

food-crisis/pages/kosovos-urban-poor-hard-hit-by-food-crisis.aspx (accessed 10 February 2011).

³⁴ Issa Sanogo, "The global food price crisis and household hunger: a review of recent food security assessments", *Humanitarian Exchange Magazine*, no. 42 (March 2009); FAO, *The State of Food Insecurity in the World 2010*.

³⁵ FAO, "Gender issues in land tenure" (High-level consultation on rural women and information, Rome, 4-6 October 1999).

³⁶ Ibid.

³⁷ Cited at the Post-African Development Forum Consultation on Securing Women's Access to and Control Over Land in Africa through the African Union's Africa Land Policy Framework and Guidelines, Addis Ababa, 21 and 22 November 2008.

³⁸ FAO, *Gender Food Security*. Synthesis report of regional documents (Rome, 2004).

to land, although they are given the right to till the land and erect a home on a piece of land allocated to the household head.³⁹

33. Family law that restricts a married woman's capacity to inherit equally, and succession laws that restrict a women's inheritance rights – mostly of a customary nature, to be found today in much of Africa, some parts of Asia and in Latin America – are two sets of laws and practices producing discriminatory effects in excluding women from claiming land rights.⁴⁰ Rural households continue to acquire land through inheritance laws that emanate from customary legal regimes currently premised on reaffirming women's unequal access to and control over land. Because land is mediated through husbands, fathers, brothers or sons, women's land rights are negotiated within unequal power relationships and are not assumed to be general entitlements. This underscores the importance of legal and cultural reform to restore the balance of power relationships within the family.

2. Women and access to education, employment and health care

34. The role of women in the economy has often been underestimated and their work in agriculture has long been invisible. While policymakers have targeted population, health and nutrition programmes on women in their reproductive roles, they have neglected women as productive agents.⁴¹

35. Rural women have the world's lowest levels of schooling and the highest rates of illiteracy in all developing regions; twice as many women suffer from malnutrition as men, and girls are twice as likely to die from malnutrition as boys. Numerous studies underscore the social costs of rural women's lack of education and assets, linking them directly to high rates of malnutrition, infant mortality and, in some countries, HIV/AIDS infection. There are also high economic costs: wasted human capital and low labour productivity that stifle rural development and progress in agriculture, and ultimately threaten food security. Discrimination against women in the context of the right to adequate food is a culmination of all other aspects of discrimination that stifle women's rights to equality and empowerment.

E. Discrimination against children

36. More than one third of child deaths worldwide are attributed to malnutrition.⁴² In 2008, 8.8 million children born across the world died before their fifth birthday. Most of these children lived in developing countries and died from a disease or a combination of diseases that could easily have been treated with the proper nutrition and health care.⁴³ The United Nations Children's Fund rightly calls child malnutrition the silent emergency, since

³⁹ See Tsehainesh Tekle, *Women's Access to Land and Property Rights in Eritrea. Towards Good Practice: Women's Land and Property Rights in Situations of Conflict and Reconstruction*, 2002; Abby Sebina-Zziwa, Richard Kibombo and Herbert Kamusiime, *Patterns and Trends of Women's Participation in Land Markets in Uganda* (8th International Interdisciplinary Congress on Women, Kampala, Uganda, Makerere Institute of Social Research, Makerere University, 2002); Laurel L. Rose, "Women's Strategies for Customary Land Access in Swaziland and Malawi: A Comparative Study", *Africa Today*, vol. 49, no.2 (Summer 2002), pp. 123-149.

⁴⁰ FAO, *Gender and Law: Women's Rights in Agriculture*, FAO Legislative Study, rev. 1, Rome 2002.

⁴¹ International Food Policy Research Institute, *Women: The Key to Food Security* (Washington, D.C., August 1995).

⁴² See WHO Fact File at www.who.int/features/factfiles/nutrition/facts/en/index.html.

⁴³ See www.childinfo.org/mortality.html.

malnourished children are too weak to fight off illness or continue their school education. Malnutrition keeps children trapped in a cycle of poverty and lack of perspective.⁴⁴

37. One telling example of the above-described situation is that of noma, a disease that devours the face of children, and is the brutal impersonation of severe malnutrition and extreme poverty. It affects children in many countries in Africa, including Chad, Ethiopia, Mali, Mauritania, the Niger, Nigeria, Senegal and the Sudan, parts of Asia and Latin America. Noma was eradicated from Europe and North America at the beginning of the twentieth century thanks to improved diets as a result of economic progress. In its early stages, noma can be treated in a manner that is simple, effective and low-cost, with disinfecting mouthwashes, nutritious food and antibiotics.⁴⁵ In the advanced stages, the death rate can reach 90 per cent. Survivors suffer threefold: disfigurement, functional impairment and intense social stigma and discrimination.⁴⁶ Improving the diet of malnourished children, particularly in risk areas, could considerably reduce the death rate and the occurrence of this disease. For the time being, however, it is almost exclusively non-governmental organizations and charities that are working on the prevention of noma and reconstructive surgery.

38. As a result of the financial and economic crisis, the World Food Programme (WFP) has been confronted with a dramatic lack of funding and has been seriously hampered in its mission to ensure adequate food for the most food-insecure people around the world. Among the hardest hit are children who were benefitting from school feeding programmes or fortified blended food. In 2010, in Côte d'Ivoire, WFP was forced to halve the size of school meals for almost 430,000 children from regions where malnutrition rates were already above the World Health Organization (WHO) critical threshold,⁴⁷ as such condemning these children to the deplorable consequences of malnutrition.

39. Child labour is a phenomenon closely related to discrimination in the context of the right to food. Children are forced into various forms of labour most often as a result of extreme poverty and the need to provide for food. Some 158 million children, or one child in six, aged from 5 to 14 years, are involved in child labour.⁴⁸ Eradicating this phenomenon also requires dealing with issues affecting adult workers, since child labour is linked to adult poverty and the promotion of decent work at the conceptual and practical levels.⁴⁹

F. Discrimination against refugees

40. Confronted with a dramatic shortage in funding, the Office of the United Nations High Commissioner for Refugees and WFP are struggling to assure food for refugees and internally displaced persons. Despite the important efforts being made by European States, the United States of America and other countries to provide assistance and food aid in emergencies, serious funding shortfalls are threatening the lives of millions of people, in particular in Africa and Asia.

⁴⁴ See www.unicefusa.org/work/nutrition.

⁴⁵ Kurt Bos and Klaas Marck, *The Surgical Treatment of Noma* (Uitgeverij Belvédère/Medidact, Alphen aan den Rijn, The Netherlands, 2006), p.18.

⁴⁶ David E. Barmes and others, "The need for action against oro-facial gangrene (noma)", *Tropical Medicine and International Health*, vol. 2, no. 12 (December 1997).

⁴⁷ World Food Programme (WFP), "WFP reduces rations for 460,000 children in Côte d'Ivoire", 5 March 2010. Available from www.wfp.org/news/news-release/wfp-reduces-rations-460000-children-cote-divoire.

⁴⁸ See www.unicef.org/progressforchildren/2007n6/index_41846.htm.

⁴⁹ ILO, "Future harvests without child labour", *World of Work* 61 (December 2007).

41. Although the problem is by no means new,⁵⁰ it has become dramatically worse since the explosion of world market prices for staple foods in recent years, in particular for rice, maize and wheat, as well as the economic downturn. Reduced food ratios or the risk of halting food programmes altogether in camps already affected by malnutrition and a lack of alternatives is the grim reality for refugees and internally displaced persons in States such as Chad and the Central African Republic.⁵¹

42. In recent decades, millions of people have crossed international borders and tried to reach developed countries to escape pervasive hunger, especially people living in sub-Saharan Africa.⁵² Most people fleeing from hunger are refused entry and protection in other countries because they do not qualify as refugees in the traditional and legal sense. Most are detained and held in processing or detention centres before being forcibly repatriated to their own countries.

43. Refugees from hunger are, however, not migrants. They do not move voluntarily, but out of a state of necessity.⁵³ When famine strikes a whole country or region (such as the 2005 famine in the Sahel zone of sub-Saharan Africa), individuals have no other choice but to flee across international borders. Hunger is an immediate threat to their lives and those of their families. These persons should therefore be protected and have the right to temporary non-refoulement. The need to strengthen protection for people forced to leave their homes and land because of hunger was recognized by the General Assembly in its resolution 62/164 on the right to food.

G. Other vulnerable groups

44. Hunger and malnutrition are largely explained by unequal power relations that systematically disadvantage minorities. “From the beginning of time, in the history of humankind, minorities (political, ethnic or religious) have always been the first to suffer from hunger, in the same way that all populations, victims of a status considered inferior, find themselves placed on the bottom rung of the social ladder.”⁵⁴

45. Indigenous people face exclusion and discrimination, which have an impact on their right to food. In Guatemala, for instance, progress in lowering chronic malnutrition rates for indigenous children has been slower than for non-indigenous children. Between 1987 and 2002, the rate for non-indigenous children decreased by 13 per cent, compared to just 2 per cent for indigenous children. It was the predominately indigenous regions of the north and north-west that experienced a deterioration in the situation from 1999 onwards.⁵⁵

46. The right to food of indigenous people often depends directly on their access to and control over their lands and other natural resources in their territories. Of great relevance in this context is the jurisprudence of the Inter-American Commission on Human Rights and

⁵⁰ See A/HRC/4/30 and A/HRC/7/5.

⁵¹ See Newstime Africa, “WFP suffers funding shortfall”, 1 August 2009 (available from www.newstimeafrica.com/archives/1377); UN News Centre, “Lack of funds may force UN agency to cut food aid”, 24 August 2010 (available from www.un.org/apps/news/story.asp?NewsID=35699); and IRIN News, “WFP raises concern over food shortage at refugee camps” (available from www.irinnews.org/Report.aspx?reportid=32621) (accessed 10 February 2011).

⁵² A/HRC/7/5.

⁵³ A/62/289.

⁵⁴ Sylvie Brunel, *La faim dans le monde ; comprendre pour agir* (Paris, Presses Universitaires de France, 1999), p. 11.

⁵⁵ Center for Economic and Social Rights, fact sheet No. 3 (Guatemala), available from www.cesr.org/downloads/Guatemala%20Fact%20Sheet.pdf.

the African Commission on Human and Peoples' Rights stressing the interdependence of indigenous peoples' rights to land, to food and to life.⁵⁶

47. Physical accessibility – part of the core content of the right to food – by persons with disabilities is insufficiently addressed by Governments. As underlined in comments on the Committee's preliminary study,⁵⁷ the perspective of accessibility changes according to the specific disability; the relevant measures for the realization of the right to food of people with disabilities ought to be appropriately implemented. In addition, elderly people with disabilities are often subjected to multiple forms of discrimination with regard to physical and economic accessibility and the particularities related to a changed nutrition regime.

48. Other groups vulnerable in the realization of their right to food may include elderly people, especially women, people living with HIV/AIDS and other chronic diseases, people deprived of their liberty and those living in conflict areas.

IV. Anti-discriminatory policies and strategies

A. Increased congruence of development efforts and trade with human rights law

49. The fact that nearly a billion people remain hungry even after the recent food and financial crises have largely passed indicates a deeper structural problem that gravely threatens the ability to achieve internationally agreed goals on hunger reduction. It is also evident that economic growth, while essential, will not be in itself sufficient to eliminate hunger within an acceptable period of time.⁵⁸

50. The Special Rapporteur on the right to food⁵⁹ and the joint statement made by the Chairpersons of the United Nations human rights treaty bodies (20-22 September 2010) provide the key to reading the above observation. In its current report, the Advisory Committee strongly supports the view that, in order to eradicate hunger and achieve other Millennium Development Goals, patterns of discrimination, which push certain groups into a circle of vulnerability, must be eliminated. Development efforts, including those of international organizations and United Nations agencies, must take a human rights approach and, in particular, use a right to food framework. Hence, national plans of action for the implementation of the Millennium Development Goals must be guided by human rights, including the right to food and the principle of non-discrimination. Moreover, national strategies must go beyond the Goals and reflect the legal obligations that States have under international human rights treaties to realize all human rights for all.

51. Today's web-like world cannot afford to act as if trade was insulated from development and both were dissociated from human rights. The world is governed by international law and congruence among branches of law must be sought – including trade, financial and human rights law – if the ultimate purpose is a world of equal opportunity. Proposals on regulating speculation in international food markets⁶⁰ or trade negotiations

⁵⁶ See Christophe Golay and Ioana Cismas, *Legal Opinion on the Right to Property from a Human Rights Perspective* (Montreal, Geneva Academy of International Humanitarian Law and Human Rights, Rights and Democracy, 2010).

⁵⁷ Comments of El Salvador (6 July 2010) and Light for the World (9 July 2010).

⁵⁸ FAO, *The State of Food Insecurity in the World 2010*, p. 4.

⁵⁹ Olivier De Schutter, "Democratizing the Millennium Development Goals", September 2010, available from www.project-syndicate.org/commentary/odeschutter1/English.

⁶⁰ Olivier De Schutter, "Food commodities speculation and food price crises", Briefing note 2,

that are based on the acknowledgement that food as the product of agriculture is and cannot be treated as if it was “socks or tyres”⁶¹ are thus steps towards such a world, without discrimination and with equal opportunities.

B. Concepts and instruments promoting the right to food of people working in rural areas

52. The Human Rights Council has emphasized the importance that it attributes to the rights of people working in the rural areas by mandating the Advisory Committee to undertake a study identifying ways and means to further advance their particular rights. In view of that study, the present report will merely highlight important areas and strategies adopted by different stakeholders relevant to the topic.

53. The question of land and agrarian reforms that assure access to land and security of tenure is closely linked to the right to food of people from rural areas, in particular landless workers, smallholders and rural women. The linkage was reasserted recently by world leaders.⁶² Land reforms in several countries have had a significant impact on reducing poverty and hunger and increasing economic growth.⁶³

54. To address increasing inequalities, civil society organizations are promoting new forms of cooperation and association. One of the most important associations in this field is the movement for food sovereignty, La Via Campesina, which has members from 69 countries from all regions of the world. In June 2008, after more than seven years of consultation with its member organizations, the movement adopted the Declaration of the Rights of Peasants: Men and Women, and presented it as a response to the world food crisis before the Human Rights Council, and the General Assembly in 2009.⁶⁴ The declaration is an important example of an anti-discriminatory strategy that could improve the protection of the right to food.

C. Legal and social protection of the urban poor

55. The circle of vulnerability of the rural impoverished often continues in the urban setting, where members of rural families migrate.⁶⁵ Limited employment opportunities, casual employment, uncertain daily wages and the lack of social safety nets and appropriate housing are increasing the food insecurity of the urban poor. As such, strategies aimed at empowering the urban poor to realize their right to food must comprise employment and social security policies, which include just employment and minimum wage components, in order to allow these persons to earn enough on a sustainable basis to have access to food. Land tenure and adequate housing legislation is needed to guarantee a stable environment with access to sanitation and safe drinking water.

September 2010.

⁶¹ Speech by the Director-General of the World Trade Organization, Pascal Lamy, at the conference on the theme “Confronting the global food challenge”, Geneva, 24-26 November 2008.

⁶² International Conference on Agrarian Reform and Rural Development. Final Declaration, Porto Alegre, 7-10 March 2006.

⁶³ See E/CN.4/2006/44/Add.2, A/HRC/7/5/Add.2 and Add.3.

⁶⁴ See the statement of La Via Campesina before the General Assembly of 6 April 2009, at www.viacampesina.org.

⁶⁵ Asbjørn Eide, “The human right to food and contemporary globalization”, 11 October 2008. Available from www.worldhunger.org/articles/08/hrf/a_eide.htm.

56. Discrimination of the socially impoverished from urban areas often overlaps discrimination based on gender, ethnicity, religion, caste or age.⁶⁶ Governmental strategies aimed at improving access of the urban poor to food, health care and education must thus remove the multiple layers of discrimination.

57. The recent food crisis has revealed a need to avoid the negative impact on local production and consumer prices of imported food aid by reducing dependence on the latter and providing a mechanism to manage price volatility and encourage the distribution of crops from surplus regions to deficit ones.

58. There is a gap in the legal protection of the urban poor at the international level. There is currently no international instrument that offers guidance for how domestic legislation and strategies ought to address the plight of the urban poor. In the absence of international guiding principles, more often than not the urban poor are forgotten by national legislatures and thus further marginalized. There is therefore a great need for international guidelines to address the specific needs of the urban poor and the ways in which their right to food should be best realized.

D. Legal and social protection of women

59. In its general comment No. 12, the Committee on Economic, Social and Cultural Rights highlighted the particular attention that Governments must pay to prevent discrimination in access to food or resources for food, in particular in respect to women (para 26). In addition, article 12 of the Convention on the Elimination of Discrimination against Women refers to the obligation of States to ensure adequate nutrition during pregnancy and lactation.

60. Countries that have adopted the Convention on the Elimination of Discrimination against Women have strengthened the legal framework of equality by repealing laws deemed discriminatory to women, such as family and succession legislation. The elimination of discrimination against women, however, requires not only changes in laws, regulations and institutions but more importantly cultural practices that are part of the process that creates and perpetuates such discrimination. Governments must show political will to enforce the rule of law and bridge the gap between de jure equality and de facto discrimination, including by affirmative action.

61. A 2010 study by OHCHR showed that action is required to eliminate forms of gender discrimination that occur in practice at the local level and in the private sphere, for example, limits on women's access to nutrition and food, clean water and sanitation, and education, limits which in turn can increase risks of preventable mortality and morbidity.⁶⁷ Similarly, in 2009, a FAO report called for a focus on cultural food habits, which in many countries hamper women's right to food on an equal footing with men, for instance, in contexts where women eat last or are not allowed to eat certain foods available only to men.⁶⁸ A focus on food habits and cultural practices become particularly important in cases where States parties have expressed reservations to the Convention on the Elimination of Discrimination against Women on the grounds of culture and custom, with the effect of annulling much of the protection guaranteed by the Convention. The protection of culture and diversity is significant, but the persistence of gender discrimination behind the justification of cultural relativism is deplorable.

⁶⁶ See M.S. Swaminathan Research Foundation and WFP, *Food Insecurity in Urban India*, 2010.

⁶⁷ A/HRC/14/39, para. 18.

⁶⁸ Isabelle Rae, *Women and the Right to Food: International Law and State Practice* (FAO, Rome 2008), pp. 12-14.

62. A rights-based approach to trade liberalization focusing on protecting vulnerable individuals and groups is important to lead Governments to engage in public consultations with stakeholders, including women farmers and those most affected by food insecurity. Governments, in their mandates to respect, protect and fulfil, must ensure that women without purchasing power can face episodes of high prices or market disruptions without enduring chronic hunger or asset shedding that would erode their future productivity and jeopardize their livelihoods, as well as the livelihoods of those who depend on them.

63. According to WHO, the health of women and girls is of particular concern because, in many societies, they are disadvantaged by discrimination rooted in socio-cultural factors. Since women play an essential role in food security, their health is important for the health of the society in which they live. Underweight and malnourished mothers are more likely to give birth to underweight babies, who are in turn more likely to have mental or physical disorders. To break the vicious circle and enhance women's right to food and right to health, all barriers depriving women from proper health care, housing, potable water, sanitation and healthy food must be removed.

64. Studies also show that the income earned and managed by women is positively correlated to economic and nutritional well-being for the entire household.⁶⁹ Women are more likely to spend their incomes on food and children's needs. In fact, research has shown that a child's chances of survival increase by 20 per cent when the mother controls the household budget.⁷⁰ Affirmative strategies and policies must therefore be adopted to enhance access to income-generating activities for women and to technologies designed to meet women's needs and lessen physically demanding labour.⁷¹ For instance, equitable rights to land for women in both developed and developing countries facilitate the success of rural and urban small businesses run by women (compared to male counterparts) so much that banks and service industries actively support women's entrepreneurial initiatives. In addition, alternative sources of cooking fuels have proven to shorten preparation and storage of foods and decrease the need for daily firewood collection by women, and thus increase the food security of their households.

E. Legal and social protection of children

65. Children are among the most vulnerable groups to hunger and malnutrition. It is not surprising that their extreme vulnerability has led States to increase their legal protection at the international, regional and national levels. In addition to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child establishes the international protection and care framework for children. Seen in line with food, health and care as the three conditions to achieve nutritional security, the Convention includes provisions that protect the right to nutrition. While exemplary in terms of ratification, an important strategy would be to implement the Convention on the Rights of the Child appropriately at the national level and to assure that policies are designed so as to realize the right to food of children, a group with particular nutritional needs.

⁶⁹ International Food Policy Research Institute, *Women: The Key to Food Security*, p. 9.

⁷⁰ Martha Walsh, "Women in food aid interventions: impacts and issues", WFP conference on the theme "Time for Change: Food Aid and Development", Rome, 23-24 October 2008.

⁷¹ Thelma R. Paris and others, "Assessing the impact of participatory research in rice breeding on women farmers: a case study in eastern Uttar Pradesh, India", *Experimental Agriculture*, vol. 44 (2008); Thelma R. Paris and Truong Thi Ngoc Chi "The impact of row seeder technology on women labor: a case study in the Mekong Delta, Vietnam", *Gender, Technology and Development*, vol. 9, no. 2 (July 2005).

66. The Task Force on Hunger has recommended that breast-feeding be continued until the age of two as one of the three pillars expected to reduce malnutrition in children under the age of five.⁷² The State obligation to fulfil the right to food includes the essential component of education and provision of education. Governments are thus bound to develop information strategies and campaigns explaining the advantages of breast-feeding.

67. School meals programmes in developing countries constitute a recommended strategy that provides better nutrition and improves access to education for children.

F. Legal and social protection of other vulnerable groups

68. Until recently, the only international instrument offering specific protection to indigenous people was the Indigenous and Tribal Peoples Convention (no. 169) of the International Labour Organization. Addressing the continued vulnerability of indigenous people, the Human Rights Council adopted the Declaration on the Rights of Indigenous Peoples, which was subsequently adopted by the General Assembly in September 2007. The Declaration is particularly relevant to the right to food. It recognizes that indigenous peoples have the right to self-determination and rights over land and resources, acknowledging the historical injustices of colonization but also addressing the contemporary threats posed by economic globalization, offering protection of traditional knowledge, biodiversity and genetic resources, and setting limits to the activities of third parties on the territories of indigenous communities without their consent. This new instrument, even if it is not a treaty, represents an important tool that indigenous peoples can use to claim their rights, including their right to food, and seek appropriate remedies in the event of violations. Since its adoption in 2007, the Declaration has inspired new constitutions in Bolivia (Plurinational State of) and Ecuador. All or parts of it have been incorporated into national laws.

69. The ratification and implementation of the Convention on the Rights of Persons with Disabilities at the national level would represent a step forward in acknowledging the needs of persons with disabilities and realizing their right to food.

V. Good practices

A. People working in rural areas

70. The global fight against hunger has mobilized various relevant actors and has touched upon different aspects of the work in the rural areas. La Via Campesina (see paragraph 58 above) defends the rights of peasants and rural women by “promoting gender parity and social justice in fair economic relations; the preservation of land, water, seeds, and other resources; food sovereignty; and sustainable agricultural production based on small- and medium-sized producers.”⁷³ Legal groups such as the Permanent People’s Tribunal on the Right to Food and the Rule of Law in Asia investigate the protection of food and water rights.⁷⁴

71. The Food and Cash Transfer programme of Concern Worldwide distributed packages to recipients in rural Malawi, half in cash and half in food, the food package being provided given that supply shortages in local markets had made food inaccessible to cash-

⁷² Sanchez and others, *Halving Hunger: It Can Be Done* (see footnote 34).

⁷³ See “The international peasant’s voice”, La Via Campesina, available from www.viacampesina.org.

⁷⁴ See www.foodjustice.net/about.

transfer recipients. The programme succeeded in providing nutritional support and a temporary safety net to targeted households that had been overlooked by other emergency schemes and that were coping with the food crisis in the country by resorting to destructive coping strategies (reducing meals, selling livestock and assets). The programme's success raised the question of whether it could be applied as a cash-based seasonal safety net for vulnerable households that expands or contracts each year according to the severity of the annual hungry season.⁷⁵

72. Two Indian women, who developed organic farming methods that do not make use of irrigation or chemical fertilizers and pesticides yet still deliver surplus produce, trained women in more than 70 villages to employ this type of farming, as well as working with the Deccan Development Society to help women form women's *sanghams* (associations) "that decide their own crops, set up community grain banks that collect surplus produce and sell it at lower than market rates to below-poverty-level members who have no lands, or have not managed to grow enough food."⁷⁶

73. Efforts are also being made to distinguish the use of genetically modified organisms from food ensuing from more traditional seeds. Such control empowers individuals to make the ultimate decision about the products they wish to consume. Japan made health testing of genetically modified foods mandatory in April 2001.⁷⁷ In 2010, the European Commission adopted a directive that allowed States members of the European Union the freedom to decide upon the cultivation, restriction or prohibition of genetically modified organisms on their territory.⁷⁸ Hundreds of leading food brands and dozens of leading retailers in Europe now offer meat, fish, eggs and dairy produce made without the use of genetically modified feedstuffs.⁷⁹

74. With regard to toxic food, it is significant that parties to the Stockholm Convention on Persistent Organic Pollutants agreed to limit the use of harmful chemicals to "environmentally sound" purposes (such as using DDT only for malaria control) and to prevent the production and use of pesticides or industrial chemicals with persistent organic pollutants.⁸⁰ International networks such as the Pesticide Action Network and the International Persistent Organic Pollutants Elimination Network have had a tremendous impact on curtailing the use of chemicals that harm the world's food supply.

⁷⁵ Stephen Devereaux, Peter Mvula and Colette Solomon, *After the FACT: An Evaluation of Concern Worldwide's Food and Cash Transfers Project in Three Districts of Malawi, 2006* (Brighton, Institute of Development Studies, University of Sussex, and Lilongwe, Concern Worldwide Malawi, 2006).

⁷⁶ See Keya Acharya, "Good food, Indian-style", *India Together*, 19 March 2009. Available from www.indiatogether.org/2009/mar/agr-ddsfood.htm.

⁷⁷ Deborah B. Whitman, "Genetically modified foods: harmful or helpful?", *ProQuest*, April 2000.

⁷⁸ "GMOs: Member States to be given full responsibility on cultivation in their territories", Press release IP/10/921, Brussels, 13 July 2010. Available from <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/921>.

⁷⁹ GM Free Ireland Network, "Ireland adopts GM-free zone policy", Press release, 13 October 2009, available from www.gmfrireland.org/press/GMFI45.pdf. See also www.nongmoproject.org.

⁸⁰ See www.pops.int/documents/convtext/convtext_en.pdf.

B. The urban poor

75. Belo Horizonte is the fourth largest city in Brazil; estimates from the early 1990s concluded that 38 per cent of families⁸¹ and 44 per cent of children⁸² live under the poverty line. The city government created a municipal secretariat of supplies to tailor an integrated policy addressing malnutrition and hunger. Programmes cover (a) policies that assist poor families and individuals at risk by supplementing their food intake; (b) partnering with private food suppliers to bring food to areas previously neglected by commercial establishments; and (c) increase food production and supply through technical and financial incentives given to small-scale producers to link rural producers and urban consumers.⁸³ A 20-member council with representatives from the Government sector, labour unions, food producers/consumers and non-governmental organizations advised the secretariat on its project. Much of the secretariat's success is due to the decentralization of social programmes that were previously managed at the federal level (for example, school meals were provided in this manner). Decentralization allows for savings (such as transportation costs) and opens up space for production by local suppliers. Lastly, ensuring local participation and commitment conveys a sense of ownership to the communities of Belo Horizonte.

C. Women

76. The African Women Food Farmer Initiative of the Hunger Project was the first microfinance programme in Africa developed to target women food producers, and the first to result in officially recognized rural banks being owned and operated by rural women. A total of 18 rural banks now operate as independent, community-owned and women-led rural financial institutions. The Project has disbursed nearly \$7.9 million to various communities, 42 per cent of which has been distributed by rural banks.

77. The Kenya Women Finance Trust Ltd., established in 1981 as the largest and only microfinance institution exclusively for women, ensures that women entrepreneurs have access to credit and promotes savings mobilization among its 100,000 members from seven of the eight provinces in Kenya. By December 2008, it was responsible for 247,538 active loans.⁸⁴ The Al Tadamun Microfinance Foundation in Egypt provides group-guaranteed microfinance exclusively for women. At December 2010, it had in excess of 103,600 active borrowers and a portfolio of \$ 14 million.

78. Kiva is a person-to-person microlending website that links individual lenders to rural entrepreneurs around the world, especially in Africa. Lenders browse through profiles of entrepreneurs and women farmers that are uploaded to the Kiva website, and lend them funds using their credit cards. Kiva then provides the funds to the beneficiaries.

79. Through the Purchase for Progress scheme (P4P), WFP is attempting to promote smallholders' agricultural production and access to markets in order to address food

⁸¹ J. R. B. Lopes and S. M. S. Telles, "Caracterização das populações pobres no Brasil e de seu acesso à programas sociais", in Galeazzi, M.A.M., ed., *Segurança Alimentar e Cidadania*, São Paulo, Mercado das Letras, 1996.

⁸² Conselho Municipal da Criança e do Adolescente, *Diagnóstico: Criança e Adolescente em Belo Horizonte*, PHB, 1994.

⁸³ See also Cecilia Rocha, "An integrated program for urban food security: the case of Belo Horizonte, Brazil", April 2000. Available from www.envireform.utoronto.ca/conference/local-food/cecilia-rocha.doc.

⁸⁴ See the website of Kenya Women Finance Trust Limited Microfinance (www.kwft.org).

insecurity and poverty. Implemented in 21 countries over a period of five years (2009-2013), new procurement modalities will shift a percentage of overall local and regional procurement of WFP from the higher levels of the marketing chain – large-scale traders and processors – to the lower levels, such as farmers’ organizations and small and medium-scale traders. The scheme is a market development programme that seeks to connect smallholder farmers to markets. It offers a unique opportunity to target women, acknowledged as making up the majority of smallholder farmers, to increase women’s agricultural productivity and economic returns and promote their integration in various aspects of the agricultural value chain. Over the five-year lifespan of the pilot, P4P aims to reach at least 500,000 smallholder farmers, increasing their incomes by at least \$50 per annum. It is expected that at least half of these farmers will be women.

D. Education systems, school meals and other practices for combating hunger and malnutrition in children

80. School meal programmes in both developing and developed countries provide healthy food and improve access to education for children, boost rural economies and help local farmers. In addition, they relieve parents - usually mothers - of the burden of assuring the midday meal and thus provide them with the possibility to seek employment during the day.

81. In 2009, at Imperial College London, the Partnership for Child Development launched a project aimed at helping Governments “to run school meal programmes using locally-sourced food, providing regular orders and a reliable income for local farmers” in Ghana, Kenya, Malawi, Mali and Nigeria.⁸⁵

82. The Food and Nutrition Service of the United States Department of Agriculture administers the National School Lunch programme, which provides daily nutritionally balanced, low-cost or free lunches to more than 30.5 million children in more than 101,000 schools.⁸⁶ Some Governments, including those of Italy, France and South Africa, have made efforts to ensure that their schools offer organic food to their students.⁸⁷

83. As part of its commitment to the Convention on the Rights of the Child, in 2007 Bolivia (Plurinational State of) launched the zero malnutrition national programme to combat malnutrition, monitor the nutrition and health of the children and distribute food supplements. As part of the initiative, Plan International, based in the United Kingdom of Great Britain and Northern Ireland, trained roughly 1,500 women to monitor child nutrition and educate other women about better eating and cooking habits.⁸⁸

84. An exemplary practice in realizing the right to food of children and children’s rights in general is the Proposed Rights of Children and Young Persons measure adopted in 2010 in Wales (Great Britain). The purpose of the measure is to ensure that Government

⁸⁵ Imperial College London, “Local farmers in Africa to benefit from school meal programmes”, News release, 15 October 2009, www3.imperial.ac.uk/newsandeventspggrp/imperialcollege/newssummary/news_15-10-2009-12-20-4.

⁸⁶ United States Department of Agriculture, *Factsheet: National School Lunch Program*, 2009. Available from www.fns.usda.gov/cnd/lunch/AboutLunch/NSLPFactsheet.pdf.

⁸⁷ James Meldrum, “Organic canteen food for better kids”, *Australian Organic Journal*, Winter 2006. Available from www.bfa.com.au/Portals/0/BFAFiles/x06aoj_008-9.pdf.

⁸⁸ Julia Velasco Parisaca and Wendy Medina, “Bolivia: mothers teaching mothers to combat malnutrition”, *IPS News*, 9 January 2009. Available from <http://ipsnews.net/news.asp?idnews=45348>. See also Thierry Delvigne-Jean, “Model mothers’ work to combat malnutrition in Mozambique”, 22 August 2008. Available from www.unicef.org/infobycountry/mozambique_45308.html.

Ministers have due regard for strategic decisions relative to the rights and obligations of children enshrined in the Convention on the Rights of the Child. The measure is expected to strengthen the existing rights-based approach to children and young people in policymaking in Wales and to reinforce their position in Welsh society.⁸⁹

VI. Conclusion

85. **The food crisis, the economic crisis and the environmental crisis have deepened already existing inequalities between the world's regions and the vulnerability of the poorest members of developing countries. In 2009, for the first time in history, more than 1 billion people were undernourished worldwide. The people most vulnerable to hunger and malnutrition include people working in rural areas, the urban poor, women, children, refugees, indigenous people, disabled people, the elderly and other minorities. Most of these people are hungry because they suffer from many forms of discrimination. It is in this context that the current study has outlined strategies and best practices to combat discrimination, which States, international organizations and other stakeholders should implement.**

86. **The Advisory Committee considers that all efforts of States and intergovernmental organizations to reduce hunger and malnutrition, including through economic development and trade, should have at their base a human rights approach and be guided by a right to food framework. Such an approach assures that both de jure and de facto discrimination in the context of the rights food are effectively addressed.**

⁸⁹ See <http://new.wales.gov.uk/newsroom/childrenandyoungpeople/2010/100614legislation/?lang=en>.